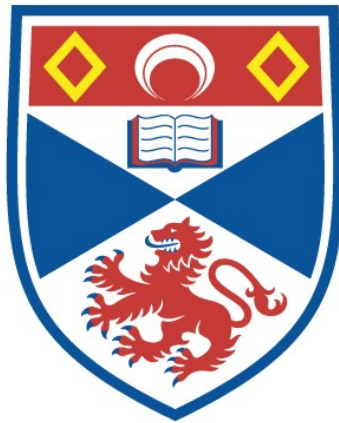


SCOTS BURGH FINANCES PRIOR TO 1707

George S. Pryde

**A Thesis Submitted for the Degree of PhD
at the
University of St Andrews**



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SCOTS BURGH FINANCES
PRIOR TO 1707,
being a Thesis presented by
George S. Pryde
to the University of St. Andrews
in application for the degree of Ph. D.

CERTIFICATE.

I certify that Mr George S. Pryde has spent nine terms in research work in History, that he has fulfilled the conditions of Ordinance No. 16 (St. Andrews), and that he is qualified to submit the accompanying thesis in application for the degree of Ph. D.

DECLARATION.

I hereby declare that the following thesis is the result of research work carried out by me, that all transcriptions of original manuscripts were made by myself, that the thesis is entirely my own composition, and that it has not previously been presented for a higher degree.

The transcripts were made, partly in the University Library, and partly in the British Museum, London. The thesis was composed in the University Library.

CAREER.

I first matriculated in the University of St. Andrews in October, 1917, and followed a course of study in the Faculty of Arts, paying particular attention to historical subjects. I gained the Class Medal in Special Modern History in Session 1919/20, and the Class Medal and Low Prize in Honours Modern History in Session 1921/22. I graduated Master of Arts, with First Class Honours in History, in October, 1922.

Since graduation, I have been continuously engaged in research on Scots burgh finances, and it is the outcome of this work which is now submitted as a thesis for the degree of Ph. D. During Sessions 1922/23 and 1923/24, I held a Carnegie Research Scholarship, and in October, 1924, I was promoted to a Fellowship, which I have held for the past two years.

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PREFACE.

The following thesis is the outcome of a perusal of two original MSS. of considerable importance to the student of Scottish municipal history,-- the Common Good Accounts of Ayr from 1535 till 1624, and the Treasurer's Accounts for St. Andrews from 1611 to 1627. The courtesy of the respective corporations, in whose keeping these documents are, having supplied me with the opportunity of reading, transcribing and using whatever was relevant, I could not but notice many points of similarity between them, which tended to show the existence of a financial system common to all the royal burghs of Scotland. These first impressions were confirmed by a comparative study of the other sources for the early history of our towns. The Acts of the Parliaments of Scotland, with analogous records like the Leges Quattuor Burgerum, Articuli Inquirendi in Itinere Camerarii and others, as well as the Exchequer Rolls of Scotland, regard the royal burghs as

one homogeneous class with similar privileges, similar obligations and similar organisation. The five volumes of the Records of the Convention of Royal Burghs point in the same direction, since in them we can see the burghs operating through a little parliament of their own, in which all constituent members have equal rights and equal representation. From the burgh records themselves, whether published by the Burgh Records Society, by learned bodies, by municipalities or by individual enterprise, much evidence is forthcoming to show that the royal burghs were often faced by the same financial problems, and for their solution applied the same remedies. I have drawn chiefly on the Council Records of Edinburgh, Dundee, Aberdeen, Glasgow, Stirling, Banff, Lanark, Dumbarton, and Peebles, and on the volumes of the Edinburgh Old Accounts, but many others have also been consulted. Further, local histories and collections of antiquities are a well of information for my subject, and to many of these I have had recourse. Finally, there are still some unused Scottish materials among the MSS. of the British Museum.

These studies suggested my line of research,-- that of tracing out the fiscal system which was common to the ancient royal burghs of the kingdom. For while books and articles have occasionally appeared, dealing

with special aspects of burghal history,-- trading privileges, municipal government, electoral rights, the powers of the Convention and so forth -- and many more, of chiefly local interest, have confined themselves to the history and antiquities of individual burghs, the everyday workings of municipal finances have not hitherto attracted attention and study. Burgh accounts, and records too, have been regarded as a mine for digging out old place-names or as a family-register, or at best have been valued for the light they throw on the political history of the times, rather than treated as materials for the study of burgh organisation, government and finance. That there is a common starting-point in such a study is not to be doubted. All royal burghs were feudal tenants-in-chief of the Crown, they were given similar degrees of power and self-government and their charters of erection bear the strongest family resemblance to each other. Not only so, but this "least common denominator" of the Scottish burgh forms a large part of its history and development. The royal burghs were treated as similar institutions by the Crown, they had identical trading privileges, they were placed often in a similar environment, were endowed with the same rights of exacting revenue and found themselves obliged to expend their

resources on approximately the same ends. It is not pretended that one uniform cut-and-dried system applied invariably to all burghs at all times. Local conditions produced differences in circumstances and in customs, the wealthy towns did not always act in the same way as the tiny townships which were their legal equals, and inland burghs were not interested in certain matters of vital concern to sea-ports. All this, however, presupposes only a degree of flexibility in the burghal system, which, though it had to be adapted to suit particular conditions, was none the less quite definite.

This community of interests was realised by the burghs themselves in a very vivid manner. What was established law in one town was considered to hold good for another. This may be illustrated from the Aberdeen records in the reign of James III. On March 20, 1466/7, the Town Council gave the magistrates of Perth their advice in answer to an inquiry on a doubtful legal point,-- the succession to lands when a burghess had married twice, leaving a daughter by the first wife and a son by the second. The finding given to "your hartly nichtburhedis" of Perth was that the daughter should succeed to all lands "conquest in the fyrst wyffis tyme". On two subsequent occasions,--

March 20, 1467/8, and March 27, 1468,-- the same answer was given to precisely the same inquiry on behalf of the burghs of Edinburgh and Dundee, where, in turn, the same difficulty had arisen. In each case the law was held to be that lands acquired during the first wife's lifetime went to her "barne", those acquired during her successor's time, to her children (1).

While I was engaged in preparing this thesis, there appeared the first volume of Dr Murray's "Early Burgh Organisation in Scotland", dealing with Glasgow (2), and covering some of the ground which I had proposed as my field of study. Yet the fact that his book is mainly concerned with Glasgow and is a review of the whole subject of burgh origins, organisation and administration leaves the way clear for a monogram on burgh finance alone, drawn from the records of a large number of Scottish towns, each being treated as an unit in a national group. Many references in the course of the following work will reveal my indebtedness to Dr Murray, who, though I cannot always agree with his conclusions, brings to the study of

(1) Aberdeen Recs. (Spalding Club), I, 26-9. In the letter to Dundee, the Leges Quattuor Burgorum were appealed to as authority,-- quite rightly, except that cap. xxv was cited, instead of cap. xxiv, "De eo qui habuerit plures uxeres".

(2) A promised second volume will deal with Rutherglen, Lanark, Ayr, Newton, Prestwick and Irvine.

the history of the burghs the sine qua non,-- the outlook of a national historian and not, as has so often been the case in the past, that of a family genealogist, a place-name antiquary or a writer of political romances(1).

The bulk of my materials are drawn from the Sixteenth and Seventeenth Centuries, the heyday of the characteristic national feudalism of Scotland, which gave the atmosphere in which the old Scots burghs flourished. My choice of 1707 as the close of the period of my inquiry is perhaps somewhat arbitrary, but this is inevitable when we are dealing with such a vague process or tendency as feudalism. The Union of the Crowns paved the way, the Revolution saw the Scots Parliament-- true symbol of its national history-- assimilated more closely to the English model, the abolition of heritable jurisdictions in 1747 was really the death-blow for feudalism, while even later events, the Industrial Revolution and the Municipal Corporations Reform Act, are indissolubly mixed up with earlier history. Yet the royal burghs, considered as a feudal group, conjure up a Scotland which is bound up

(1) Cf. Gross' complaint in the Bibliography of British Municipal History, Introd., xxx-xxxiii, though to be sure this criticism appears to apply much more strongly to English town histories than to our own.

with the period of the Stuart dynasty: Eighteenth Century burgesses seem often to have little enough in common with their forefathers, but there is not the same break between, say, 1600 and 1500 or even 1400. Such considerations as these have led me to limit my inquiry to the period of Scottish independence, and to close it with the Union of the Parliaments.

PART FIRST --- INTRODUCTORY.

CHAPTER I --- THE SCOTTISH BURGHS.

The Scottish "burgh", unlike the English "borough", must be regarded as part and parcel of the national feudalism. South of the Tweed the towns were progressive, in close touch with the Continent, and often in tacit alliance with the penurious kings against the overmighty nobles and prelates of the country; they were no clearly defined class, since the question of their representation in Parliament was often left for local decision; their merchant- and craft-gilds failed to resist external competition or preserve their monopolies intact; and it is significant that in England we speak of a third estate drawn from town and country. All these circumstances militated against the survival of rigid feudal definitions in the English municipalities, and, roughly speaking, the term became almost an anachronism during the Tudor regime.

All along, in a number of ways, the power of the Crown determined the course of English municipal development. The towns were relatively too weak, too dependent on the King, to hope to emulate the almost autonomous city-republics of the Continent or the commercial leagues which were accustomed to treat on an equality with Popes and Princes. We should search in vain for an English analogy to the great Italian city-states like Venice, Florence or Genoa, to the German Hanse, the Hermandad in Spain, or even the Convention of Royal Burghs in Scotland. (1) The Crown regarded "cities", "boroughs" and "towns" as more or less equal subject-inferiors, and the terms "citizens" and "burgesses" were used almost indifferently. Classifications and organisations cutting horizontally through the fabric of the State were discouraged. The relations of the lord-superior to one of a particular type of community gave no presumption that the same treatment would be meted out to another of the same type. The "King's Boroughs" might be his in Demesne (terra regis), in Seignory (let out at fee-farm), by Escheat, or by Attainder, Forfeiture, Exchange or Dissolution of the Monasteries (2). He could and did

(1) Gross, Gild Merchant, 106.

(2) Madox, Firma Burgi, 5, 15.

grant them (1) to subjects, with all rights and fee-farm rents, during his pleasure, for a fixed period, or as a life-pension (2). Also he could, and did, alienate a fraction (one-half, one-third, and so forth) of the burgh revenues, or a special branch of them (fairs, houses, Aldermanries) to a corporation or person (3). Rents due to the Crown might be accounted for through the Sheriff, through a farmer, by the townsmen themselves, or by individual citizens (4). Similarly, the lords of liberties and baronies might hold all the towns on their lands in demesne, they might let or sub-let, mortgage, sell or exchange them (5). In England we cannot regard the towns as falling into a few distinct classes with well-defined and characteristic institutions.

But in Scotland the medieval type of economy may be said to have continued for two centuries later than it did in England. Even the Reformation, in some ways, did not bring about the complete change which the word implies. The leaders of the party of reform were not faced with the necessity of engaging in a protracted struggle with the undivided forces of

(1) But seldom so with the older, originally "royal" boroughs. Cf. Tait, Study of Early Municipal History in England, 10.

(2) Madox, Firma Burgi, 11.

(3) Ib., 14-5. (4) Ib., 18-20,

(5) Ib., 16-7.

privilege and tradition,-- they found a considerable portion of the whole nation already favourably disposed towards their cause, and their own zeal and energy, aided by the unlimited rapacity of the nobles and lairds, enabled them to overcome the opposition of Crown and Church with comparative ease. The result was that their creature, the Kirk of Scotland, feeling no essential antagonism to the established civil order, quickly dovetailed itself into the old economy. Perhaps the continuity which existed between prelate, chaplain and prebendary, on the one hand, and minister, elder and deacon, on the other, viewed as an unit in an organised state, is closer than has been admitted. After 1560, as before, the noble and laird retained their wealth and power. The burgh remained devoted to its own economic interests. General Assembly took the place of Provincial Council,-- of course, with much greater effectiveness. In many ways the dependence of the Kirk on the landed and the municipal classes suggests that, to say the least, it quickly accommodated itself to its environment and became thoroughly imbued with feudal habits of thought and action.

Hence, when the Reformation had, on this point, failed to effect a complete break with the past, no other factor was strong enough to do so, and the era

of hardened feudal definitions must be reckoned to endure until the beginning of the XVIII Century. We find a distinct line drawn between the community known as a "burgh" and the "unfree" place, and others, almost equally clear, between the different categories of burghs. Their respective rights and duties were conveyed by charters, the interest of which is far from academic,-- the privileges they conferred were very real, the differences they imply were reflected in everyday affairs, and they were regularly appealed to for the settlement of practical problems.

It is not my intention to discuss in detail the question of the origin of burghs in Scotland. It will be sufficient to indicate some of the divergent opinions and possibilities. There is the economic theory, which tries to show that the burghs grew round the market-place and became a sanctum for carrying on the trade of the surrounding district. Support is lent to this view by the preponderance of commercial and industrial regulations in early legislation, the antiquity of the "hinterland" system of trade-monopolies, and the comparative scarcity of walled towns (1). A

(1) A. Ballard, S.H.R., XIII, 16. Sir J. D. Marwick, S.H.R., I, 123.

military origin is claimed for at least some of the burghs, which have developed as places of refuge under the shadow of royal and baronial castles, or near the great abbeys and monasteries (1). Dr Murray thinks that neither of these theories supplies the last word on the subject, and that "the foundation of the burgh was its common property in which the burghesses had certain determinate rights, the possession of which made them a fellowship or community, in which they were united by a common oath" (2). According to him, trade was not the basis of the burgh constitution,-- in early times a burgh implies merely "a community of self-governing freemen, founded on a community of property" (3). Dr Murray, in dealing with the burghs-oath, touches in passing on a fourth theory,-- that "the burgh was an association for mutual protection (Schutzgilde)" (4).

Other students of burgh history insist on the factor of the royal will in the creation of burghs. This is the purely legal side of the question,-- corporations and communities being unlawful unless erected with the Sovereign's consent (5). The burgh,

(1) Cf. G. Burnett, Exch. Rolls, I, lxxx, lxxxviii, n. 24. Sir G. Douglas, The Border Counties, 118.

(2) Murray, Early Burgh Organisation, 8.

(3) *Ib.*, 12, 13.

(4) *Ib.*, 23.

(5) Erskine, Institute of the Law of Scotland (1838, ed. MacAllan), 190.

as instituted by David I, was but one of the three instruments employed by him and his successors for the re-organisation of Scotland, the others being the Church and feudal land-tenures(1). Professor Cosmo Innes supposed, from the complete absence of burgh charters issued by David, that he rested content with the general erection and confirmation of royal burghs conveyed in the Leges Quattuor Burgorum, and, though towns probably existed at a much earlier date, his general recognition of their status and privileges was a tangible acquisition, as well as the ratification of rights already won (2). Even the charters of William the Lion merely granted the liberties of royal burghs, freedom from toll, certain specified lands, and the right of holding fixed fairs and markets. There was no incorporation, no grant of civic rights or self-government, no formal "erection" (3). Yet all these were in some degree implied and followed as a matter of course. Thus the royal consent may be held to be the most important factor in the birth of the Scottish royal burgh. Finally, the

(1) Dr J. C. Lees, *Hist. of Invernessshire*, 18.

(2) C. Innes, *Scotland in the Middle Ages*, 158, 167-8.

(3) J. Irving, *Origin and Influence of Burghs in Scotland*, in *Trans. Glasgow Archaeol. Socy.* (1866), I, 338-9.

part played by foreign influences in ushering the infant communities into life should not be forgotten. It has been noticed by the historian of a northern county (1) that the earliest burgess whose name is recorded at Inverness is Geoffrey Bland, at Elgin, William Wiseman, and at Nairn, Andrew Cumming, -- a sure proof of the Anglo-Norman share in the founding of burghs, even in the far North. The Flemish burgesses of Berwick, and the first Provost of St. Andrews, Maynard the Fleming, will be recalled in this connection (2).

Whichever characteristic should be considered as the really typical and original one, -- if, indeed, there were only one -- the position is sufficiently clear in the period in which my main interest lies. Tendencies have crystallised into static definitions, and the municipal communities are all arranged in their various distinctive groups.

All house-clusters in Scotland are divisible into three classes, -- royal burghs, burghs of barony or regality (3), and unfree places. The main features

(1) G. Bain, Hist. of Nairnshire, 87.

(2) A. J. G. Mackay, Hist. of Fife and Kinross, 32. Ballard, British Borough Charters, 243-4.

(3) Since a grant of barony is less than, and is included in, that of regality, the term burgh of barony may be and in this thesis often is used in a generic sense to cover both.

of the royal burghs are these. They held their privileges directly from the King, as evidenced in their royal charters of erection. If any new rights were acquired, a new charter was necessary to confirm them. Their chief concrete rights included the possession by the burgesses of the burgh itself and a certain amount of real property in the vicinity (fields, pastures, meadows, mills, ponds, fishings, peat-bogs and quarries), and the enjoyment of a twofold trade monopoly. The royal burghs had in common the sole right to use foreign trade, and the individual burgh had an area assigned to it, within which all home trade, apart from a few licensed fairs and markets, belonged to itself (1). Autonomy was a jealously guarded privilege. Freemen of royal burghs elected magistrates and councillors, guild and craft officials, who wielded a paternal control over all municipal affairs, held burgh-courts, and enforced their orders with the ample authority inherent in a jurisdiction extending to the power of "pit and gallows". Sooner or later, all royal burghs were let to the burgesses themselves at feu-ferme (heritably and inalienably), the recurring Crown dues being commuted for the payment of an annual money reddendo to Ex-

(1) Ballard, S.H.R., XIII, 16-20.

:chequer, the amount of which was fixed by charter. Compulsory military service was limited to the occasions when the King led his army in person. Further, when we talk of "the estate of the burghs", we refer exclusively to the royal burghs. Their representatives only were summoned to Parliament or Convention of Estates. As a corollary, on them fell the whole burden of paying the burghs' portion of the national taxes. They only were eligible for enrolment in the Convention of Royal Burghs, a sort of sectional parliament and court of appeal for industrial, commercial and municipal affairs. In post-Reformation times, too, royal burghs had the unique privilege of sending to the General Assembly of the Kirk their own parochial representatives, -- all other members being elected by the presbytery as the unit.

The effect of these rights and duties was to a great extent to isolate the towns from the surrounding districts. Inverness, for example, became a peaceful oasis in the midst of the wild and warlike Highlands. Living an industrious life and taking no part in the clan-warfare of the vicinity, its burgesses formed "a community by themselves, and held no intercourse but that of trade with the tribes around. The names met with in their charters -- Hay, Jasper,

Vaus, Cuthbert, Dempster, Fleming and the like -- are unmingled with those of Macpherson, Mackintosh, Chisholm or Macdonald". "Outlandish" clansmen were forbidden to become burgesses, even by marriage, lest the neighbouring chieftains should gradually assume a predominant influence in the municipal counsels (1).

With modifications, this state of affairs holds good for a large part of Scotland. Of course, it is not to be denied that there were times when the towns were subjected to tumults and riots, the ports had to be closed, the citizens' arms looked to, and the nightly watch doubled. The affray of "Cleanse the Causeway", though better known than other similar occurrences, is only typical of the periodic disturbances to which the even tenor of town life was liable. In the capital, and to a greater or less extent in other towns, these disorders may be ascribed to three principal causes, -- the frequent gatherings of turbulent and jealous noblemen and courtiers, the anti-Catholic riots and pillagings at the time of the Reformation, and the risings of dissatisfied craftsmen and apprentices (2).

Secondly, it should be borne in mind that the

(1) Dr J. C. Lees, Hist. of Invernessshire, 48-9.
 (2) Cf. Sir H. D. Marwick, Sketch of the History of the High Constables of Edinburgh (ed. 1865), ch. II.

burghs showed no little deference to the leading noble families of the district and were sometimes obliged to do their will. In Dumfriesshire, for example, during the long feud between the rival families of the Maxwells and Johnstones, the burghs of Dumfries (Maxwell) and Lochmaben (Johnstone) were apt to be treated as pawns in the game, objects of attack like castles, places where the chief offices were to be filled by relatives (1). Further west, the power of the Kennedys (Earls of Cassilis) was felt at the market-crosses of some half-dozen burghs:--

"From Wigtown to the town of Ayr,
 Portpatrick to the Cruives o' Cree,
 Nae man need for to bide there
 Unless he ride wi' Kennedy" (2).

As we shall see in later chapters, the burghs had occasionally to accept, or were content to appoint, neighbouring magnates or their relatives as Provost, Bailie or Clerk, they were reconciled to the inevitable banquets and spectacles in honour of the nobility, and at suitable opportunities granted propines of wine, wax and spices to their needy and greedy friends. Still, the anonymous author of a XVI Century

(1) Cf. Sir H. Maxwell, Hist. of Dumfriesshire and Galloway, 206-7.

(2) Quoted by Maxwell, op. cit., 149.

memorandum, "The generall state of the Scottishe Comonwealth with the causes of their often mutynies and other disorders", rather overstates the case:--

"..... the Burroughes and Burgesse Townes are wholie at the devotion of some nobleman or other (verie few excepted), as Cooper in Fife, at the Earle Rothes, Sanct Johnstowne at the Earle of Montroyes, Dundy at the Earle of Crawforde, the Northern Townes all at the Earle of Huntleys comaund, etc.; whereby they haue both their owne and the Comons voyces in parliament" (1).

The writer's analysis of the weaknesses of the Scottish State is acute and ingenious, but, having taken up his position, he carries the argument too far. In his view, the Prince was weak, because in making laws, declaring war and contracting alliances, he required the nobles' consent. The number of the hereditary offices deprived the King of one of his most useful prerogatives,-- the appointment of officials and magistrates. The Haute Justice exercised by the greater nobles, their power of executing their own judgments within their liberties, and the right of appeal, not

(1) Brit. Mus. MSS., Cott., Caligula, B IV, fol. 238. Another copy is printed in Pinkerton, Hist. of Scotland, II, App. XXVII, 501-5, citing Sleane MSS., 3199, 94.

to the Prince, but to the Session, left the Sovereign but a shadow of his just powers. Long leases of the Crown-lands, the small volume of exports, appropriations by the nobility of Church-lands, confiscations and wardships, lack of profit from the mines, the small number of benefices paying tenths and the poor yield from taxes and impositions, all conspired to make the monarchy weak from want of money. On the other hand, the numerous, factious and ambitious nobles, with their conjoint and almost co-equal powers with the Sovereign in Council, Court and Parliament and their quasi-despotic power over their vassals, form a strong contrast. Their substantial revenues in money and kind (especially when the extraordinary number of lords and lairds is remembered) impoverished still further a country that was not naturally fertile. The merchants, again, were few in number and far from wealthy, on account of the small exports (fish, salt, hides, skins and coarse wool) and the necessity of spending the greater part of their returns on foreign commodities like wine and mercery. A merchant with £1,000 Sterling was deemed wealthy. Craftsmen were few and unskilled, since the people's wants were elementary. Lawyers were to be seen only in the capital, for the nobles' will was supreme in the shires. Poverty and want created

vagrancy; and beggars, even when, in accordance with the law, they resorted to their native parish, were simply repulsed and driven to further wanderings (1).

Surely the picture is drawn too black! Compared with England, Scotland was backward, undeveloped, subject to tumults and dissensions, and but little amenable to law and order. But an injustice is done to the towns, and to the royal burghs in particular. The local records show that the merchants and craftsmen, if they had little technical skill, lived often in a state of comfortable competency, sometimes in real affluence,-- able and willing to dress themselves in their "comely and decent" black robes, to support "decayed brethren", to bear the burdens of taxation and weekly contributions, to maintain ministers, teachers, procurators and municipal officers, to carry out "common works" and to indulge in periodic festivities and merrymaking. The care bestowed by most of the burgh councils on the duty of attending Parliament, as well as the preliminary and preparatory burgh conventions, the collective action of the "estate of the burghs", and the mere volume of State legislation on municipal and commercial topics (2), refute the suggestion that the

(1) Cott. MSS., Caligula, B IV, fol. 238.

(2) Cf. Mackie and Pryde, Estate of the Burgesses in the Scots Parliament, passim.

burgh deputies were puppets of the nobility. An interesting test shows that the larger burghs were as powerful as most of the lords and lairds. It is taken from the list of Wharten's soldiers leviable from Dumfriesshire and Kirkcudbright in 1547 and, if anything, flatters the lairds, since they were warlike and accustomed to arms, while the towns were not. The forces amounted in all to 6,741, of whom Dumfries burgh was responsible for 221. Only five local magnates were able to put more men in the field,-- the Master of Maxwell (over 1,000), the Vicar of Caerlaverock,-- another Maxwell (320),-- Kirkpatrick of Closeburn (403), the Armstrong clan (300), and Jardine of Applegarth (242) (1). It is significant, too, that another XVI Century writer, describing "The Estate of Seotland, Anno 1589", shire by shire, thought it worth while to give only the "good townes", the Earls and the lords, along with the religious tendencies of each. Lords and lairds, carrying with them local opinion, were, according to him, almost equally divided between Protestantism and Catholicism; yet, at the end of his description, he tells us that "all the Buroughes and townes in Scotlande are inhabited by

(1) See list in Sir H. Maxwell, Hist. of Dumfriesshire and Galloway, 178-9.

Protestants", without mentioning any influence to be ascribed to the power or creed of the landlords (1). It is beyond doubt that the towns, united by a bond of common interests, and refusing to become embroiled in the disputes of their warlike neighbours, were, relatively, sanctuaries of peace and prosperity, industry, law and order.

Burghs of barony held, not from the King, but from a subject-superior,-- bishop, abbot or other cleric, noble, laird or other layman. Though actually erected, however, by the overlord (2), royal permission for the act was almost (3) invariably required. Thus David I granted the monks of Holyrood liberty to "build a burgh" (herbergare quoddam burgum) at Canongate, near Edinburgh, and William the Lion gave the abbot and convent of Arbroath licentiam et libertatem faciendi burgum (4). The complementary act in the pro-

(1) "The Estate of Scotland, Anno 1589, Januar 7". Cott. MSS., Caligula B IV, 223-4. Infra, Appendix A.

(2) Of course, in the hope that their own burghs would share in the wealth and peacefulness of the royal burghs. Thus the burgh of Nairn inspired attempts to found others on the baronies of Cawdor, Kilravock, Moyness and Duffus. Bain, Hist. of Nairnshire, 247-9. Similarly, Viscount Dudhope, defeated in an attempt to seize the provostship of Dundee, got a charter from Charles I, erecting Rotten Row (or Hilltown) a burgh of barony. Warden, Burgh Laws, 327.

(3) Perhaps always. See Exch. Rolls, I, lxxx, n.1. But Kelso may be an exception,-- Ballard, S.H.R., XIII, 18.

(4) Ballard, Brit. Borough Charters, 1.

cess is shown in a XII Century charter by the Bishop of St. Andrews, in which he declares nos Deo auxiliante et licentia Regis nostri David burgum apud Sanctum Andream in Scotia statuuisse (1).

Such burghs were either "burghs of barony" or "of regality". The estate itself might be a barony (a simple feudal lordship) or a regality,-- the Scottish equivalent to a palatinate, in which most of the rights of the Crown were enjoyed by the lord-superior (2). But the extent of the burgh's jurisdiction depended, not on the class of estate on which it was erected, but on the definite powers handed over to it by the lord, who was guided by his own wishes and interests, or by the wealth and importance of the community (3).

(1) A. Ballard, Brit. Borough Charters, 2.

(2) The actual term "palatinate" occurs only once in Scottish history,-- in connection with the Earldom of Strathearn. Stuart, Observations concerning the the Public Law and Constitutional History of Scotland (1779), 86. An Earldom, or even a Dukedom implied the grant of no more than a barony, unless expressly erected into a regality,-- cf. Erskine, Institute, 77; Bankton, Institute, I, 569.

(3) Thus the Abbacy of Paisley was created a regality in 1396. Paisley Charters, 15-6. The burgh, however, is always spoken of as a burgh of barony. Ib., 15, 19, 29, 33. Yet its burgesses enjoyed wide powers and privileges, and it is really to be regarded as one of the most prosperous and independent of the non-royal burghs. Kirriemuir, on the other hand, a burgh of regality on the Douglas estates in Angus, had no shadow of governmental or financial power,-- the Baron-Bailie attending to any necessary expenditure. A. Reid, Regality of Kirriemuir, 160-2.

Generally speaking, however, these charters conveyed a limited share of the royal burghs' privileges. Houses, lands, commons, quarries and so forth were granted to the community; burgess-entries, court-fines and -- after they became localised (1) -- petty customs were often handed over by the lord to his burgh (2). Certain trading privileges were ceded,-- a weekly market (3), the right of buying and selling within burgh (4), and the institution of crafts to meet intra-burghal needs (5). The practice of giving feu-ferme leases extended to some of the greater burghs of barony, the burgh-fermes going, of course, to the overlord (6). But this was no invariable rule. In XVI Century Arbroath, the Abbot got fermes from the individual tenants, his Granitar giving notice to

(1) Infra, ch. VIII.

(2) Paisley Charters, etc., 32-5.

(3) Glasgow Charters, etc., II, 2.

(4) Paisley Charters, etc., 34.

(5) Ballard, S.H.R., XIII, 20-1, 23. In Oct., 1608, the Bailies of Old Aberdeen (the Bishop's burgh) ordered the visitors of the crafts to give in their craft-accounts within eight days. Recs. of Old Aberdeen, I, 43. The crafts contributed to the upkeep of the church, and to the music-master's fee. ib., 54, 65. There were eight crafts in the Canongate (burgh of barony),-- wrights, hammermen, cordiners, tailors, weavers, fleshers, bakers, barbers. Mackay, Hist. of the Burgh of Canongate, ch. XII. Yet Convention was bitterly opposed to all barony-crafts, and did its utmost to suppress them. Recs. Conv. R.B., I, 197.

(6) Paisley Charters, etc., 35, 248. Murray, op. cit., 145-8. Rentale Sancti Andree (Scot. Hist. Socy.), 89. A.P.S., IV, 517.

"all the nybouris . . . that hes land of my lord . . . to pay in thar fermes to hym efter the tenour of thar assedation wnder the payn of tynsall of thar tackis conforme to the assedation" (1).

The mode of conducting municipal government varied widely, and depended on local arrangements. In a St. Andrews charter of the reign of David I, the Bishop appointed Maynard the Fleming his prefectus (2), and in many burghs (especially the lesser ones) this nomination of the magistrates by the lord-superior remained the rule. At Kirriemuir the Earl of Angus nominated the Baron-Bailie (generally Ogilvy of Inverquharity), who in turn appointed a Bailie-Depute to do most of the actual work (3), and this holds good for many towns of the kind. But it was perhaps commoner for the lord either to select burgh officials from a list presented by the Town Council, or to permit the burgesses themselves to elect them freely; even then, however, it was usual for him to retain a general right of veto (4). At Paisley, when the charter of erection was granted (1490), the Abbot expressly reserved the right to appoint provost and bailies (5),

(1) Hay, Hist. of Arbroath, 123.

(2) Ballard, Brit. Borough Charters, 243-4.

(3) Reid, Regality of Kirriemuir, 17, 92-3.

(4) Cf. Marwick, Early Glasgow, 3.

(5) Paisley Charters, etc., 35.

but the working agreement was that the Baron-Bailie should be "Lord Provost", and should nominate one of the burgh's bailies, the other being chosen by the Town Council (1). A share of government was often conceded to the burgesses by degrees. The Abbot of Holyrood appointed the two bailies, treasurer, "deacon of the trades", and four councillors for the burgh of Canongate, but resigned the right in 1561, allowing the burgesses to choose their own magistrates (2). The Catholic Bishops of Glasgow chose the bailies from a list presented by the Council (3). The Provost (a late creation) was a pure nominee of the Bishop, being generally either Bailie or Bailie-Depute of the regality (4). In 1616, Convention treated the burgh as being responsible for the elections (5), but wrongly so, since the right was certainly vested in the Lennox family, heirs to the temporalities of the old see, and was not formally transferred till 1690 (6).

Perhaps the greatest disadvantage attached to burghs of barony, as compared with royal burghs, was that they stood apart from each other. They were tot-

(1) Paisley Charters, etc., 153.

(2) Mackay, Hist. of burgh of Canongate, ch. III.

(3) Murray, *op. cit.*, 168-9.

(4) Cf. Renwick, Hist. of Glasgow, xxviii, xxix; 210, 347; Glasgow Recs., I, 22-3.

(5) Recs. Comv. R. B., III, 21-2.

(6) A.P.S., IX, 153-4.

:ally unrepresented in parliament or burgh convention. No national bond drew them together for economic or political group-action. Their legal and financial interests were bound up with those of the lord-superior, and there the matter ended.

The third class comprises communities which were quite "unfree",-- unincorporated, unchartered and unprivileged. During the middle ages, villages, hamlets and "clachans" of this type had no characteristic to distinguish them from the completely rural. Rents were payable directly to a landlord, suit and service were perhaps also due, and for merchandise, provisions and wares of all kinds, a journey would have to be made to the nearest royal burgh. This last-named disability involved great hardships, which ultimately led to the adoption of a new principle. With Clackmannan, in 1517, the practice started of establishing, by charter or Act of Parliament, weekly markets and annual fairs in unfree places, without raising them to the dignity of burghs. In this way, the economic pressure was relieved without conferring the doubtful benefits of self-government on hamlets unable to support it. Their privileges stopped, of course, at the fair and market: there were no burgesses, courts, common lands, crafts, shops, magistrates, either nominated or elected, or

other characteristics of a burgh. Before the Restoration, eleven such charters had been granted, and between that date and the Union of the Parliaments no fewer than 246 unfree places received the right (1). This means that, towards the end of our period, almost every village in Scotland of any significance held either an annual fair or a weekly market, or both. Otherwise, such places had no status or legal function whatever.

The most of them lay on the domains of rural landowners, but some of them were annexed to royal burghs, and these the Town Councils administered as subject-territories. The Haddington Council chose one of their number to be Baron-Bailie of the Nungate, and another for the Gladsmuir (2). The St. Andrews Council drew 40s. each year from the market held at St. Monans, an unfree village within its territory (3). Leith had no burghal status, but was simply a harbour and village housing an unprivileged community and governed directly by the Town Council of Edinburgh. They appointed a "Water-bailie" and the Bailies of Leith, to rule over the residenters (4). Many other burghs had analogous

(1) Ballard, S.H.R., XIII, 22-3.

(2) Millar, Lamp of Lothian, 486.

(3) MS. St. Andrews Accounts, Charge side, passim.

(4) Cf. Edinburgh Recs., I, 265, and n.

"unfree annexes" on their lands (1).

There were thus three classes of towns, separated from each other by very definite lines. A real extension of privileges and an important improvement in status followed when a village became a burgh of barony, or when a burgh of regality was raised to the dignity of a royal burgh. Recently this, the orthodox, view has been disputed. Dr Murray holds "there was no essential difference" between a royal burgh and a burgh of barony. The Act of 1587, annexing to the Crown the temporalities of the Church, is cited to show that several burghs of barony were accustomed to practise trade. A precept of James IV, of the year 1490, puts Glasgow on the same footing as other "free" burghs, entitled to participate in foreign trade. Further evidence is adduced to show that Glasgow, like St. Andrews, contributed to national taxes, sent a member to the Convention of Royal Burghs and was represented in Parliament (2). Hence, it is argued, burghs of regality and barony were equal in privileges to royal burghs.

Now, all Dr Murray's evidence is invalidated by the fact that it is not typical of burghs of regality or barony in general. The only general testimony produced is the act of 1587, which uses the vague term,

(1) Of. infra, ch. II.

(2) Murray, op. cit., 148, 149, n.l.

"the trade and trafficque of merchandice". If this means the home retail trade, it is covered by the limited trading rights conceded to burghs of barony, but if, as seems more likely, it refers to foreign trade, it obviously is intended to apply only to the five exceptional burghs of barony, since the wording of the act is "diuerss burrowis in regalitie and baronie" (1). These five were, of course, the great Church burghs, St. Andrews, Glasgow, Brechin, Dunfermline and Arbroath. Professor Rait has clearly shown that these five towns formed a special class (2). Though, technically, their charters and the rights of their overlords proved them to be burghs of regality or barony, they were all (except Dunfermline) represented in Parliament, and were all taxed along with the rest of the "burghal estate", before their formal promotion to royal burghs. The three Bishop's burghs were the first to receive this preferential treatment. St. Andrews and Brechin appear in the Parliament Rolls as early as 1456 and 1478 respectively, though they had clerical overlords over two centuries later. Glasgow, though it had, by special grant, the trading rights of royal burghs (3), and resembled them in

(1) A.P.S., III, 435.

(2) Rait, S.H.R., XII, 131-4, 269-70.

(3) Glasgow Charters, I, 2.

burgh-court jurisdiction, admission of burgesses, and municipal administration generally (1), had to accept the Bishop's nominees as magistrates and was technically a burgh of regality. Yet its member sat in Parliament in 1546 (2), and regularly thereafter. Of the two Abbot's burghs, Arbroath was represented in 1579, when Lord John Hamilton had been forfeited; apart from this single instance, the Abbot or Commendator sat till 1599, when a Charter of Novodamus made it a royal burgh (3). Dunfermline had a commissioner at a Convention of Estates in 1593, having been "erected" in 1588 (4), so that its case is not so strong. But all five satisfy another important test for a royal burgh, the payment of their proportion of the national taxes. Further, Convention never disputed their right to a place in its meetings, long before their status was legally secured. As Professor Rait points out, it was their wealth and importance that brought them this de facto recognition.

It is just possible that the actual charters of erection are symbolical of a belated act of historic justice. Arbroath had been a royal burgh before the

(1) Of. Renwick, Hist. of Glasgow, xxiii-xxix.

(2) Rait, S.H.R., XII, 269-70.

(3) Hay, Hist. of Arbroath, 105.

(4) Beveridge, Burgh Recs. of Dunfermline, xlvi.

Abbey was founded, and was made over to the monks by royal grant as an ecclesiastical burgh (1). Dr Erskine Beveridge holds it as probable that Dunfermline occupied the same position (2). Apparently David I simply permitted the Bishop of Brechin to have a weekly forum under the shadow of his Cathedral (3), which became the nucleus of a burgh of barony (4), and later of a royal burgh (5). The same monarch granted the Bishops of St. Andrews and Glasgow the right each to "have a burgh" in his city. But who can say what was the condition of these places in the centuries preceding David's ecclesiastical reformation? His was a reorganisation and a re-definition rather than a creation of burghs, and these Church burghs were probably of considerable antiquity (6). But in later times, at all events, the position is clear. The five big Church burghs, though nominally burghs of regality or barony, gradually came to be regarded as, and were finally declared to be, royal burghs, and are in no way typical of the less privileged class as a whole.

It will be noticed that all Dr Murray's specific

(1) Exch. Rolls, I, lxxx. Reg. Abb. de Aberbrothoc (Bannatyne Club), 3-4.

(2) Recs. of Dunfermline, viii, n. 3.

(3) Reg. Epis. Brechinensis (Bannatyne Club), I, 3.

(4) Ib., I, xix; II, 79-80.

(5) A.P.S., V, 542.

(6) Murray, op. cit., 67-8.

evidence, with one exception, refers to Glasgow. That exception affects St. Andrews and Glasgow. The precept of 1490 directs foreign trade and merchandise to the "frie" burghs only, and enumerates some of them,-- Dumbarton, Glasgow, Ayr, Irvine, Wigtown, Kirkcudbright and Renfrew (1),-- all, save Glasgow, technically, as well as actually, royal. Dr Murray's argument might serve to show that Glasgow, like the other four, was a de facto royal burgh; but that a normal burgh of barony was a less privileged community than a royal burgh is not to be denied (2).

The sole privilege of foreign and of coastwise or inter-burghal domestic trade was granted to the royal burghs by David II's charter of March 8, 1362/3, and frequently confirmed by later sovereigns (3). David's

(1) Abstract in Glasgow Charters, etc., II, 87.

(2) It is interesting to note that Sir J. Marwick was misled to a similar conclusion by the same evidence. He made a special group of "Free Burghs", including the royal burghs and some burghs of regality and barony, which had the privilege of foreign trade, were taxed as royal burghs, and sat in Parliaments and Conventions. Other burghs formed another group. This distinction did not affect their tenure or the rights of their superiors. This theory is untenable, and is implicitly corrected by Mr Renwick in the preface: Renwick admits that Glasgow was exceptional,-- never (before 1611) either purely baronial or royal; it was a burgh of barony, with the privileges of a royal burgh. Marwick, Early Glasgow, Pref., vi.

(3) e.g., in 1503. A.P.S., II, 245. For transcript and original charter of 1362/3, see Recs. Conv. R. B., I, 538-40.

charter was presumed by the burgesses to be but the confirmation of a charter of David I's, but in any case it secured their rights. It gave the burgesses of royal burghs full power of buying and selling within their own liberties, but not in the liberty of another town, except by special licence. No bishop, prior, earl, baron or such person might buy wool, skins, hides or similar commodities, save from the merchants of the nearest royal burgh, or sell them, except at the market-cross of that burgh. Foreigners must trade to royal burghs only. Infringement of this monopoly was punishable at law by a heavy fine.

There were other definite distinctions. The principle of self-government was only partially, or not at all applicable, to burghs of barony. Feu-fermes were far from universal, and the burgh-courts were generally well under the control of the lord-superior, who sometimes also fixed the customs and regulated the markets. Burghs of barony knew not "burgage tenure", and heirs were served, not by simple seisin, but by briefs out of chancery (1). The year and a day's

(1) Bankton, Institute, 564. Musselburgh is an exception,-- heirs were served there by "hasp and staple" (seisin), and singular successors by resignation and seisin,--"more burgi, in the same manner as in royal borrows". Cf. Mackay, Hist. of Canongate, ch. VI.

occupation of a "borrowage", which, in a royal burgh, conferred freedom on a slave, gave no such right in the case of the tenure of a feu in a burgh of barony (1). Though crafts were tolerated, no merchant guild was permissible, since the occasion for it did not arise (2).

The conclusion is that the lines of demarcation are well defined and well known; but even then, we cannot rule out the variations and exceptions to which most "systems" are subject. There was some overlapping, and promotion or degradation was not impossible. The five great Church burghs were the bridge between two classes. Again, when a burgh of barony became as wealthy as many a royal burgh, and wished to participate in the privileges of self-government and foreign trade, what would be the result? Or, when a feudal magnate, lay or clerical, was outlawed or forfeited, or his possessions otherwise escheated to the Crown, what would happen? In many cases, a burgh of barony was promoted to be a royal burgh.

In the Middle Ages, there were depending on the Abbacy of Dunfermline four burghs of barony, Dunferm-

(1) Cf. Paisley Charters, etc., liv-lv.

(2) Here again we have an exception in Old Aberdeen, with its Merchants' Society, but this may be due to its close proximity to the royal Aberdeen. Recs. of Old Aberdeen, 105, 294-6.

:line, Kirkcaldy, South Queensferry and Musselburgh (1). Dunfermline was one of the five de facto royal burghs, though its case is not so clear as, say, St. Andrews or Glasgow. (2). David II had given the Abbot of Dunfermline his burgh of Kirkcaldy by letter patent of 1362, and the burgesses had received from their lords a large measure of self-government by charter of 1450 (3). At the time of the Reformation, when the Abbacy lands fell, in the first instance, to the Crown, Kirkcaldy might claim to rank as a royal burgh. Enrolled by Convention in 1574 (4), it was represented at a Convention of Estates held at St. Andrews in 1585 (5), and regularly thereafter at Parliaments. Its new status, however, was not definitely secured till 1644, when it received a "charter of new erection" as a free royal burgh (6). It made its first contribution to the burghs' taxation in 1641 (7). Queensferry sent a member to Parliament in 1639 (8), and an act was passed in 1641, to confirm

(1) Reg. Mag. Sig., I, App. I, 24, p. 438. Recs. of Dunfermline, x.

(2) Supra, 32-4.

(3) A.P.S., VI, 1, 260-1.

(4) Recs. Conv. R. B., I, 24-5.

(5) A.P.S., III, 423.

(6) Ib., VI, 1, 261.

(7) Ib., 352.

(8) Ib., V, 252.

its royal charter of 1636 (1). The regality rights of the Earls of Dunfermline were reserved. It was first taxed in 1641 (2), and was enrolled by Convention about (3) 1642. Musselburgh remained a burgh of regality all along.

Here again money is the keynote. The promoted burgh must be sufficiently wealthy to supply an incentive for participation in foreign trade and to enable it to support a just share of the burden of State taxation. The consulting factors are the King, who, by advice of the Privy Council, grants a new charter; Parliament, which admits the new burgh and confirms its recently acquired status; the convention of Royal Burghs, which enrolls it and assesses it for "stenting" purposes, save when it effectively protests against the "erection" (5); and, finally, the lord-superior. An Act of 1641, cited above, declared that the Earls of Dunfermline, who had succeeded to a share of the regality rights of the Abbacy, were not to be prejud-

(1) A.P.S., V, 570.

(2) Ib., VI, i, 352.

(3) Recs. Conv. R. B., IV, 547. The actual minutes are lost, and only a rough digest for the whole period, 1631-49, remains. Hence the vague chronology.

(4) See Mackie and Pryde, Estate of the Burgesses, 54-5, for the ousting of Bo'nness by Linlithgow and the Convention (1662-9): pp. 45, 54-5.

(5) A.P.S., V, 571.

placed in their jurisdiction at Queensferry by its erection as a royal burgh (1). The Earl of Kelly had taken the place of the Prior at Pittenweem, and it was only through his surrender of the superiority of the lordship that that burgh was freed from a similar reservation (2). In the same way, letters of demission from the Commendator of Dunfermline were necessary for the new infeftment of Burntisland (3). At Arbroath and Brechin, almost royal as they were, the Maules of Panmure nominated the bailies,-- a right which they lost in the case of Arbroath in 1644 (4), but which was confirmed to them, as regards one of the Brechin bailies, in 1695 (5).

On the other hand, we find that, from time to time, several towns suffering from poverty and decay were unable to live up to the responsibilities of a royal burgh and, by default, became exceptions to the standard type of royal burghs, which had a charter from the King, were held by feu-ferme, represented in Parliament, enrolled by Convention, and taxed with the burghal "estate". There were four small burghs in Fife

(1) A.P.S., V, 571.

(2) Ib., V, 94.

(3) Ib., III, 506.

(4) Ib., VI, i, 231.

(5) Ib., IX, 510-1.

(Auchtermuchty, Newburgh, Falkland and Earlsferry), which held royal charters, but never sent members to Parliament or Convention, and paid no taxes along with the other burghs (1). They simply abstained from taking their lawful place, having as little use for the rights as for the duties involved. The little burgh of Fyvie, which, in the reign of David II, paid its fermes to Exchequer, dropped out later and allowed its privileges to lie dormant (2). Auchterarder, another ancient royal burgh, though its name does not appear on the early burgh-fermes lists, did contribute, in 1328, to the tax of the decimus denarius, along with the rest (3), and, in a tax-roll of 1483, is found rated at £1 out of a total of £132, 7s. 10d., payable by nineteen burghs north of the Forth (4). In 1692, the magistrates of Perth call it a burgh of barony (5). Berwick, taken by the English, and Roxburgh, destroyed by them, automatically dropped out. In early days, be-

(1) In 1613, Convention contemplated enrolling Newburgh and Falkland, and making them bear portable charges, but this was never done. Recs. Conv. R. B., II, 432. In 1590, Earlsferry had offered to assume her lawful place, but the commissioners refused, "in respect of thair knowlege of the inhabilitye of the said toun". *Ib.*, I, 326. As it was, "they belonged to the Convention by agreement",-- this is how their position was described to me by the Town Clerk of Earlsferry, Mr T. D. Murray.

(2) *Exch. Rolls*, lxxxviii, n.24; Index, "Fyvie".

(3) *Ib.*, lxxxviii, n.25; p. 94.

(4) *Recs. Conv. R. B.*, I, 543.

(5) *Burgh Recs. Socy. Miscellany*, 59.

fore feudal ideas had hardened into static facts, a subject-superior might be interposed between Crown and burgh by a grant of regality which included one or more royal burghs. In 1315, Robert I gave the sheriffdom and burgh of Cromarty to Hugh de Ross (1); and a similar grant to his nephew Randolph, Earl of Moray, conveyed the royal burghs of Wairn, Elgin and Forres (2). But since such acts degraded a royal burgh, through no fault of its own, to a burgh of barony, the practice was declared illegal by Parliament of David II (3).

The only town which, having once fulfilled the five "tests" for a Parliamentary royal burgh, actually resigned its position, was Cromarty (1672), and this despite Convention's utmost efforts to dissuade it. Soon after, with their trade at a standstill and the Common Good hopelessly in debt to the central fund of the burghs, Anstruther Wester and Kilrenny wished to copy this example, but, thanks to remissions of arrears and other inducements, they were persuaded to resume their lawful places in 1689 (4).

(1) Nat. MSS. of Scotland, Pt. II, No. XXI, p. 15; and Pref., viii.

(2) W. Cramond, Rees. of Elgin, I, 11.

(3) Innes, Scotch Legal Antiquities, 40, 116 n.2.

(4) Mackie and Pryde, Estate of the Burgesses, pp. 55-6 and references there.

To sum up, -- there were five important Church burghs (St. Andrews, Glasgow, Brechin, Arbroath and Dunfermline), which showed most of the characteristics of royal burghs before becoming technically so (1); four small Fife burghs (Auchtermuchty, Falkland, Newburgh and Earlsferry), another in Perthshire (Auchterarder) and a sixth, in Aberdeenshire (Fyvie), which allowed their rights to lapse through non-performance of their duties; two famous old burghs (Berwick and Roxburgh), accounted for by the "auld enemy"; and one (Cromarty) which found that its rights did not compensate for its burdens, and deliberately resigned. But the rest of the royal burghs (ultimately sixty-six in number) form a group to which, for power, security and prosperity, lesser burghs are not to be compared.

Turning again to compare Scottish burgh organisation with that of England, we find a marked contrast. True, there is a distinction between "royal" and "seignorial" boroughs south of the Tweed. The former comprised mainly the big, important Anglo-Saxon towns, while the others were for the most part "created" by Norman lords, either for military reasons, -- especial-

(1) Unless expressly excepted, these five are intended, in this thesis, to be included among the royal burghs: by which term I refer, as a rule, to the Parliamentary royal burghs, implicitly excluding decayed or non-functioning royal burghs.

ly as strongholds on the Welsh borders or in Ireland -- or on account of the higher financial returns from incorporated communities. To the "seignorial" boroughs, the constitutions of which were based mostly on the Laws of Breteuil, must be added a few "mediatized" boroughs, like Chester, Leicester and Bath (1), and also the Irish boroughs, which strongly resembled them. Residential qualifications, indeed, were more stringently enforced, burgesses were exempted from service on outside juries, and foreigners' activities strictly limited (2), but these were special rules, dictated by the peculiar conditions prevailing in Ireland, where the citizens were drawn from an alien governing class, and regarded themselves as sentries set over a watchful and embittered enemy: otherwise, they are to be considered as first cousins to the inhabitants of the English seignorial boroughs.

Again, resemblances may be traced between English and Scottish towns in the XII Century, and there was undoubtedly some interchange of the legal ideas underlying the charters granted in each country. The municipal regulations of Newcastle under Henry I were

(1) This process was not so repugnant to English as to Scots law and custom. See J. Tait, Study of Early Municipal History in England, 11-3.

(2) P. Gale, Inquiry into the Ancient Corporate System of Ireland, ch. I.

simply those of the Scottish burghs under David I, and consultations sometimes took place between them on knotty points of burgh law (1). The Scottish burgh-court trials by "xij lele men that ar burges" were based on the practice of the borough of Winchester (2). The half-yearly Wappenschaw was adopted from English custom and statute law (3). These and other similarities led Merewether and Stephens to put down one of the eleven propositions which inspired their work,-- that all the boroughs in the British Isles were essentially alike (4). The learned authors took great pains to point out analogies between Scottish and English towns-- the jurisdiction of the bailies, the taking of "borchs" or pledges, the capacity of slaves for freedom after residence for a year and a day within burgh, the use of a distinctive "burgage tenure", the local regulations directed against "upland men", and exemptions from toll (5).

As regards the work of Alexander I, David I, and William the Lion, some conscious modelling of the municipalities on an Anglo-Norman pattern must be allowed, as also the importation of Englishmen and Flemings

(1) Cf. Innes, *Scotland in the Middle Ages*, 154-72.

(2) *A.P.S.*, I, 41, 42 n.; 720.

(3) *Ib.*, 52, 752.

(4) Merewether and Stephens, *History of Boroughs and Municipal Corporations*, *Introd.*, v.

(5) *Ib.*, xvi-xvii; 310-9, 323-35.

to guide aright the destinies of the infant burghs. But Merewether and Stephens' view of the parallel development of English and Scottish towns and their essentially similar history has been completely refuted by Dr Gross, who points out that the federative union of the Scottish burghs, their higher degree of autonomy in dealing with the Crown, and the bitter struggles between craft and guild, link them rather with Continental than with English towns (1). The classification of towns in the two countries shows a marked contrast. We have seen that originally there was quite an appreciable difference between the older "royal" boroughs, "made" by the Wessex kings, and the later "baronial" or chartered boroughs, based on the Laws of Breteuil. But this distinction was gradually lost; for when the latter were required to pay taxes as Parliamentary boroughs, they got equal privileges, equal protection and like charters of liberties (2). It has been maintained, indeed, that English Parliamentary boroughs might lay aside their privilege of representation and resume it at will, as soon as they felt sufficiently prosperous (3). Be this as it may,

(1) Gross, Bibliography, xxvii.

(2) Westminster Review, Vol. XXII (1835), Origin and Progress of Municipal Corporations, p. 420.

(3) Stuart, Observations concerning the Public Law and the Constitutional History of Scotland, 325-6.

it was, of course, in the Crown's interest to include as many as possible of the seignorial towns among the royal boroughs, on account of their larger contributions to the Treasury; yet a minimum of wealth was necessary, or at least held to be advisable. Ultimately the test line was drawn according to financial ability or willingness to pay,-- that is, it was drawn from below, not imposed from above (1).

It is clear that the concrete feudal and tenurial conceptions conveyed by the terms "royal burghs", "burghs of regality", and "burghs of barony" were unknown in England. This is only one of many differences. Scottish burghal legislation is of much more general application,-- England has no Leges Quattuor Burgerum, no Court of the Four Burghs, no Convention. A Scottish burgh's trading privileges extended far beyond her walls, but this was a phenomenon indeed in England. North of the Tweed, Roman law had more influence. We do not find "Seals of Cause" granted by English borough councils. Their guild and craft history, too, was quite different (2). In Scotland, the very names of the chief magistrates,-- Provost and Bailie -- and the manner in which they ousted the

(1) Tait, Study of Early Municipal History in England, 15-7.

(2) See infra, ch. XVII, XVIII.

earlier English terms, Mayor and Alderman (1), are significant of the different line of development followed,-- a line the direction of which depended on the long survival of feudalism in Scotland, the weakness of the royal authority, and the intimate connection between Scotland and France, Flanders and the Continent generally.

My chief concern in the pages which follow is with the royal burghs, and this for two reasons. Their higher degree of self-government meant a greater control over their own finances; as a fact, they enjoyed almost unfettered fiscal autonomy. This circumstance, and the fact that conditions and environment were often very similar for all burghs, gave them the opportunity to work out a fairly general system. But in burghs of barony, where a varying degree of external interference with, and appropriation of, the town funds occurred, no such system can be expected. In the second place, the surviving records of royal burghs are, generally speaking, superior to those of other towns,-- fuller, better preserved and more easily accessible. This is due partly to their comparative immunity from outside interference; also, on the whole, they were, and, to

(1) Cf. Gross, *The Gild Merchant*, I, App. D, 1.

some extent, still are, the wealthy towns (1). For, even bearing in mind the mushroom-like communities of modern industrialism, Airdrie and Govan, Cowdenbeath and Lochgelly, the first four cities of the land are old royal burghs.

Burghs of barony, however, are not totally devoid of interest for us, since many of them had some share of fiscal powers, and we have seen that the five most important became royal through acquiring burghal wealth. Among the records of some of them, such as Paisley, are to be found analogous processes to those met with in royal burghs. Apart from the towns' administration of unfree annexes, and their relations (generally through the burgh-court) with unfree inhabitants, unincorporated communities and individuals must be content to serve as the obscure and little known background for the transactions of more fortunate classes.

(1) Cf. Rait, Parliaments of Scotland, 277.

CHAPTER II -- MUNICIPAL GOVERNMENT.

Coming now to the internal affairs of the burghs, we find that the constitution, powers, election and status of the ruling bodies conformed fairly closely to a type. This is quickly realised after a perusal of the burgh-court books themselves, but is perhaps best shown in the collection of "Setts of the Royal Burghs of Scotland". This is a series of statements regarding the constitution of each of the sixty-six royal burghs, drawn up, in accordance with an Act of Convention of 1708, by the magistrates, subscribed by the town clerk, and registered in the Conventien books (1). They describe a state of affairs which, in most cases, had subsisted for a long time without alteration. The first "sett" given, for example, that of Edinburgh, rests on a decree arbitral of 1583 (2). The constitution of Kirkcaldy depended on a decree of 1662 (3), that of

(1) "Setts of the Royal Burghs of Scotland", Burgh Recs. Socy. Miscellany, 159-295.

(2) Ib., 161.

(3) Ib., 176.

Inverness on one of 1676 (1). Pittenweem's sett, the Clerk declared, had stood "ever since their erection into a royalty" (2). Dunfermline's magistrates and council were elected according to the ruling of Convention in 1618 (3). Rothesay's sett "has been in use these many years bygone past memory of man" (4), while the Wick Council quoted -- or misquoted (5) -- the charter of erection of 1589 (6). Burghs were intensely conservative, changes were avoided, save in the case of glaring abuses, and there seems no reason to doubt the applicability of these setts to the main period of the present survey.

Of the chief magistrates, the bailies are seemingly of greater antiquity than the provost. True, in the earlier Exchequer Rolls it is prepositi who answer for the burgh-fermes, but as a vernacular equivalent "bailies" is probably better than "provosts". The plural form is significant; there are bailies, but never more than one burgher provost (7). Also, in later Rolls, ballivi takes the place of prepositi (8). Still earlier,

(1) Setts of the Royal Burghs, etc., 183 et seq.

(2) Ib., 200.

(3) Ib., 201.

(4) Ib., 220.

(5) Ib., 273-4.

(6) Ib., 234.

(7) As we shall see, a few burghs had, besides the working provost, a "Lord Provost" as figurehead.

(8) The change came in 1357/8. Exch. Rolls, I, 609-10, 618.

it was the balliui who answered the Chamberlain as to the execution of judicial and economic statutes (1), and who took the oath as burgh magistrates (2). To prove a seisin of land, one required twelve leal men and a bailie (here unum prepositum) (3). The ordinary burghs-oath of fidelity was taken in respect of the King, the bailies and the community (4). These officers were the "kyngis bailzeis" (5), the earliest magistrates, royal servants and collectors of Crown rents, fines and customs, before the era of self-government had set in. When, in early days, a single magistrate of higher rank is mentioned, the term generally used is "alderman", though sometimes burgh-grieve ("burew greyff") occurs, and then always with prepositus as a Latin equivalent (6). For alderman -- a variant of burgh-grieve -- the same equivalent is employed (7), save in one chapter of the Leges Quattuor Burgorum, where the "mare or aldirman" is ordered to swear in twelve legales burgenses to preserve the laws, and this term is rendered superior burgi (8). Once, too,-- in

(1) Art. Inq. in It. Cam., A.P.S., I, 680-2. Curia Quattuor Burgorum, ib., 704.

(2) Juramenta Officiariorum, ib., 683.

(3) Fragmenta Collecta, ib., 720-1.

(4) Leges Quattuor Burgorum, ib., 333.

(5) Ib., 337, 356.

(6) Ib., 333-4, 336, 339-40. At Selkirk, the term alderman survived till the reign of James V. Craig-Brown, Hist. of Selkirkshire, II, 31-2.

(7) Assise Regis David, A.P.S., I, 319. Leges Quattuor Burgorum, ib., 339, 344, 348, 353-4.

(8) Ib., 355.

a writ prefixed to the Modus Procedendi in Itinere Camerarii -- alderman is rendered simply aldirmannus (1). Further, the useful term prepositus occasionally stands for bailie (2). In Alexander III's reign, the burgh of Berwick -- expounded as a model of municipal government for all Scotland -- was ruled by one maior, four prepositi, and twenty-four probi homines (3). Among the witnesses to the XIII Century charters to the Friars of Aberdeen are one alderman and four prepositi or bailies, each with a district; yet, as early as 1310, they are called aldermannus and balliui (4). Arbroath was ruled by two bailies, but an early charter (c. 1214) to the monks was witnessed by two prepositi (5). XIII Century Glasgow shows the same use of the term (6). On the other hand, the prepositi who, according to the "Laws", were chosen at the Michaelmas Head-Court, included both alderman and bailies (7). It would seem that prepositus was a loose term, equally capable

(1) A.P.S., I, 693.

(2) Leg. Quat. Burg., cap. liii, xvii; ib., 343, 352.

(3) Statuta Gilde, cap. 37, 38; ib., 436.

(4) Kennedy, Annals of Aberdeen, 14. Reg. Epis. Aberdoniensis, I, 41.

(5) Reg. Vetus de Aberbrothoc, I, No. 82, p. 55. Hay, Hist. of Arbroath, 104.

(6) Glasgow Charters, etc., I, pt. ii, 19. Marwick, Early Glasgow, 17-8. Renwick, Hist. of Glasgow, 66, 126. "Provost", as chief magistrate, occurs in 1453. Marwick, op. cit., 41.

(7) Leg. Quat. Burg., A.P.S., I, 347.

of signifying, in the singular, the chief magistrate, and, in the plural, the bailies, or even of including both; but, as applied to a specific officer, it is of later date than ballivus. Its ultimate equivalent in the vernacular, provost, appears long after (1).

From the date of the earliest surviving burgh records, however, magistrates' titles are fairly definite. Their numbers depend roughly on the size and importance of the town. First-class burghs have each a provost and four bailies,-- Edinburgh, Dundee, Perth, Aberdeen, Stirling, Linlithgow and St. Andrews (2). A second group of burghs have a provost and three bailies (Glasgow, Montrose, Haddington, Cupar, Dumfries, Dunbar and Banff), as do several smaller towns, like Annan, Fortrose, Inverbervie and Sanquhar. But the average Scots burgh contented itself with a provost and two bailies, and perhaps this should be regarded as the type. This category includes a few rather im-

(1) Its first mention in the Acts of Parliament is in two acts of 1503/4. A.P.S., II, 244-5. But it is only a change in nomenclature. The "alderman" of earlier acts, e.g., the Wappinschaw Act of 1425, and the Burgh Elections Act of 1469, is simply the provost with a different title. At Glasgow, as we saw (supra, p. 53, n. 6) we hear of a provost in 1453. At Edinburgh "alderman" becomes "provest" in 1456,-- Edinburgh Recs., I, 14. At Aberdeen the first notice of the change is not till 1505. Aberdeen Recs. (Spalding Club), I, 433.

(2) Three small burghs also have this constitution,-- Jedburgh, Elgin and Kirkwall.

important towns, like Ayr, Kirkcaldy, Arbroath, Brechin, Dumbarton and Rutherglen, as well as most of the smaller ones. The other magistrates were the Treasurer, responsible for the collection and disposal of the Common Good, and the Dean of Guild, head of the merchant class. Many of the lesser burghs had no guildry and no dean,-- Dysart, Anstruther Easter and Wester, Burntisland, Kinghorn, Kirkcudbright, Wigtown, Pittenweem, Dunbar, Arbroath, Crail, Whithorn, Forfar, Rothesay, Rutherglen, North Berwick, Lauder and Kilrenny. Even at a prosperous place like Dundee, the guildry was of late foundation -- 1515 (1); and many of the smaller towns, even sea-ports, dispensed with an institution designed to safeguard merchants' privileges against the encroachments of craftsmen and unfreemen. Dumfries had a dean "who is not a dean of gild, it not being a gild town" (2); that is, the merchants were never organised as a guildry. At New Galloway, there was a "dean of the mercat" (3).

The number of ordinary councillors, like that of the bailies, bore some proportion to the size of the place. At Kintore and Inverurie, for instance, there were only nine, in addition to the magistrates. North

(1) Warden, Burgh Laws, 93-6.

(2) Cf. McDowall, Hist. of Dumfries, 368-9.

(3) Burgh Recs. Socy. Misc., 180. Save where special references are made, this is my authority for all these matters.

Berwick's Council comprised three ex-magistrates and six others. At Glasgow, on the other hand, there were twenty-five ordinary councillors, at St. Andrews twenty-two, at Linlithgow twenty, and at Aberdeen and Perth nineteen each. Fifteen may be taken as a rough average. A definite proportion was generally regarded as between guild-brethren and craftsmen, with a slight balance (or, exceptionally, a big one) in favour of the merchants. As a rule, the crafts were represented by a number of specially elected deacons, including the deacon-con: vener. Sometimes craftsmen other than the deacons sat on the council,-- at Edinburgh, there were two of these "other craftsmen", while at Glasgow and Kirkcaldy the council included "simple craftsmen", who might or might not be deacons. The common clerk (a paid official) was supernumerary, and only removed for inefficiency, fraud- ulence, or some such cause. Convention, indeed, ordered that the office be tenable "induring the townes will allanerly" (1593), but, barring gross abuse, it would often be held for life (1).

These notes may serve to indicate the standard type of municipal government, but special conditions produced not a few variations. Several small burghs had no provost at all. At Dysart, Inverkeithing, North

(1) Recs. Conv. R. B., I, 413.

Berwick, Selkirk and Lauder (1), the two bailies acted as chief magistrates. Cullen, Crail, Kilrenny and the Anstruthers had three bailies at the head of affairs, while Pittenweem had the peculiar constitution of four bailies without a provost. Others, again, instead of electing a burgher provost, had a "Lord Provost", who held office for a number of years. Frequently he was a near neighbour, a noble or laird of wealth and power, whose friendship or enmity meant something to the burghesses. The office of provost had been established at Lanark in 1541, when provost and bailies were made sheriffs within burgh. Previous to this, burgh-courts had been held by the two bailies (2). From 1589 till his death in 1604, John, first Marquis of Hamilton, was Lord Provost (3). On July 21, 1604, his son James, the second Marquis, was admitted burgher and created Provost (4). At Peebles, the influential name was held by the great Border family, the Hays of Yester, who, in later days, were to acquire the title of Tweeddale. At the Michaelmas Head-Court of 1555, John Lord Hay of

(1) Perhaps Kintore and Inverurie should be in this list. Burgh Recs. Socy. Misc., 234.

(2) Lanark Recs., xxvii-xxviii; 314 et seq. Burgh magistrates were frequently "sheriffs within burgh". At Selkirk they were made so by James V in 1540, the reason being that the town lay so near to the unsettled Borders. The burgh was, of course, thereby exempted from shire jurisdiction. Craig-Brown, Hist. of Selkirkshire, II, 42.

(3) Lanark Recs., 95, 98, 107, 113. (4) Ib., 115.

Yester "wes chosing as of before" to be "my lord provest" (1). In the January following, Lord John having died, the community agreed to accept William, his son and heir, as Lord Provost, "quhow sone he cum to perfite age and is of knowlege to gif thame ane gude counsale"; meantime, he and his tutor were to stand "gud afald and kyndelie freindis" to the town. On Oct. 15, 1562, William was duly chosen Lord Provost for a year and regularly thereafter re-elected, though the Council refused to make a life-appointment (2). Hay was regarded as a sort of friendly superior, but there was a shred of independence in the burgh's conduct which distinguishes it from a mere burgh of barony. The burgesses preferred, by choice and not from necessity, to have his alliance rather than his enmity or even indifference, and would go out of their way to meet his wishes. Thus, on Nov. 10, 1572, the Bailies of Peebles decided to visit Lord Hay, "to haif his vter mynde quhidder the tovne and inhabitantis thair of be in my lerd assurance or nocht, and quhat his lordship will do to thame considering he is our superior" (3).

At Burntisland, too, a nobleman not infrequently

(1) Peebles Charters, etc., 217.

(2) Ib., 225, 285, 290, 296.

(3) Ib., 350.

acted as provost, for, in the sett of the burgh, it is declared that, if the provost be a nobleman, three bailies are to be appointed and he is to be reckoned supernumerary to the Council; but, if he is a burgher provost, he is of the Council, and only two bailies are required. "But there has been no burger provost thir sixty or seventy years bygone" (1). New Galloway had a Lord Provost, under whom were two bailies. In much the same way, the Menzies family of burgess-landlords was closely connected with the civic chair at Aberdeen (2), but even they had to stand aside before the great family of the north -- the Gordons. In Jan., 1544/5, Thomas Menzies of Pitfodels, who had been Provost for some seven years, resigned, whereupon the Earl of Huntly, Lord-Lieutenant of the North, took his place. This was done to afford better security in face of the invasions threatened by England and by Donald, Lord of the Isles. Huntly's rule lasted till 1547, when Menzies resumed office, to hold it for the unparalleled period of 28 years (3). A similar position was held by the Reses of Kilravock at Nairn and the Learmonthes of Dairsie at St. Andrews (4).

(1) An Act of Convention of 1722 ordered that its magistrates should be merchants. B.R.S. Misc., 277.

(2) See, e.g., Recs. Conv. R.B., I, 313, 321.

(3) Aberdeen Recs., I, 214. Kennedy, Annals, II, 74-5. Watt, Hist. of Aberdeenshire, 132-3.

(4) For the Learmonthes, cf. Rait, Parliaments of Scotland, 295-6. At Nairn, in 1680, the Provost, three

Even at Edinburgh, a powerful noble was occasionally appointed provost, who, being unable to devote his whole attention to the office, nominated a citizen to act as "President" and deputise for him at council meetings. Patrick Lord Hailes did this in 1487/8 (1). In the same way, Archibald Douglas, Earl of Angus, was Provost in 1513/4 (2), while in the following year Alexander Lord Home is designated "my lord principale provost" (3). In both years the administration of municipal affairs fell upon president, bailies and council. At Selkirk, after a burgher provost had been slain in a Border affray, it was felt that power and prestige were essential for the provostship, which was accordingly bestowed on strong neighbour lairds like the Scotts of Buccleugh (4).

of the four Bailies, one Councillor and the Clerk were all Roses. Bain, Hist. of Nairnshire, 285. This ancient family (they settled in the XIII Century) held the provostship in unbroken succession. Rampini, Hist. of Meray and Nairn, 255-7. The Family of Rose of Kilravock (Spalding Club), 25 et seq.

(1) Edinburgh Recs., I, 52.

(2) Ib., 144. (3) Ib., 146. For noblemen provosts, cf. Marwick, High Constables of Edinburgh, 64.

(4) Craig-Brown, Hist. of Selkirkshire, II, 43. A "Lord Provost" is not to be confused with the Governor, or Keeper of the King's Castle. At Aberdeen (at least in 1440) the town claimed a share in the appointment of such an officer, for, in the Council Register, on Oct. 3, Sir Alexander Irvine of Drum was "continued" in the office of capitaneus et gubernator burgi, while others were elected provost, bailies, and serjeants (bidelli sive seriendi). Aberdeen Recs., I, 6. The office of Keeper of the King's Castle was declared by Act of 1469 to be

As regards the bailies, the general practice was to elect them, not indiscriminately from the councillors, but (with often one exception) from the guild-brethren. One of the Perth bailies was known as the "Trades Bailie", and was chosen in rotation over periods of four years by the different incorporations. At Glasgow the third bailie, and at Stirling the fourth (1) was chosen from among the craft-councillors.

I come now to consider the position of the Council itself. In the XII Century, alderman and bailies had been chosen at the first head-court ("mute" or placitum) after Michaelmas, "thruich the consaile of the gud men of the teune the quhilk aw to be lele and of gud fame". They swore to proceed only "thruich ordinans consaile and dome of the gude men of the teune". The serjeants or criers were chosen by the same body, and swore fealty to the King, alderman, bailies and bur-gesses "in full court". The alderman, "at the sicht and be the consaile of the communitie of the burgh", should choose at least four liners (lineatores), for

incompatible with a burgh magistracy. A.P.S., II, 95. But this was not universally obeyed, since Kirkcaldy of Grange, Sir George Douglas of Parkhead and the Earl of Arran were each in turn (1569, 1576 and 1584) both Constable of the castle and Provost of the burgh of Edinburgh. Marwick, High Constables, etc., 7.

(1) Stirling Rees., I, 41.

land-measuring and rectification of marches. The mayor or alderman was required to "ger xij of the lelest burges and of the wysast" swear by the great oath to maintain burgh laws and customs (1). These are the only early traces of the origin of conciliar government. They seem to show that affairs were administered directly by the magistrates, whose election was popular, and who, backed by the ultimate sanction of the "community", wielded all municipal authority. Only for special occasions were assistants required,-- four liners to define marches, or twelve jurymen to administer justice. Of a standing council there is no hint.

Later evidence confirms this assumption. Berwick, it is true, seems to have been governed, in the time of Alexander II and III, by an alderman, four bailies and twenty-four of the better, more discreet and worthier burgesses, elected for that purpose, and liable to a fine of two shillings for absence (2). But probably Berwick was more advanced than other Scots burghs of the time. Perhaps it owed something to its proximity to the English towns. Similar bodies there, the "Twenty-Four" in London, the twelve "Portmen" of

(1) Leg. Quat. Burg., cap. lxx, lxxi, cv, cxii; A.P.S., I, 347, 353-4, 355.

(2) Statuta Gilde, cap. xxxvii; A.P.S., I, 436. Most of these laws were sanctioned late in the reign of Alexander II, or early in that of his successor. A.P.S., I, Pref., 44.

Ipswich and the "Jurats" of other places, go back to John's reign, and probably much earlier (1). In the reign of Robert I, the Chamberlain had to inquire si Balliui fecerint illotulare curias suas et assisas (2), whether the bailies caused their courts and assises to be enrolled. The enrolling of an assise seems to be one of the few occasions on which the magistrates require assessors.

Burgh records, too, tend to show that the standing council is not of great antiquity. At Aberdeen, in 1317, there was an assise (bona et sufficiens assisa fidelium virorum burgi) appointed de precepto balliuorum (3). Till some point in the XIV Century (later in other burghs) this judicial assise, summoned ad hoc, was the only body which relieved the magistrates of part of their duties. By the end of the century, however, a change had occurred, for on Oct. 3, 1398 (the Monday after Michaelmas) there were elected an alderman, four bailies, and twenty communes consiliarii (4), and regularly thereafter "the commoun consaile" is joined with the magistrates in issuing regulations and correcting abuses.

(1) Tait, Study of Early Municipal History, 8-9.

(2) Art. Inq. in It. Camer., A.P.S., I, 682.

(3) Spalding Club Miscellany, V, 11.

(4) Aberdeen Recs. (Spalding Club), I, 374.

At Peebles, while the Michaelmas elections affected only two bailies, four ale-tasters, four flesh-prisers and two serjeants, fifteen, sixteen, or upwards of twenty burgesses would, at all times of the year (1), be "chossyng to qwest". The Inquest was concerned with judicial affairs,-- service of heirs, witnessing seisins, receiving resignations -- but not to the exclusion of other matters. In 1459, it seems to have set the customs and mill (2), and in the previous year it certainly "ordanit" that brewers breaking the fixed prices should be fined according to a graduated scale (3). Probably the Quest was appointed from time to time and ad hoc,-- perhaps their activities were confined to one burgh-court. Further, on Oct. 21, 1560, we find an "assys" of eleven, to adjudicate on a case of alleged debt (4). And again, there was a "dousan",-- no common lands or kirk-service was to be "set na gewyn bot with the dousan" (5). Yet it was generally the "balyeis and commonys" who transacted ordinary municipal affairs, and all three bodies were probably nothing more than varying aspects of a special committee of bailie's assessors, with interchangeable names. On Feb. 26, 1462/3, twenty-one men were chosen

(1) Peebles Charters, etc., I, 121, 124, 130, 133.
 (2) Ib., 130. (3) Ib., 128.
 (4) Ib., 138. (5) Ib., 147.

as "the dowssane for the reformation of the town", and on that same day "the gude men of the queste statut and ordanit" that baxter wives "breaking the pace" of bread should suffer certain specified penalties. Six weeks later, a quest of seventeen, with a totally different personnel, passed legislation to forbid the practice of buying goods out of market (1).

In Oct., 1468, "sex men that is ordanyt to geif the balyeis consell" were elected, but they also seem to be temporary, for there is no further mention of them during the year; yet the "inquest and the nycht:buris", "the balyeis and the court and the hall com:monite" recur (2). The experiment was not repeated, a "dowssan" was chosen at Michaelmas in 1470 and in 1471 (3), but still the quest statutes and ordains, the bailies and neighbours held courts and meetings, while, on July 21, 1479, an "inquisicion" was appointed at a "fermit cowrt" to try the case of a disputed annual (4). From 1481 onwards, the bailies had sometimes the advice of "the hayl consall and communitie of the said burgh", and, more often, simply "the communitie": perhaps the phrase means little, but the movement towards conciliar government was growing, and

(1) Peebles Charters, etc., I, 150

(2) Ib., 158-9.

(3) Ib., 164, 166.

(4) Ib., 184.

was soon to achieve success. On Feb. 14, 1503/4, "wyth the hail communitie gaderit", the bailies decreed that "thair salbe xxiiij of the best nychtburis of the towne chosing and sowne to soit ene acctions belangand the vtilite and comoun profit to the towne, and als to soit and rasaif the cont of thair comoun guddis and to fut the samyne" (1); and, with true old-time ideas of accuracy, proceeded to nominate twenty-five. In its first statute, this body calls itself "the gret dosone", indicating its evolution from the old dusane.

At Edinburgh the evolution was quicker, and already in 1403, when the records commence, 45 councillors were chosen at the Michaelmas Head-Court and were called the Duedene burgi (2). In 1418 they are called duodecim consules et limitatores, and in 1426 duodene et limitatores terrarum burgi (3). Perhaps they should be regarded as descended jointly from the four liners and twelve "lelest and wysast" burgesses of the Laws. An Act of 1431, imposing a fine of fourpence for absence from the duedene, brings it into line with later Town Councils (4). The Edinburgh magistrates made laws only with the advice and consent of the dusane or council, though "sundrie of the communitie"

(1) Peebles Charters, etc., I, 199.

(2) Edinburgh Recs., I, 1.

(3) Ib., 2, 3.

(4) Ib., 4.

are occasionally mentioned as being present (1). This would probably be done only on important occasions. At Aberdeen, long after a regular council was in operation, the "hailtoun" figures in the records; but, on Nov. 20, 1588, it was decided that the "ancient and lawabill custome", which had fallen into disuse, should be revived, and the community convene only when the Council found it necessary (2).

After the establishment of regular conciliar government, assises continued to be held, often to fix the prices of wheat, malt, ale, and so forth (3), at other times for the more formal burgh-courts,-- curia tenta et affirmata (4). In other towns, too, an annual inquest at Michaelmas fixed the prices of grain (5), while at Peebles, as late as 1564, an inquest was sworn

(1) Edinburgh Recs., I, 6.

(2) Aberdeen Recs., II, 62. A still stranger practice was to summon the old and new councils. This was done during a very short period (Dec. 4, 1612,--Feb. 7, 1616); on March 5, 1616, the "hailtoun" was again summoned by hand-bell to ratify the Council's decision to build a jail at a cost of £5,000 and to agree to a stent to make good the deficiency of the ordinary revenue for the purpose. Ib., II, 316-31, 334. This appears to mark the return to the elder method of convening the whole community.

(3) Assisa super frumentum et brasum. It was often held at a head-court (assisa capitalis curiae). Edinburgh Recs., I, 61, 79, 107, 110.

(4) A Stirling assise was enrolled in 1521, to impose an amercement, and another in 1525, to pass a death sentence at "the justiciary court of the burgh of Stirling", the provost being sheriff and justiciar. Stirling Recs., I, 11, 24.

(5) Stirling Recs., I, 89-90.

in, at the Pasch Head-Court, for more or less ordinary conciliar affairs (1). To sum up, it would seem that assises and inquests were used in early days for the more formal or important business, -- fixing the fiars, trying serious cases, or passing measures to remedy great abuses among the community. To some extent they ~~they~~ made up for the want of a standing council, though perhaps the theory was that the great dusane should be ready with advice and assistance. As a rule, however, the magistrates conducted municipal affairs on their own responsibility, or with "the advice and consent of the community". Out of these unstable elements evolved the standing council, when the great dusane got down regularly and seriously to work.

As to the mode of elections, we have seen that the early records indicate that the magistrates were chosen by popular vote, or at least by the suffrage of the free burgesses ("the hail communitie"). All this was changed -- though not at once (2) -- by the Act of 1469, which ordained that every year, for eschewing tumults, the old council should choose the new, and both together elect the magistrates and officers; one member

(1) Peebles Charters, I, 293.

(2) The act did not take not immediate effect in all the burghs. Marwick, Burgh Recs. Socy. Miscellany, Pref., lxii et seq.

of each craft to have voice in the election (1). This act was the basis of all the burgh setts, though both Parliament and Convention tried to enforce several other principles,-- each magistrate should be a merchant, indweller and substantial citizen (2); part of the old council should sit with the new (3); elections should be by preliminary leets and final vote (4); the crafts should be represented at the elections by their deacons or visitors (5). Absolute uniformity was not attained (6), but most of these rules were effective, the principles underlying elections were the same, and methods did not vary widely.

The idea of co-option, apparently forced on the burghs from above as a substitute for free election, quickly took root, and tended to make the towns narrow oligarchies. From the principle that the magistrates and some of the old council ought to give the new council the benefit of their experience, there evolved the practice of allowing a few councillors to drop out and adding a few others to make up the numbers. The retiring magistrates were always members, and on a fixed day about Michaelmas, the old council, reinforced

(1) A.P.S., II, 95.

(2) *Ib.*, 244. Recs. Conv. R. B., I, 511.

(3) A.P.S., II, 107. Recs. Conv. R. B., I, 3.

(4) Recs. Conv. R. B., I, 3.

(5) A.P.S., II, 298. Recs. Conv. R. B., I, 3.

(6) Burgh Recs. Socy. Misc., Pref., lxx.

by the new members and all the deacons, chose the magistrates "by leet and vote".

At Edinburgh, of the ten merchant-councillors, seven were the magistrates of the preceding year, so that there were only three of a "new council" to be elected at Michaelmas. Of the eight craft-councillors, six were deacons, eligible for re-election, and two elected craftsmen. Thus the constituent body for the annual elections may be represented thus:--

	(1)	7 retiring magistrates.	
<u>New Council</u>	(2)	6 deacon-councillors	' chosen by
(18)	(3)	3 new merchant-councillors	' the old
	(4)	2 new craft-councillors.	' council.

<u>Old Council</u>	(1)	10 retiring merchant-councillors.
(12)	(2)	2 retiring craft-councillors.

Others (8) -- the "remanent deacons".

These 38 altogether elected 7 magistrates, who, added to the New Council, made up the requisite number of 25. If any of the retiring magistrates were re-elected to office, another councillor was chosen in his place.

This sett is typical of many burghs. At Stirling, a decree of declarator by the Session had been required to prevent the councillors from continuing too long in office, so that, of its 14 merchant-councillors (7 magistrates, 7 ordinary members), 7 had to be removed

yearly, as had 4 of the 7 trades-councillors. The St. Andrews Council consisted of 21 merchants and 8 deacons. For the elections, only 3 new merchants were added, and, as these 3, plus the 7 new magistrates and such of the old as were not returned to office, must still be short of 21, "the magistrats warnes so many more of the gild brethren to be upon the counsell as will make up the number". At Glasgow, the provost and three bailies for the current year and two years previous, 12 in all, elected the new council, old members being eligible for re-election and not to be "leited one with another". At Inverkeithing, when "these of the old council who are desirous of an ease have demitted their offices they choose as many new councillors in their roome to keip up the number". Kirkcudbright elections offered no difficulty: the old council "does elect and choose two or three new councillors", and then they "doe vote three of their own number of the council in lew of the three new councillors".

Customs, of course, varied locally, but the chief features of all burgh elections were the same,-- the principle of co-option, the exclusiveness of the guildry, and the continuity of office inseparable from a close corporation. The atmosphere of the old Scots burgh, with its self-sufficing paternal government,

its suppression of undue influence of the crafts, and its everlasting, uneventful magistracies, is faithfully reproduced in these lines:--

"Ilk grocer i' the brugh is a bailie or has been,
 But the Provost was perpetual and drave the
 hale machine.
 At twal o'clock the Provost cam' and stood upo'
 the street,
 And waggit to his right-hand man i' the public-
 house to meet;
 The Bailie threw his apron by, and o'er their
 gill they sat,
 And they managed a' the toun's affairs in a
 bit quiet chat.
 The Deacon, wi' a face half-washed, gaed con-
 :sequential by,
 But the Deacon as a'body kent had nae finger in
 the pie" (1).

We have seen that the burgher oligarchy, actuated by fear or goodwill, sometimes submitted to the wishes of a powerful neighbour laird. But this was not all. Even the Crown did not disdain to take notice of petty burghal affairs, and especially was this the case at Edinburgh. At the time of the Reformation, the Town Council was fired by the prevalent zeal for Protestantism, and, on Oct. 2, 1561, without consulting the Queen, they issued a proclamation banishing monks, friars and other Catholics from the town. Three days later, the Council was ordered to depose the magistrates and elect others in their place, and duly did so (2).

(1) From "The Auld Scottish Brugh", quoted by McKay, Hist. of Fife and Kinross, 323.

(2) Edinburgh Recs., III, 125-6.

By the time the next elections were due, Mary must have decided that prevention was better than cure, for she commanded the appointment of Archibald Douglas of Kilspindie as Provost,-- "quha knawis how to rewle your said town, haifand experience thairof" (1). The burges-
:es tried to "ressoun with hir hieness", but had finally to submit. On Oct. 1, 1566, she went the length of nom-
:inating all seven magistrates (2), and two years later, the Regent Moray "continued" the Provost and two of the
Bailies for another year (3). To such requests the bur-
:gesses found it politic to submit, always saving the "preparative". In Oct., 1574, at Morton's desire, they received Alexander Clark as Provost, "but preiudice of
thair liberties" (4). James VI, even as a youth, was equally autocratic. In 1583, 1584 and 1585, he named
all the magistrates (5). In Nov., 1585, after the dis-
:comfiture and flight of his nominee, Arran, he was asked to name a successor (6). Undoubtedly the near-
:ness of the Court made the citizens "desyre his Mai-
:esties guid will and favour" (7); legally, they might have resisted, since royal intervention was only called
for when no election took place (8).

(1) Edinburgh Recs., III, 148, 151.

(2) Ib., 219

(3) Ib., 252-3.

(4) Ib., IV, 121.

(5) Ib., 290, 352, 437

(6) Ib., 441-3.

(7) Ib., 441.

(8) Cf. Bankton, Institute, 56-7.

The burghesses of Aberdeen had twice to bow the knee to the Crown in the reign of Charles I. Patrick Leslie had been chosen Provost for 1634-5, but in January Sir Paul Menzies took his place, in accordance with a royal letter, which affirmed that Leslie had betrayed the burgh's trust in Parliament and was unworthy of his office. Next year the elections were postponed by royal command, because of the divisions in the Council. Eventually Robert Johnston was elected Provost by a tumultuous assembly and apparently by a minority vote. In February he was removed, in obedience to Privy Council instructions, and Alexander Jaffray nominated to fill the vacancy (1). Even the Glasgow Bailies, chosen by the Archbishop from a list presented by the Council, had to resign in 1580, through pressure from the King and Council, and others put in their place, who in turn named a new Council, including only fourteen of the old (2).

Normally, however, most of the burghs did not suffer from royal interference, except in cases of disaffection or contumacy. Accused of some such crime in 1682, Lanark was given Lockhart of Lee as Provost, and nominees of his as the other magistrates (3).

(1) Aberdeen Recs. (Burgh Recs. Secy.), I, 70-2, 80-95. Kennedy, Annals, 240-2.

(2) Glasgow Recs., I, 79-82. Marwick, Early Glasgow, 183-4.

(3) Lanark Recs., 214-5.

The worst and most extensive interference of the Crown in municipal affairs was that of James VII. All the burghs had a grievance against him. All have the same story to relate,-- letters of Sept., 1686, forbidding the holding of new elections, followed by others nominating fresh magistrates, and, still later, when the time came round for other elections, the continuing of the royal nominees in office (1). So general was the complaint that it was set forth in the Claim of Right as one of the illegal practices which would not be tolerated (2).

Was municipal office considered a privilege or a burden ? Considering that neighbour lairds were often eager to seize the chief office, and that even the King stepped in to appoint "suitable" magistrates, it would seem that these posts were sought after as an honour. On the other hand, the desire to evade the burdens of magistracy is perhaps as much in evidence as the pursuit of office with its privileges. Provosts and bailies received fees, which, far from being nominal, were quite valuable. Attempts, too, were made to enforce attendance at Council meetings by absence-fines, which

(1) Lanark Recs., 222-5. Dumbarton Recs., 95-7. Peebles Charters, etc., I, 400-1. Stirling Recs., II, 48, 50-4, 398. Miller, Lamp of Lothian, 487-8. MacDowall, Hist. of Dumfries, 505 et seq.

(2) A.P.S., IX, 39.

were collected when no relevant excuse was forthcoming (1).

Numerous other indications seem to point to the fact that burghal office was no bed of roses, and sometimes officials would consent to act only on a distinct understanding that they would not be re-elected. On Oct. 3, 1558, Mr George Middleton, one of the Aberdeen Bailies, produced a letter from the Queen-Mother, charging the community to forbear from re-electing him to that office for three years to come, since he had already served for that time, to his own private loss. He was persuaded to continue for that year, and was given a pledge, that he would not be called upon again during the stipulated period (2). At Irvine, in 1605, Treasurer Gray and five Councillors refused to accept office, and were warded in the Tolbooth for contumacy. Gray and three others submitted after three days, a fourth after a week, and the last, Hugh Kilpatrick, seems to have given in after repeated refusals, for he was a Collector of Stent in the following June (3).

(1) Edinburgh Recs., I, 4, 65; IV, 109. Stirling Recs., I, 66. Annals of Banff, I, 145. Aberdeen Recs. (Spalding Club), II, 58. Glasgow Recs., I, 92.

(2) Aberdeen Recs., I, 311-2.

(3) Muniments of Irvine, II, 175-9, 209. Thus, too, in early Sandwich, a freeman elected mayor and refusing to accept office, had his house pulled down! If he had no property, he was disfranchised. See Brit. Mus. MSS., Cott., Julius B, V, fol. 34.

Free burgess-ships, placed at the disposal of the magistrates, reveal the conviction that something was required to balance their responsibilities (1). These were not lessened by the fact that all had some financial duties, which, if they afforded minor perquisites or even opportunities for petty peculation, were an additional source of anxiety and trouble. On the whole, it would appear that those who had gained experience of the burgh magistracies were as keenly alive to the reality of the burdens as to the advantages and privileges of office.

Besides the regular magistrates and councillors, there were many others holding posts of responsibility or profit within the burghs. The paid servants of the corporation included officers or serjeants, drummers, fifers and pipers, knock-keepers, bell-ringers, sextons, hangmen and executioners, port-keepers, "keepers of the hills", and causeway-cleaners. These will receive some notice in a later chapter (2). In emergencies, or when it was felt that the officers were unequal to their police duties, burgesses were told off to assist them as quarter-masters. Constables, as the regular officers of the Justices of the Peace, do not appear in Scotland till after James VI had gone to

(1) See, e.g., Edinburgh Recs., IV, 140.

(2) Infra, ch. XII.

England and observed the system in operation there. They are to be found at Edinburgh and Glasgow in 1611, and were established throughout the kingdom by Act of Parliament in 1617 (1). The professional employees of the burghs, chaplains, ministers, schoolmasters, doctors, advocates and assessors, will be dealt with in their proper places, as will the burgh commissioners to Parliament, Convention of Royal Burghs and General Assembly.

Special magistrates are to be found in most burghs, sometimes elected every year to meet the individual needs of the town concerned, sometimes appointed ad hoc for passing emergencies. The early "Pursemaster" at Peebles (2), and the "Rentmaster" at Lanark (3) were really embryonic treasurers. Many burghs had "masters of common work", to supervise municipal undertakings, the building and renovation of walls, hospitals, churches, tolbooths, causeways and so forth. Hospital-masters and kirk-masters were specialist officers of a similar kind, as were also the Pier-master of Dundee, the Brig-master at Peebles, the Master-mason of Stirling, and Edinburgh's Master of the College Work. In the early XVIII Century, Aber-

(1) Reg. Privy Counc., IX, 248, 411, 496. Marwick, High Constables, 29-32, 102-9. Glasgow Recs., I, 323. A.P.S., IV, 539-41. Dumbarton Recs., 48.

(2) Jan., 1457/8. Peebles Charters, etc., I, 125.

(3) June, 1488. Lanark Recs., 2.

dean had no fewer than four such "masters",-- for the kirk- and bridge-work, the Guild Hospital, the "mortified money" and the shore (1).

Another important class of special magistrates comprises the trade-supervisors. In the XIV Century, there were four appretiatores carniū, ten gustatores vini, and six gustatores ceruisie at Aberdeen (2). In the Michaelmas Head-Court of Peebles in 1456, there were elected four "fles pryssaris" and four "al taster-ys" (3). The "cunnisters" of Nairn had to taste the ale in public, on the street, as a pledge of good faith (4). In addition to such officials, a bailie, a councillor and two serjeants of Edinburgh acted in weekly rotation during Lent of 1484 as "fish prisers" (5). An Act of Parliament of 1584 constituted "visitouris and jadgeris of fische" in eight fishing burghs (Edinburgh, Crail, Dundee, Perth, Aberdeen, Elgin, Dumbarton and Ayr) (6). Three years later, the same authority set up "prycears of the wyne and tymmer" in each burgh (7). Visitors and keepers of the various

(1) Burgh Recs. Secy. Misc., 167.

(2) Aberdeen Recs., I, 375.

(3) Peebles Charters, etc., I, 111.

(4) Bain, Hist. of Nairnshire, 333.

(5) Edinburgh Recs., I, 1, 26.

(6) A.P.S., III, 302.

(7) Ib., 451. These prisers were not purely burghal officials. Four nominees of the Town Council acted with two barons of the shire (chosen at their own Michaelmas Head-Court) and two Privy Council officials.

markets,-- wool (1), corn and meal (2), or flesh (3) -- relieved the bailies of part of their duties.

We have seen that the liners are of ancient origin, and should perhaps be regarded as forming, to some extent, the core of the later council. Mentioned in the Laws of the Four Burghs, they are found at Aberdeen in 1398 (4), at Edinburgh in 1418 (5), and at Peebles in 1457 (6). Their duties were carried out in a formal and almost ceremonious manner. On Feb. 11, 1476/7, the Bailies of Peebles convened with eleven "lynoris" on the Hie Gait, to "line" a boundary over which a controversy had arisen, and, having sworn "the great oath" that they would measure and line evenly and impartially, did their work and delivered judgment "that Walter Blaclokis land swld stand styll as it stud and as thai fand it that day" (7). At Edinburgh, on Jan. 26, 1509/10, thirteen liners, including the Provost and Dean of Guild, and accompanied by three notaries-public, appeared at 3 o'clock at a tenement in the Cowgate, and there "lined" the disputed boundary, in accordance with an old charter which was produced.

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- (1) Edinburgh Recs., II, 87.
 - (2) Glasgow Recs., I, 26.
 - (3) Lanark Recs., 149.
 - (4) Aberdeen Recs., I, 374.
 - (5) Edinburgh Recs., I, 2.
 - (6) Peebles Charters, etc., I, 125.
 - (7) Ib., 181.

They noted the length and breadth of the land and fixed up a wooden fence ("pales of tre") to mark the limits. An instrument, taken there and then, testified to the findings (1). Liners were generally, for the most part, non-councillors. They had to be appointed when the bailie-court accepted an application from a burgess to have his own or adjacent lands lined or boundaries, lost through the lapse of time, re-defined (2). "Owt-landemeris" were officials with similar duties. Ten of them were chosen at the Whitsunday Court of Perambulation, held at Glasgow on June 1, 1574, to adjudicate in cases of removing or damaging march-stones, encroaching on commons, and stopping up public ways (3). At Arbreath there were "dyke-prysseris" to see to it that the boundary walls were kept in good order (4).

Some burghs found it necessary to appoint special "bailies", over and above the usual magistrates, to perform particular duties not of general occurrence. In particular, unfree annexes and suburbs demanded this treatment. The Edinburgh Council elected a Water-Bailie, to preside over the water-courts, held at Leith for the safeguarding of the town's privileges against usurpation by unfreemen of Leith or elsewhere.

(1) Edinburgh Recs., I, 126.

(2) Hay, Hist. of Arbreath, 113.

(3) Glasgow Recs., I, 13-4.

(4) Hay, Hist. of Arbreath, 112.

To these courts the citizens had to give suit when warned, to the number of sixteen, twenty or twenty-four at a time (1). The aque ballivus was responsible, too, for the general order of the harbour, he could "intromet with the deksiluer", and might impose fines of one merk for casting rubbish, ballast or molasses into the harbour (2). He attended the entry of all ships, to see that "na wyne tymmer or vther stuf be sauld quhill it be enterit, and price maid, and the Kingis grace and the toun first seruit" and arrest any goods sold in defiance of this order (3). This official figures in most of the larger seaport-burghs. On Jan. 31, 1592/3, David Cargill was chosen Water-bailie at Aberdeen, to attend at the harbour, to see that no stones, sand or other material was thrown into the water inside the flood-mark or in the channel, to enter goods imported or exported, and to ensure that common necessities, like coals, lime and slates, were distributed to the neighbours without profiteering (4). At Glasgow the Michaelmas elections included that of a Water-bailie (5).

(1) Edinburgh Recs., I, 59, 90.

(2) Ib., II, 239, 265 and n.

(3) Ib., I, 193. The Crown had some say in his appointment: in 1556, the Council had to accept the Dowager Queen's nominee. Ib., II, 238-47.

(4) Aberdeen Recs., II, 77-8.

(5) Glasgow Recs., I, 24. Here, too, we find a "wattir serjand" associated with the other officers.

Among the bailies whose special department was the administration of "subject-lands" are to be reckoned the Bailies of Leith, Edinburgh burghesses -- two or three in number -- elected for the purpose of preventing the unfree inhabitants of the suburb from encroaching on the liberties of the capital. They attended to the execution of the trading laws and on occasion assessed the indwellers for their portion of Edinburgh's stent. They had a special seal, -- "the auld seill of Leyth" (1). In 1690, the Town Council of Lanark found itself obliged to take similar precautions. Having heard that unfree trade was being carried on in Crosslaw and Bankhead, "to the prejudice of the liberteis of the tradesmen of the burgh, they themselves being heritors of the forsaides landes", they appointed Robert Hunter, late Dean of Guild, "to be baillie of Corselaw and Bankheid dureing their pleasure, with power to him to hold courts upon the ground and impose and exact fynes, appoynt officers of court, and doe all other things competent to a baillie in such caices" (2). Glasgow had a "baillie of the Gorbals" (3).

Ib., 171. He was a sort of watch-dog to the Water-baillie, enforcing statutes anent sales of fish at the riverside, and reporting "wringis and bluidis committit at the wattir", the emptying of ballast, etc. Ib., 236.

(1) Edinburgh Recs., IV, 53-4, 94, 294, 354.

(2) Lanark Recs., 233-4.

(3) Burgh Recs. Socy. Misc., 174.

The above notes supply merely the barest outlines of municipal government in Scotland. Nothing more is attempted here. For one thing, many other phases of town administration, such as -- to name only a few -- court-fines, petty customs, and methods of taxation, will receive some consideration in later chapters. But if we can clothe these bare bones, if we can picture the multifarious activities of the magistrates and councils, holding frequent (1) meetings, passing laws on every conceivable subject of municipal interest, giving seisin, receiving resignations, settling disputed claims, collecting rents and tolls, imposing stents, voting supplies, regulating markets, fairs, tariffs, prices and quality of goods, issuing charters to crafts, supervising the food, drink, amusements, dress, and even morals of the townsfolk, trying all offences except the four "pleas of the Crown", and enforcing their decisions by means of fine, imprisonment, banishment, outlawry or death (2), -- if, from a perusal of the burgh records, we can supply these details, this sketch may serve its purpose. What were

(1) At least weekly; Edinburgh council-days were Tuesday and Thursday, but in 1585, during a plague, "in consideration that the apperant increas of the seiknes requyres mair frequent conventioun now nor at vther tymes, and gritter diligence", daily meetings were held. Edinburgh Recs., IV, 417 et seq.

(2) Despite Erskine and the rest, all royal burghs had the power of "pit and gallows".

the main features of municipal government in Scotland? The keynote undoubtedly was the conservation of established "privilege". Only the leading families,-- "the better sort", "the lelest and wysast"-- had any right by nature (here associated with custom and long-standing usage) to govern their fellows. Only the merchant body, the brethren of guild, might participate in foreign trade and the handling of staple wares. Only fully-qualified, duly entered craftsmen were entitled to work at a trade. Only those who had fulfilled all the necessary conditions could claim the legal status, the protection, the consideration given to burgesses. Each class strove with might and main to preserve intact its own little domain of liberty, and the result was that the Scottish burghs remained the strongholds of feudal conservatism and close, paternal government.

PART SECOND -- THE TREASURER'S REVENUES.

CHAPTER III -- THE TREASURER AND
THE COMMON GOOD.

Though the Treasurer was the chief financial magistrate of the burgh, not all the monies accruing to, or expended by, the town passed through his hands, or were his concern, and his only. Provost, bailies and town clerk all had their several degrees of financial responsibility. The merchant guild and the incorporated crafts received and accounted for certain items of revenue affecting themselves alone. Some matters lay within the competence of the full Council in its collective capacity. Occasionally, individual burgesses were vested with fiscal powers for a specific purpose.

These considerations suggest the threefold division of burgh finances which I have adopted. In the first place, the normal, almost static revenue of the town -- the "Common Good" or "Patrimony" -- was collect-

ed by the Treasurer and devoted by him to definite purposes,-- the "common works" and "common affairs" of the burgh. Secondly, there is another group of normal revenues, accounted for by officials other than him. Among these were the burgh-fermes and the fines of the burgh-court, generally in the hands of the bailies, and the guild- and craft-finances. Finally, the sphere of extraordinary finance, varying according to local or national requirements, includes loans to meet a deficiency of income, taxes for a specific municipal object or as voted by Parliament, and other matters of a miscellaneous or transient nature.

To the subdivision of the normal revenue between the Treasurer and the other magistrates -- particularly the Bailies -- we may note an English analogy. Maitland's analysis of certain MS. Accounts of Cambridge, dating from the reign of Henry VIII, reveals a twofold system of finance. On the one hand, there is the "Old Revenue", embracing the subjects leased and the rights granted when the town was let at fee-farm,-- the profits of the King's mill, the issues of the borough-court, market-tolls, income derived from annual fairs, and "high-gable" or haw-gavel rents (old house-rents). This revenue was collected by the mayor and bailiffs, and, as a rule, was nearly all required to pay the

fee-farm duty to Exchequer. In addition, a few old rents, due to owners of town property other than the Crown, had to be met. Magistrates' fees (two shillings per week to the mayor, and one shilling to the recorder) and the wages of the officers (serjeants and tollmen) must be settled. Repairs and upkeep of the mill were also laid to this charge. Maitland believed that a deficit would have to be made good out of the private pockets of the mayor and bailiffs. On the other hand, the "New Revenue", managed by the two treasurers, consisted of rights and monies acquired, realised or established by the community during the subsequent period. Included in it were rents of "common ground", or intra-mural waste acquired by the town, fines of new freemen, booth-rents of Stourbridge Fair, and the rents of two mills and a piece of land, leased from neighbouring landlords as an investment. Under expenditure must be reckoned decay of rent, outrent for the leased property, fees and "rewards" (the mayor's robe, payments to "learned counsel" and expenses of members of Parliament), repairs to the gild-hall, tolbooth, houses and booths, "scouring the ditches", diriges for past benefactors, and presents to visitors of rank or importance (1).

(1) Maitland, Township and Borough, 205-9.

In the Scottish burghs, the sub-division of labour is analogous, though the grouping of items is quite different. If the bailies' special department, burgh-court fines and burgh-fermes, represent original rights ceded by the charter of feu-ferme, several items of the Treasurer's revenue are of equal antiquity. Petty customs, common lands, mills and fishings are all revenues, or rather rights to exact a revenue, conveyed by the same charter. The Cambridge treasurers were officials added as an afterthought to relieve the older magistrates of part of their duties,-- the newer and growing part. In Scotland the office of town treasurer is probably of later origin than that of provost or bailie. At Peebles the evolution of the office was slow and gradual, from the first appearance of a "pursemaster", as a mere assistant to the bailies, in 1456, to the final appointment, in 1498, of a full-fledged Treasurer (1). The Lanark "rentmaister", on the other hand, who is mentioned in 1488, was simply a Treasurer with an archaic title (2). An Aberdeen "letter" of 1392, containing something like a formal constitution, shows the alderman and bailies as handling the town funds, and makes no mention of a treas-

(1) Peebles Charters, etc., I, 123-5, 130, 195-8.

(2) Lanark Recs., 2.

urer. From 1441 till 1487, two Masters of Common Work assisted in the collection and disposal of the revenue, and it required a royal letter of the latter year to persuade the burgh to appoint a treasurer, and a positive command from the Lord Chancellor in 1492 to put an end to the bailies' powers of finance (1). At a still earlier period, codes and fragments of burgh legislation reveal the antiquity of the bailies' office, but say absolutely nothing of a treasurer. At first, it seems, the bailies sufficed for all magisterial duties, and only at a relatively late date did it become necessary to appoint an assistant, who developed into the treasurer (2). But if the evolution of Scottish and English magistracies was so far similar, the manner in which responsibility was shared between the old and new officials was not, for most of the burghs in Scotland found it convenient to hand over to the treasurer the bulk of both old and new revenue, and the Common Good was all along his own particular province.

As to the purpose of the Common Good, local and national records are explicit. An Act of Parliament of 1503/4 declared that all fees for making burgesses

(1) Aberdeen Recs., I, 7, 393-4, 415, 421. Cf. Kennedy, Annals, I, 32, 85.

(2) Marwick (S.H.R., I, 130) suggests that the treasurer's office "must also have existed from the earliest times", but all the evidence points the other way.

should go to the Common Good, to be expended on common works (1). Another Act, of the year 1593, warned the magistrates and council of each burgh to see that yearly, after the roup of the Common Good, the money was bestowed "to the doing of the commoun effayres thair of allanerlie" (2). The contrast between ordinary rent and common affairs on the one hand, and occasional contributions towards national taxation on the other, is shown in a decree of the Aberdeen Convention of 1596, "that na maner of burgh tak vpoun thame to deburse ony pairt or portioun of thair commoun rent vpoun the payment of taxatiouns that salbe grantit to his Mageste or his successouris, bot the saidis taxatiouns to be payit be commoun contributioun amangis the nichtbouris of the brugh, and the commoun guid made fre thair of to be imployit vpoun the commoun verkis" (3).

The Common Good was all along regarded, not as a group of revenues, but rather as a number of specific rights to exact a revenue. Hence the question naturally arose, How were these rights to be realised? One of two things must be done. Either the council would administer its rights directly, appointing paid servants to do the work of collection, or it might sub-let its rights as a speculation. To adopt the first course meant that the

(1) A.P.S., II, 252. (2) Ib., IV, 30.
 (3) Recs. Conv. R.B., I, 475.

council itself had to supervise and pay for a great deal of official work, and, moreover, had to face the certainty of fluctuating and often wildly varying profits. But if its rights were let to tacksmen, a certain amount of labour and expense would be saved. True, the tacksman must have the prospect of making a reasonable profit before venturing to bid, and this middleman's profit meant a reduction in the town's receipts, but this disadvantage was outweighed by the security of income acquired; for the tacksman had his eyes open to the possibility of dead loss, and, except in very unusual circumstances, had to bear it himself. Sometimes, indeed, either from choice or necessity, the councils did administer their revenues directly, but, when the nature of the rents concerned rendered such a course possible, they almost invariably preferred to sub-let them.

The Common Good was let out in lots for fixed periods, generally of one year, to the highest bidders at the "roup", the date of which was determined by local custom, Martinmas or Easter being the favourite term. The time, place and duration were made known to all interested: at Banff the revenues were "roupit at the maist patent window" of the Tolbooth (1), while at

(1) Annals of Banff, I, 90.

Irvine the Common Good assedations were proclaimed with tuck of drum, and made by "publick ropeing and running of the sand glasse" (1).

Certain qualifications were required from those taking an active part in the roup. Only burgesses and indwellers were allowed to bid (2). In 1485, the "com:moun rentis" of Edinburgh were to be set to no one unless he were a famous man of substance and an indweller (3). Each successful bidder had to bring forward one other burgess as surety ("borch") for his payment of the debt: an old burgh law had recommended burgesses to act as pledges for their neighbours once, twice or three times, until they lost by it, when the obligation ceased (4). In April, 1458, a Peebles burgess "tuk the meln a yer for xx mark", two others the petty custom for £10, and for each a "borch" had to be found (5). The Edinburgh assedations of Nov. 10, 1457, were all (except for a few booths) secured either by another burgess becoming pledge, or by the tacksman acting as his own "borch", if he had sufficient to pledge. One of the petty customs tacksmen pledged his lands, rents, possessions and all his goods, real and

(1) Muniments of Irvine, II, 126-7.

(2) Lanark Recs., 243.

(3) Edinburgh Recs., I, 50.

(4) Frag. Coll., cap. i, A.P.S., I, 719. Cf. Scottish Review, II, 61.

(5) Peebles Charters, etc., I, 125.

personal (1). Each lessee must "haue ane vther bound with him" (2), he had often to pay the tack-duty at stated periods, and he should not be a person already owing money to the town (3). Sometimes, too, £1 or 1 merk would be taken as "earnest-penny" for the rest (4).

. Often there was real competition to secure the right of uplifting the town's duties, and the roup was the scene of many a keen financial tussle. On Nov. 5, 1520, Duncan Smart bid £8, 6s. 8d. for "the brugis maile, girs maill and stallance" of Stirling, and Gilbert Johnson £11, 13s. 4d. for "the gait syeppyn", but on Martinmas E'en these two commodities went to two different tacksmen at higher rates, 13 and 18 merks respectively; while Gilbert Johnson, having bid 14s. for the haven-silver on Nov. 5, had to give 16s. on Nov. 10 before securing it (5). Year-to-year increases in the tack-duties tell the same story (6). In 1675, indeed, the Stirling Council had to legislate against over-bidding. Much harm had been done in the past by burgesses out-bidding each other "out of prejudice and invy", in the hope that some councillor would propose a "bill of ease" in their favour: such bills were declared to be illegal (7).

(1) Edinburgh Recs., I, 15, 18.

(2) Ib., 50. (3) Ib., 40, 70-1. Glasgow Recs., I, 14.

(4) Muniments of Irvine, II, 195.

(5) Stirling Recs., I, 6-7. (6) Glasgow Recs., I, 206. (7) Stirling Recs., II, 18.

One of the points of investigation in the Chamberlain's Ayre was, whether a faithful account of the Common Good of each burgh was submitted to the community (1). The time when the accounts were made available for general perusal varied greatly, and a number of months or even years would often elapse between the close of the account and the audit, but the theory was, that they should be presented shortly after the close of the financial year (Martinmas to Martinmas) (2). A similar rule applied in early times in burghs where the evolution of the office of treasurer, suggested above, had not yet taken place. In Nov., 1457, the Peebles bailies presented their "cont", charging themselves with revenue from mills and customs, and showing disbursements on "hos bycgyn" or house-building, commissions to Justice Ayres and "Chamerlain mets" (3). The rule holds good for bailies, purse-master and, finally, treasurer.

In a close corporation, it is obvious that the group and tack system would be open to many defects and abuses. In 1553, the Edinburgh Council had to enact that the magistrate responsible for setting "ony pairt

(1) Art. Inq. in Itin. Cam., A.P.S., I, 681.

(2) Sometimes, however, the terms (Martinmas and Whitsunday) were treated as the unit-periods for accounts, instead of the complete year.

(3) Peebles Charters, etc., I, 122-3.

of the commoun geir" at lower prices than the accepted offer should be held responsible for the difference (1). The mere possibility of such irregularities called forth a higher control for emergencies. The Chamberlain Ayre, as well as insisting on annual accounts, inquired whether the "common profits" were properly leased and the sums due realised (2). The yearly Court of the Four Burghs also exercised supervision of this kind, and doubtless punished abuses. Many of its laws dealt indirectly with burgh finance,-- the power of a burghess to bequeath his goods as he pleased, the holding of a "distrainable" land as a burghess-qualification, the inability of a landward burghess to have lot and cavil within burgh, or of a Templar to exercise merchandise unless he were a guild-brother, and the refusal to allow craftsmen to trade (3).

To these powers and functions succeeded, in course of time, the burghs' own convention, which wielded a very real control over the finances of individual burghs, formulated general rules, and checked notorious malpractices. In 1590, a dispute between the magistrates and community of Aberdeen was submitted to its decision. Several points were at issue,-- the perpetual provostship of the Menzies family, the appointment of "out-

(1) Edinburgh Recs., II, 178.

(2) A.P.S., I, 681.

(3) Recs. Conv. R. B., I, 501-5.

"land" persons as magistrates, the excessive privacy of public documents, writs and jewels, and, above all, the fact that for 30 years the Common Good had not been roused, but retained by the magistrates, "thair freynd-:is and allyais": thus, "his Maiesties fre burch hes bene thrallit to serue ane raice of pepill, as it were ane burch of baronaye" (1). The case was ordered to be taken before the Lords of Session, who brought Aberdeen into line with other burghs (2). In the following year, the burgh lands were made the subject of a Convention inquiry: each commissioner had to show his burgh's diligence in causing "valour, roup, and put the samin to the vtermaist awaill and profeit . . . be setting the samin ather in tak or few" (3). In 1593, diligence was required for the roup, and also for the perambulation of the marches (4), and a year later Inverkeithing was fined £20 for having "sett ane nynetein zeir tak of certane thair commoun lands and maid na augmentat-:ioun of thair rentale" (5). Customs should be let for a year, mills, mill-lands and fishings for three years, and only waste-lands feued or leased for long periods. Fines were imposed on the ratio of £40 per year in excess of what was allowed (6). In 1691, Convention's

(1) Recs. Conv. R. B., I, 310-41. (2) Ib., 383.

(3) Ib., 361-2. (4) Ib., 396.

(5) Ib., 430-2. (6) Ib., 432.

"visitors" toured all the royal burghs of Scotland, examining accounts, collecting statistics on markets, fairs, shipping and trade, ascertaining how taxes were paid, inquiring as to the unfree burghs in the district, and tabulating all in a register of reports for future use (1).

A similar claim of control, put forward by the Court of Exchequer, met with less general acquiescence. An Act of 1535 aimed at bringing all the burghs within reach of the Court for annual auditing (2). In Dec., 1556, the Edinburgh Council was ordered to give in the accounts for the past two years, and any burgess with a complaint against them was warned to appear at the Exchequer House on Dec. 15 (3). In the Parliament of Dec., 1567, the whole question of Exchequer control was made one of the "articles", but nothing further seems to have come of it (4), and whether from indifference at headquarters or unwillingness in the localities, the claim was not seriously pressed.

In the matter of control, the Parliament played a more important part. Concerned as it was with passing general and particular laws governing the economic life of the nation, the disposal of the hereditary

(1) Burgh Recs. Socy. Misc., xxxviii-xxxix; 53-157.

(2) A.P.S., II, 349.

(3) Edinburgh Recs., II, 258-9.

(4) A.P.S., III, 43.

wealth of the burghs could not escape its notice. An Act of 1593 ordered each burgh to bestow its Common Good on its "commoun effayres" only (1). In 1663, it confirmed a contract of wadset between the Edinburgh Council and the Lords of Session, of certain common lands, notwithstanding earlier acts against wadsets and alienations (2). An Act of 1693, after affirming that "the Care, Oversight and Controll of the said publick Goods and Revenues and of the Administration thereof doth undoubtedly belong to their Majesties", instituted a Crown commission to inquire into all burgh revenues, in the same way as the visitors of the Convention had done two years before (3). Thus, though the burgh was, for most purposes, financially autonomous, there were ultimate limits to its powers. Slight divagations from the law passed unnoticed, often even serious ones, but there was always a risk when rents were let for an excessive period or an insufficient return, or were not applied to the proper objects.

I turn to the "subjects" or departments of the Common Good. Though a system has been postulated, no rigid rule applies to all,-- far from it. Some burghs possessed sources of wealth not open to others, and the relative importance of different revenues varied

(1) A.P.S., IV, 30. Cf. Erskine, Institute, 235.

(2) Ib., VII, 510. (3) Ib., IX, 309.

from place to place. The petty customs of an inland town were not generally as valuable as those of a sea-port, lands varied greatly in extent and worth, and riverside burghs had "fishings", which were denied to others. Allowing for these circumstances, however, a similarity of the means and methods of raising revenue runs throughout the Scottish burghs, and this may be illustrated by the following analysis of the "Charge" side of a single year's treasurer's accounts, drawn from a representative selection of burghs, and spread over a period of over two centuries:--

<u>Lanark, 1488/89</u> (1)	£.	s.	d.
Firlots,	7	6	8
Customs,	9	3	4
Booths,	4	7	8
A chamber and a loft,		11	
Burgh-mails,	4		
	£25,	8s.	8d.
<u>Ayr, 1539/40</u> (2)	£.	s.	d.
The Property:--			
Alloway barony-mail,	53		
Alloway mill-mail,	40		
Fishing of Doon Water,	3	6	8
Fishing of Ayr Water,	5		
Petty customs,	8		
Custom of the firlots,	8		4
Custom of the tron,	8		4
Custom of the nolt-markets,	2	13	4
Custom of the sheep and cloth,	8		4
Three cellars under the Tolbooth,	2	10	
One booth,		13	4
Alloway mill,	2		
Lands and bogs,	9	3	8
One tenement,	4		
Total of Property,	£154,	8s.	

(1) Incomplete. Lanark Recs., 1-2.

(2) MS. Ayr Accounts, fol. 24ab.

<u>Ayr, 1539/40 (contd.)</u>			
	£.	s.	d.
(Carried forward)	154	8	
The Annuals (lands, "places", and a quarry),	12	17	2
The Feus (lees, commons, mead- :ows, marshes, acres, etc.),	21	3	6
Grassums and foremails,	25		
	<u>£213,</u>	<u>8s.</u>	<u>8d.</u>

<u>Edinburgh, 1552/53 (1)</u>			
	£.	s.	d.
Five common mills,	800		
The "wyld aventuris",	501	8	9
Petty customs,	320		
Flesh-house and shops,	57	3	4
Booths,	42	8	4
Common muir (mails and entress- silver),	14	1	8
Sales of escheats and public purchases,	36	7	
One annual (Martinmas term),		1	8
Balance from previous year,	27	9	10
	<u>£1,799,</u>	<u>0s.</u>	<u>7d.</u>

<u>Arbroath, 1605/06 (2)</u>			
	£.	s.	d.
Annuals,	58		
Common faulds,	335	6	8
Mill-mails,	46	17	8
Loch-mails,	17	6	8
Other mails,	12	13	9
Customs and anchorage,	53	6	8
Freedoms,	26	10	
The "horse and cow grass",	32		
Other "grass",	3	16	8
Five unlaws,	8	4	
Two "bloodwites",	20		
	<u>£614,</u>	<u>2s.</u>	<u>8d.</u>

<u>St. Andrews, 1618/19 (3)</u>			
	£.	s.	d.
Multure-malt,	2,368	10	
Small customs, ladle, towst and anchorage,	347	6	8
Common lands (grain-ferme),	794	2	9
(Carry forward,	<u>£3,509,</u>	<u>19s.</u>	<u>5d.)</u>

(1) Edinburgh Old Accts., I, 69-70. Total given erroneously as £1,798, 15s. 7d.

(2) Hay, Hist. of Arbroath, 148-9.

(3) MS. St. Andrews Accts., fol. 37a, 38a. Infra,

<u>St. Andrews, 1618/19 (contd.)</u>			
	£.	s.	d.
(Carried forward)			
Burgess-entries,	3,509	19	5
Firlot-burning,	102	3	4
Booths,	9		
St. Monans Market,	30		
Friars' yard,	2		
Annals of the city,	33	6	8
One of the town's trees sold for	151	19	6
Borrowed,	5	13	4
	<u>1,333</u>	<u>6</u>	<u>8</u>
	£5,177,	8s.	11d.

<u>Banff, 1626/27 (1)</u>			
	£.	s.	d.
Ferry-mail,	80		
Fishings,	63		
Burgess-entries and "ryotis",	34	11	4
Feu-duty of the Seytoun,	2		
Small customs,	46	13	4
	<u>£226,</u>	<u>4s.</u>	<u>8d.</u>

<u>Glasgow, 1630/31 (2)</u>			
	£.	s.	d.
Small annals (as per rental),	672	3	4
Duty of the mills,	4,886	13	4
Duty of the ladle,	1,306	13	4
Duty of the tron,	326	13	4
Duty of the bridge,	290		
The grass of the common land,	89		
The flesh-market,	166	13	4
Burgess- and guild-fines,	777	1	4
Three booths under the Tolbooth,	100		
Balance from previous year,	3,294	14	8
	<u>£11,909,</u>	<u>12s.</u>	<u>8d.</u>

<u>Stirling, 1634 (3)</u>			
	£.	s.	d.
Feu-duty of the town's lands,	167	18	8
Custom of the bridge,	180		
Custom of the burgh-port,	105		
The tron,	206		
Pecks and firlots,	140		
"Gait-dightings" and ladle,	140		
Fishings of Forth,	51		
Grass of the Brighaugh,	87		
(Carry forward)	<u>£1,076,</u>	<u>18s.</u>	<u>8d.</u>

(1) Annals of Banff, I, 59.

(2) Glasgow Recs., II, 501.

(3) Stirling Recs., II, 299. Total given erroneously as £1,231, 13s.

Stirling, 1634 (contd.)
(Carried forward),
Fish shambles,
Shore-mail and anchorage,
Malt impost,
King's mail and Stallage,

	£.	s.	d.
	1,076	18	8
	4		
	26	13	4
	120		
	4		
	<hr/>		
	£1,231,	11s.	0d.

Peebles, 1651/52 (1)
Tack of the mills,
Tack of the waulk-mill (3 terms),
Customs (1 term),
Burgh-mails,
Grass-mail,
Custom of Bridgehouseknowe,
Feu-duties of the muir acres,
Cadmuir sheep-mails,
"Modified ryotis",
Burgess-fines,
Interest on a mortification of
200 merks, left by an ex-Provost,
Rents and sundries,
Balance from previous year,

	£.	s.	d.
	708	13	4
	90		
	107	10	
	6		
	8	5	
	13	6	8
	30	2	4
	28	10	4
	90	18	8
	45	2	8
	8		
	236	8	8
	43	18	8
	<hr/>		
	£1,416,	16s.	4d.

Irvine, 1664/65 (2)
Small teind (3),
Town-land,
Rouped land,
Mill-rent,
Burgess-entries,
Feu-duty,
Fines of the court,

	£.	s.	d.
	110	2	1
	726	13	4
	276	3	4
	184	3	4
	46		
	43	1	10
	122		
	<hr/>		
	£1,508,	3s.	11d.

(1) Peebles Charters, etc., II, 191.

(2) Muniments of Irvine, II, 235-6.

(3) This consisted of 95 items, mostly "rigs" at 4s., 5s. 4d., 8s., 10s., etc., each, but including also several larger items, "lands", "meadows", etc., owing sometimes money-rents, sometimes teind-meal up to 2 bolls. It was rather unusual for a burgh to acquire any of the teinds of the old church, but not absolutely unique. About this time, Glasgow was uplifting the teind-sheaves of the Archbishopric, which had been granted to the burgh by Charles I, -- as noticed infra, ch. V.

<u>Brechin, 1690/91 (1)</u>			
	£.	s.	d.
Common mills,	540		
Customs,	313	6	8
Weigh-house and flesh-booths,	120		
Grass,	55		
Feu-duties of land feued out of the Common Good,	24	1	8
	<hr/>		
	£1,052,	8s.	4d.

The first point to note is the steady increase over the period in the value of the burgh revenues as a whole. On the showing of her own magistrates, Lanark, worth £25-35 annually in the XV Century, had an income of £1,550 in 1691 (2). The Common Good of Ayr, which stood at £213, 8s. 8d. in 1539/40, was worth from £1,200 to £2,100 by the end of the century (3). Prices of malt and bear were steadily rising, customs became more valuable as trade expanded, real property brought higher prices, burgesses paid more for admission, since their privileges were greater, old Church property came into the burghs' hands, rich men left "mortifications", and land was acquired in all directions. Hence the revenues leapt from two figures into three, four or even five.

(1) Burgh Recs. Socy. Misc., 101-2. The figures are as given in the 1692 reports to Convention, and will certainly not suffer from over-statement, while casualties like burgess-entries and unlaws are omitted.

(2) Ib., 122. Depreciation of coinage, of course, lessens the difference, but not vitally; for, in 1550, Scots money already = less than 1/3 of English; while, in 1700, 1s. Scots = 1d. English.

(3) MS. Ayr Accts., e.g., 1592/3, fol. 84a; 1596/7, fol. 90b; 1607/8, fol. 113ab.

Many of the local variations were due to differences of environment and conditions of life. The capital of the kingdom, for example, apart from her mills, was relatively poor in lands: with the time factor in her favour, she had nothing like the land-rents of a smaller burgh such as Ayr. Her booths and cellars, on the other hand, like those of Glasgow, were infinitely more valuable than those of Ayr. Edinburgh was, of course, almost exclusively urban, whereas the western burgh was to some extent part and parcel of the surrounding district. Allowing for such differences, however, the accounts show a decided similarity.

One striking feature is the enormous importance of the common mills. At Edinburgh, in 1552/53, they provided almost half the revenue, St. Andrews' "multure malt" and Glasgow's "duty of the mills" were in much the same position, while those of Peebles brought in a fraction over half the total. Banff on the Deveron, Stirling on the Forth, and Ayr on the Ayr Water and quite near the Doon, made the most of their fishing-rights. Banff even made a tidy little sum out of the ferry-mail exacted at the Deveron. The petty customs, heedlessly and uneconomically conveyed to the burghs by the Crown in their early charters, became very much worth while, especially at centres of trade like Edin-

:burgh, Glasgow and Stirling. Even at points of little economic importance, such as Brechin or Banff, the trade of the district afforded a considerable levy. At an inland burgh like Peebles, of course, customs were of less value, while those of Ayr -- perhaps because it lay off the main trade-route to the Clyde,-- of St. Andrews, bereft of its Catholic glories and already beginning to decline, and of Arbroath, where trade was small, were over-shadowed by the burgh-lands for wealth. Items like grass-mails, feu-duties, and common faulds, show that many burghs realised the advantage of breaking up the common lands and adding this new revenue to the ancient "patrimony". St. Andrews shows the process at its best, for grain-fermes instead of money-rents allowed land-values to keep pace with the rising cost of living and falling currencies.

From time to time, special conditions gave rise to extraordinary revenues, and these were often incorporated in the Common Good. The burgh of Banff, for example, observed the old custom of keeping a bell, the property of the town, for use at the funerals of burgesses and others, and for this service a charge was made; so that the Council was able to let the "hand-bell", as part of the Common Good. The same was done at Ayr (1). Income, too, was derived from the mortcloth,

(1) Annals of Banff, I, 53, 176. Infra, App. B.

or pall to cover the coffin. Guilds and crafts had their own mortcloths, but at Lanark it became a burgh revenue, burgesses paying 20s. for the use of the "neikle moircloth", 12s. for the little one, and landward men, 30s. and 18s. respectively (1). When, with the development of means of communication, the weekly news-letter appeared, it was often treated in the same way. In 1702, it was roused at Banff for 28s. Sterling (£16, 16s. Scots), the tacksman charging each person "for the sight therof ane penny", or obliging him to spend at least that amount in his shop (2). A subordinate magistracy, the perquisites of which rendered it a source of profit rather than a burden, was sometimes farmed out. The water-bailiership of Ayr was let for £40 in 1608/09, while the same office realised the same amount at Irvine in 1665/66 (3): at the latter place, the tacksman had to give an undertaking to maintain the perches in the harbour,-- the turning-perches to mark the channel, and the ballast-perches to show the spots for casting out ballast (4).

fol. 12a, 30a. The bellman went through the streets, ringing his bell, proclaiming who had died, and inviting all to the funeral. Cf. Maxwell, Hist. of Dumfries and Galloway, 316 n. K. J. Napier, Notes on Partick, in Trans. Glasgow Archaeol. Socy., I (1862), 265-8.

(1) Lanark Recs., 187, 198.

(2) Annals of Banff, I, 173. For Aberdeen-Edinburgh bi-weekly post, see Kennedy, Annals, 262-3.

(3) Muniments of Irvine, II, 168.

(4) Ib., 130.

It is perhaps not without interest to turn our attention to far-off Spain, and compare the system of municipal finance at Seville with what has been said of our own burghs. Capital of a rich province, centre of an archiepiscopal see, favourably situated to attract a share of the American trade, and engaged in silk manufacturing, Seville was a city with a large revenue, great part of which was derived from industry and trade. Of a total revenue of a million and a quarter ducats, the Almojarifazgo (duties on exports and imports to and from the Indies and elsewhere) accounted for 48%, and the Alcabala (excise) brought in other 38%. The town's mills yielded under 6% of the total, and direct taxation just over 5%. The remaining 3% was raised from the sale of pardons, from linen-customs and other minor duties (1). None of the Scottish burghs, however immersed in industry and commerce, was able to raise such proportions of income from customs and excise, or to rely to such a slight extent on rents from lands and mills, to say nothing of fines or burgess-entries. The reason is that all along they were feudal units of a feudal state rather than mere commercial entrepots like the Continental cities.

(1) See infra, App. F.

CHAPTER IV -- THE BURGH LANDS.

How far is the Scottish burgh to be regarded as an agricultural community? Dr Murray inclined to the view that community of property was the basis of the burgh (1), and there is little reason to doubt that land was often the most important element in the nascent burgh. Especially must it have been so in small inland burghs, where commerce was either non-existent or was confined to the activities centring round a riverside pier, while lands were abundant and perhaps even fertile; in such a place the economic interests of the townsfolk would be agriculture and cattle-rearing. The first law of the earliest code regards the burgess as essentially a land-holder,-- he pays 5d. per rood every year "for his borowage" (pro burgagio suo) (2). If the tenancy of a burgage changed hands, the "freedom" did so too, since two men could not have

(1) Supra, 13.

(2) Leg. Quat. Burg., cap. i, A.P.S., I, 333.

it by virtue of one and the same burgage (1). When, in later days, a real property qualification was no longer insisted upon, the importance of land is indicated by the fact that it served to distinguish the two main classes of citizens,-- indwellers or residents, and outland men, "landward" burgesses, dwelling outside the area of the "common lands" (2).

The burgh lands were intended for the use and advantage of the burgesses only. Edinburgh lands or houses might not be let to unfree persons, except "attendants on" the Session, or others "awaitting on the law"; for the "landward men" who flocked to the burghs and tried to settle there were "vagabundis, and idyll levaris . . . that are not abill to beir burding of his Majesties service within burgh and ar commoun hurderis of thiftis, pykries, adultereis and druckines" (3). The possession of land, however small the portion, was regarded as the test of responsibility and character, the proof of solvency, the hall-mark of the complete burgess. To this extent the burgh was a fellowship or community with land as its nexus.

It was so to a greater extent than in England. Maitland definitely rejected the idea that the boroughs

(1) Frag. Coll., cap. xi, A.P.S., I, 721.

(2) Stirling Recs., I, 59.

(3) Ib., 137. Edinburgh Recs., IV, 402.

there were communities of petty landholders. A village, with its arable and commonable strips, sometimes did prosper and attain burghal status, but most of the towns were deliberately "planted". The knights of the "haws", maintained by rural magnates in many towns, craftsmen, traders and shopkeepers, attracted to the new centre of commerce, stood outside any agrarian concern (1): in XII Century Cambridge, "Richard at the Gate" and Bartholomew the Tanner were as rich as, if not richer than, the Dunnings and Blancgernons, "strong representatives of the landed interest". "Some wealthy burgesses own land; others own none. The market has mobilized the land; the land is in the market" (2). In the Scottish burghs, a very large proportion of the burgesses seem both to have held land and enjoyed rights on the commons,-- in England, commonable rights were annexed to the several tenements, and a burgess could do very well without an acre of real property.

From the records of three burghs -- St. Andrews, Ayr and Stirling -- we may find some common basis for a classification of the burgh lands. The common lands of the first-named were set in feu for a rent in kind, the "ferme beir" being collected and sold each year by

(1) Maitland, Domesday Book and Beyond, 196-203.
(2) Maitland, Township and Borough, 66, 167-71.

the Council, according to the fluctuating fiars prices. In 1611, 120 bolls (96 from the North Haugh, 24 from Pilmuir), at £4, 6s. 8d. per boll, brought in £520. The particular "rentall of the said beir" shows that the lands were held by burgesses in sixteen lots, owing mostly 2, 4 or 6 bolls, though some yielded larger quantities,-- 10, 12, 14 and $20\frac{1}{2}$ bolls; there were 6 firlots of decayed rental, for which the Treasurer could "find na rentall nor fewar to pay the same" (1). A few years later, further common lands were feued out, for in 1618/19, 118 bolls, 2 firlots were collected from the tenants of North Haugh and Pilmuir, and 40 bolls, 5 pecks, 1 lippy from those of the South Haugh (2). The entry for 1622/23 proves the wisdom of fixing a grain-rent, since, with the boll standing at £7, no less than £1,112 accrued to the town (3). New tenants paid "entress-silver": in 1612/13, £4, 6s. were paid in respect of an acre of the North Haugh, and £4, 6s. 8d. for four acres in Pilmuir (4).

A second group of revenues comprised the "annuals of the city". They seem to have been old fixed charges on houses, and were worth £122 in the early years of the accounts, and £155 from 1619 onwards (5). They are

(1) MS. St. Andrews Accts., fol. 2a, 8b, 13a, 22b.

(2) Ib., fol. 38a.

(3) Ib., fol. 70a.

(4) Ib., fol. 13b.

(5) Ib., fol. 3a, 13a etc.

also referred to as "annualrents of the city", and simply "the anwall rent". No hint is given as to their nature. They may have included such items as rents annexed to former chaplainries.

Throughout the period, the "tua eist buthis under the tolbuith" paid £8, and eight others, four on the north side, four on the south, 35s. each, or £14 in all; except that in 1612/13, one booth, "quhilk Andre Schort haid" stood vacant. In 1618/19, and then only, £8 were received for two booths at the West-port (1). The Greyfriars Yard at the Market-gait port was roused yearly to the highest bidder, and the "silver-duty" varied between £30 in 1611 and £36, 13s. 4d. in 1626.

At Ayr, the accounts for 1539, which seem to have served as a rent-roll for later years, give the best idea of the burgh lands. The whole of the Treasurer's revenue, exclusive of burgess-entries, were divided into four classes:--

(1) The Property included the Ayr and Doon fishings, the petty customs, and the rent of Alloway mill. The remaining real property, Alloway barony and other lands, two bogs, three cellars, a booth and a tenement, was worth £69, 7s., but the mill, customs and fishings made the total £154, 8s.

(2) The Annuals comprised small rents from five "places", a quarry and Lee and Cartland, and were worth £16, 3s., 10d. each year.

(3) The Feus, common lands, waste lands, "rigs",

(1) MS. St. Andrews Accts., fol. 13a, 38a. The two £4 booths were "vpoun the eist gevill", "vnder the stair". Infra, App. C.

meadows, marshes and the Burghfield, were held in small lots, by feu-ferme lease, and paid in all £21, 3s. 6d. The burgh-mail was included as being likewise due as feu-ferme.

(4) The Grassums in this case comprised one grassum and one foremail. (1).

Some overlapping between these sections must be understood. The Quarry-hole owed both an annual and a feu-duty; a tenement might belong to the Property, it might pay an annual, or, again, merely the original burgh-mail; the land called Southern Holme was divided into two sections, one paying 5s. to the Property, the other feued for 7s. per year. But, in a general way, the four classes are distinct. The Property comprised important subjects in the complete control of the Council and roused yearly. The Annuals are comparable to the St. Andrews annuals of the city, small fixed charges. The Feus are the counterpart of the Haughs and Pilmuir.

An analogy -- incomplete, but more detailed in parts -- is supplied by a Stirling rent-roll of May, 1652. The following is a summary of this document:--

- (1) "Auld Mure" (14 lots, varying from 1 to 15 acres, paying mostly at the rate of 10s. per acre), £29, 13s. 4d.
- (2) "New Mure" (7 lots, from 1 to 8 acres, paying often 7s. per acre, though sometimes as much as £3), £14, 2s.
- (3) "The Park Aikeris" (7 lots, from 2 to 7 acres, paying 10s.--£1 per acre), £16, 10s.

(1) MS. Ayr Accts., fol. 24ab.

- (4) Other lands and crofts (Burghmeadow, Spittal lands and Spittal myre, "the Ladye land and Ladye rig", Rood croft, etc.-- six lots, let in heritable feu), £45, 16s.
- (5) Houses and vaults (six houses, a house and yard, a baxter's forehouse, a merchant's house, vaults under the Tolbooth and at the New port), £68, 10s. 8d.
- (6) Annuals of the Rood altar, £5, 3s. 4d.
- (7) St. Lawrence's altar (houses and yards, a piece of waste, a croft, two "acres", and three booths), £17, 6s.
- (8) St. James' and St. Thomas' altars (ground-annuals exacted from tenements and crofts, both within and without the walls), £14, 8s.
- Total (1), £211, 9s. 4d.

The old and new muirs, park acres, burgh-meadow, Spittal myre and the rest were all common lands cut up and feued. The last three items were annuals of the same nature as those already noticed at Ayr and St. Andrews. Houses and vaults were probably retained in the Council's hands for yearly disposal. From the above data, we may classify burgh land-rent as follows:--

I. Ground annuals were fixed charges of considerable antiquity, including original burgage-rents, and annuals mortified to altarages which had passed into the burgh's hands (2). Though by no means negligible, they were generally too small in amount to be reckoned a first-class source of revenue.

II. The Property -- if I may borrow the convenient term used at Ayr -- comprised the lands in the unfettered control of the Town Council,-- always provided they avoided the gross abuses punished by Convention. They might feu it, let it on long leases, fore-mail or even alienate it. As a rule, they preferred to let it by yearly tacks, thereby preserving the greatest possible control over it. This is why it was grouped at Ayr along

(1) Total revenue for year, over £2,600. Stirling Recs., I, 296-300; II, 302.

(2) These two items are reserved for special treatment. Infra., ch. V, XV.

with the other subjects of the annual roup,-- customs, mills and fishings, which constitute the "Common Good" in its narrower sense. Yearly tacks, of course, allowed the values to adjust themselves to changing circumstances. An enterprising Council, by a bold use of its control of trade, could enhance the value of its Property: in 1536, the Edinburgh fleshers were ordered to take "stands" in the Flesh-house at 40s. each; if they refused, the house was to be used, partly as a grain-store, partly to house "land-flescheouris" (1).

(3) The Feus. Not all commons were broken up and feued, but many of the burghs found this the most profitable course to pursue with regard to burgh-fields, meadows, pastures, peat- and slate-bogs, marshes, moors and waste-lands,-- in fine, all the "easements" granted by the early charters.

(4) Casualties were valuable, not from the number which fell due, but from the high rates exacted. Leases for a term of years were linked up with the preceding and succeeding terms by grass-sums, or fines for renewal, at the rate of 13 merks, 4s. (£8, 17s. 4d.) per merkland (2). In feu-ferme leases, "entress-silver", a lump-sum specified in the charter, was payable on entry, and "the double" of the ferme for the succession of an heir (3). Feremails and wadsets have, of course, no direct connection with normal feudal casualties, since they were abnormal means of raising money in emergencies, by anticipating the rents to fall due for a number of years, or by temporarily selling with a reservation of the right to re-purchase. At Ayr they were grouped as casualty merely for convenience. (4)

(1) Edinburgh Recs., II, 76.

(2) MS. Ayr Accts., 1607/08, fol. 113b.

(3) In the Ayr Accounts for 1538/39 (fol. 21a), there are five cases of "doubling the feu-ferme" of lots of the burgh-lands.

(4) Dr Murray's classification (Early Burgh Org., 92-138) applies to burgh origins, but is of little use for later periods,-- terra burgalis, burgage-tenements and tofts, terra campestris, arable commons or crofts on the open-field system, and terra communis, pastures and waste. Soon the terra campestris slipped into private possession, or was retained by the corporation, or was feued along with much of the terra communis. This was inevitable with the development of the science of agriculture.

We must now study the enclosure of the commons in greater detail. The burgh charters conferred the right to use tillage-lands, pastures, meadows, bogs, moors and waste-land pertaining to the community,-- cum communibus pasturis et libere introitu et exitu, cum pertinentiis (1). Let us first look at the pasture lands, and consider how these rights of common were realised. In 1472, the neighbours of Peebles decided, in court, that Cadmuir be "somyt", the easter hill with cattle, the wester with sheep. In the absence of a regular council, twenty-four persons were chosen "to som the sayd hill", and they decreed that each burges might have four soums. Each soun was charged 12d. per year, of which 1d. went to the persons "chossyn to kep the sayd hillis fra all gudis bet burges and wedos gudis and at nan other vnfremenis gudis gang upon the sayd hillis" (1). Sheep were not allowed on the cattle pastures (2). To "soun" land is "to calculate and fix what number of cattle or sheep it can properly support"; while the noun "soun" may be used to designate either the number of animals supported, or the amount of pasture required for their grazing (3). Theoretically, "outfield" was soumed among the proprietors in preport-

(1) Peebles Charters, etc., I, 168. (2) *Ib.*, 171.

(3) Jamieson, Etym. Diet. Scot. Lang., sub voc. "soun". Generally, a soun maintained one cow, or 5-10 sheep; two soums were sometimes required for a horse. Cf. Innes, Scotch Legal Antiquities, 268-9.

tion as each was able to "roum" (fodder in winter) in his share of "infield"; in practice, a rough equality was observed between burgesses wishing to use the pastures. A Stirling burgess was allowed only one soun of cattle on the Brighaugh pasture, and this must be his own, under a penalty of "xij d. for ilk fute"; swine were escheated if found there (1).

To keep an eye on the cattle, and to see that they did not trample standing corn, a "common herd" was required. The Banff herd kept the town's "guddis" on the pasture till Rood-day (May 3), then took them to the "craigis and greiss" (summer pasture), feeding them once a day, till the "corne be in the zard" (1550) (2). At Dumbarten, they were taken out daily at 5 o'clock, brought in at 11, taken out again before 2 and home about sunset (3). The two annually elected herds of Glasgow (one for the Over-town, one for the Nether-town) had to keep the "guddis" clear of the grain until it was gathered. (4). The herd, of course, was paid for his labour. At Lanark, in the XV Century, he was chosen annually, and got 9d. per soun "and a scheif of corn of ilk heus" (5). Later, "hie sall haf of ilk soun

(1) Stirling Recs., I, 72.

(2) Annals of Banff, I, 27.

(3) Dumbarten Recs., 31.

(4) Murray, op. cit., 130 et seq. Glasgow Recs., I, 7, 131.

(5) Lanark Recs., 1, 6.

xl d., viz., xij d. at the entres of ilk soum, xiiij d. at Mydsymer, and xiiij d. at Lammes" (1). In 1664, the burgesses of Dumfries paid 30 s. for each soum of horse and nelt at Kingholme and Barkerland,-- the best of the common pastures,-- but only 20 s. at the others, and 10 s. for stirks (2). Burgesses of Arbreath who scoured their cattle on commons other than those of the town paid the herd as if he had had charge of their goods (3).

In addition to the common pastures, the burgh lands included the original burgh-fields, which were soon diverted from their purpose, quarries for the use of all burgesses, bogs from which peats might be "won", muirs, marshes and whin- or heather-covered wastes (4). According to Maitland (5), there were four uses to which a corporation might put its lands,-- (i), a direct corporate use, e.g., the town-hall; (ii), an indirect corporate use or profit, sub-letting for a rent payable to the town; (iii), a public use, e.g., streets used by burgesses and non-burgesses indiscriminately; (iv), rights of user of the corporators, e.g., over the common pastures. The first and third heads will net

(1) Lanark Recs., 98.

(2) MacDowall, Hist. of Dumfries, 529.

(3) Hay, Hist. of Arbreath, 114.

(4) English burghal wastes must be ceded by the lord before being "approved"; but encroachments gave the towns a prescriptive title. Hemmeon, Burgage Tenure, 102-6. (5) Township and Borough, 195 et seq.

take us far: a tolbooth, a tron or weigh-house, perhaps a school and flesh-house or fish-shambles, and a few public roads did not require many acres. The two real choices left bring us face to face with what was perhaps the central economic problem of the old burghs. The commons were undoubtedly intended for the common use of all freemen, but was this the most advantageous use to which they could be put? If broken up into burgess-lots, they brought in an additional revenue and thereby relieved the "common burdens". The question of law hardly arose, since an early convention or assembly of burgesses had given the corporations the right to appropriate wastes or lands unable to pay burgh-mail, and the commons might be considered as belonging to this category. On March 6, 1429/30, in Parliament at Perth, it was ordained per universitatem commissariorum burgerum Scocie in dicto parlamento existencium that if any lands in a burgh were waste and could not be distrained for payment of the King's ferme, the alderman should present the lands at four head-courts, naming the arrears due, and, if not then redeemed, they should be adjudged in fee and heritage to the community for ever (1). Recognitions of dilapidated lands fre-

(1) Muniments of Irvine, I, 23. This document, which seems to have been overlooked by Innes, Miss Keith, Professor Rait, and other writers on the evolution of the Convention, proves that the burgess-

requently occur in the records,-- "Item, that ilk day the balyeis has racwnnis the wast land in the North Gat for faut of the Kyngis burroumallis and for faut of the mallis thai war set for. Witnes the hal curt" (1). It was but a short step to apply the argument to extramural wastes, unprofitable bogs and muirs, superfluous meadows, and uneconomic open-fields.

The usual arguments in favour of breaking up the commons are clearly stated in a minute of the Edinburgh Council of Jan. 1, 1583/4. The waste lands, including quarries and muirs for isolating infected persons during plagues, had been of little profit to the "common weill"; neighbours had encroached on them, so that they might eventually become "vtterlie wraikit, eittin vp, and distroyet"; burgh expenditure was heavy; and, if these lands were fenced, they would be preserved from damage and augment the revenue. A committee was appointed to report on the best method of splitting up 120

estate was becoming a convention at a much earlier time than is commonly allowed. Perhaps Convention should be regarded as developing naturally out of the common needs of the burgesses in Parliament and taking the place of the too formal Court of the Four Burghs. The Act of 1487 for a yearly Convention at Inverkeithing, instead of being a premature attempt to force on the burghs a policy for which they were not ready, was an effort to crystallise a process begun much earlier,-- the deliberate synchronisation of Parliament and Convention, so common in the XVI and XVII Centuries. For the document is a notarial copy, witnessed by all the burgh M.P.'s.

(1) Peebles Charters, etc., I, 117.

acres into 3-acre feus, saving the "necessar vses in tyme of pest and for quarrell", and with preference for burgess-feuars, "thai biddand als mekill for the san" (1). At Dumbarton, in 1636, "in regaird the muir is vnpreffitabill to this burgh thir monie yeirs bypast, thay ordaine the muir to be ropit and set for the weill of the teun to him qua will geve maist thairfor" (2). In 1659, on the recommendation of the "visitores of the muir", the Lanark Council agreed to let it for a 13 years' tack, and stipulated that for five of these years, the land should be put "to lyme and fauch" (manure and fallow), rent being due only for the years when it was under grain; the tacksmen must also build "ane dyk about the said hill" (3). In some cases the question of what to do with the commons lingered on till late,-- in 1702, the burgh-court of Banff decided by vote to reup the common grass, instead of keeping it for the use of burgesses' goods (4).

The Town Councils, having decided, as they very often did, to break up the commons, must then determine the kind of tenure to be adopted,-- feu-ferme, long lease, shert lease, or annual reup and tack. Feuing was most popular, since its security of tenure attracted

(1) Edinburgh Rees., IV, 315-6.

(2) Dumbarton Rees., 49.

(3) Lanark Rees., 173.

(4) Annals of Banff, I, 173.

the burgesses. A rent-roll of the Lanark burgh-roods, dating from about 1505, shows that much had already been parcelled out. They were of two kinds,-- those "feyret to half ane pec the akyr", and those paying $2\frac{1}{2}$ pecks per acre. The better class of lands was composed of "heretagis", or feus, but the others are not described. The 80 burgess-lets comprised 88 acres, yielding only (if the list is complete) 4 bolls, 1 firilot (1). Another rent-roll of the roods, about a century after this, shows 222 acres held by 124 persons in shares of one, two or three acres, except for one lot of five acres and two of six (2). The process was always extending, to keep pace with the advance of agriculture and a higher scale of life generally. In 1592, the Stirling Council, acting as patrons of the Hospital, which owned the old burgh-land called the South Brae, let the whole of it in heritable feuferme to a single person, for 160 merks down and 5 merks yearly, with "the doubling thair of at the entrie of ilk air er aires thairto". Mentelth, the feuar, was to maintain the Brae intact, without sub-letting, to plant no trees, and to abstain from using a certain "bak yett" in the burgh wall as entry thereto (3).

(1) Lanark Recs., 15-6.

(2) *Ib.*, 117-9.

(3) Stirling Recs., I, 84, and II, Map.

By royal charter of 1508, the Edinburgh Council acquired the right to feu the muir for the augmentation of the town's revenues (1). The sub-infeudation, carried out in 1510, was inspired by a long-sighted policy. All tenants had to build dwelling-houses, malt-kilns, barns and cow-sheds, and to have servant-maltmen, before a specified date, under pain of heavy fines and loss of all rights in the acres (2). In 1519, all who had failed to fulfil the conditions were formally deprived. Lots were not transferable (3). In 1573, all feuars had still to appear annually on Nov. 10, pay their fermes, show that their kilns and barns were in good order, and prove that they had "maid the commoun mylnis the year before worth fyve pund of multar according to the acts maid thairvpoun and thair infeftmentis" (4). In July and August, 1586, further 130 acres of muir-land were feued out to burgesses, 67 acres of the Wester Muir in six lots, and 63 acres of the Easter in eight lots. Each lot was roup'd "for the maist yeirlie ferme beir that may be gotten thairfore", the entry-money apparently being calculated according to the value of the land. The result of the roup was that the Council made the sum of £4,143, 13s. 4d. down,

(1) Edinburgh Rees., I, 129, n.1.

(2) Ib., I, 189-90. (3) Ib., II, 56.

(4) Ib., IV, 4.

as entry-money, and acquired an annual revenue of 219 bells, 1 firloot, 3 pecks of grain, mostly bear, and 13s. 4d. in money. At a fair average, this would bring in £800-1,200 each year, -- no mean addition to the common purse. "Entress sylver", too, was payable by an heir, at the rate of 2 merks per acre of the Wester Muir, and £2 on the Easter. Wadsets, alienations, and sub-infeudations were not to be made without the Council's consent, and even then "the dowbill of the entres of ane air" was exacted (1).

A statute of Lanark, of 1593, ran that the town's muir "be delt among the burgessis and induelleris in this brugh, and confurme to the stent roll rindail among them". The rent was "fer ilk aker viij d. land mail, and for ilk aker ane fortpairt of multar". The ground must have been very poor to yield only $\frac{1}{4}$ peck of multure and 8d. in money per acre (2). No mention is made of feuing or heritable succession; but in 1613, at least, the records are explicit. Each burgess "that gottis rentell of the teune muir" paid "of entres" 13s. 4d. per acre. All feuars, after having been allotted their share, had to appear at the Tolbooth, "resave thair rentellis of thair daill of the landis on muir, and bring thair entres silver and gef thair-

(1) Edinburgh Recs., IV, 466-71.

(2) Lanark Recs., 120.

:for confurme to the ordour set doun, and quha dois nocht the saming sall haif na entres thairefter to ony portion of the said muir" (1). Another piece of common land at Clydesholm, used for archery, was roup'd in 1603. John Hastie got it for a ferme of 13s. 4d., he engaging to build and maintain a pair of butts and not to dig turf "within the samyn holme quhair the pastyme is or hes bene usit" (2).

Sometimes the councils preferred to incorporate old commons in the burgh "Property", by roup'ing it yearly. At Edinburgh, the "girs" or pasture of Greyfriars yard and Trinity College yards, at Lanark, the grass of the Castle Hill and some old "wyndis" or lanes (3) "all togidder with the burn edge", were treated in this way (4). Longer leases, too, were often given. In 1461, the Bailies of Peebles let Homyldoun common to Thomas Hay for five years, at 5 merks per year, with £2 of foremail at his entry; "and the nychtburris of Pebillis sal haf fredom for al the said termys to cast turris and pwl hedder, wyn thaim led thaim and goueran thaim rycht as thai did or he was tenand" (5). In 1642, part of Banff commonty was let to four burgesses for three years, for an annual rent

(1) Lanark Recs., 120. (2) *Ib.*, 113.

(3) Wynds would be let because of the odd strips of land for crops along the sides.

(4) Edinburgh Recs., IV, 506. Lanark Recs., 114, 185.

(5) Peebles Charters, etc., I, 138-9. *Cf. ib.*, 177.

of £20; they promised not to dig or carry away sods (1). In 1700, at Lanark, the lands called Muirside, Muirscroft and Standalane were let for 5 years, at 50 merks (£33, 6s. 8d.) annually (2). In 1469/70, there were three 19 years' leases of common lands at Peebles, the subjects being the Common Struther, Dawlothe and the old mill-dam steading, and the rents 35s., 10s., and 12d. respectively; but in all three cases the first five years' rents were payable in advance to the brig-work (3). Edinburgh was the scene of a still longer lease in 1566, when some lands were let as salt-pans to three Englishmen, for 50 years, or rather for three periods of 19, 19, and 12 years (4).

The 19 years' leases at Peebles in 1469/70 were actually foremails as regards the first five years. At the same time (July 31, 1469), the Bailies let the Common Haugh to four burgesses for "a certane som of vsual mone of Scotland to us thankfully beforhand payit" in full discharge of rents for the whole period of the lease -- 19 years (5). The burgh must have been in sore need of funds. In 1522, 8 years' tacks were granted to the tenants of the Stirling Burgh-muir and

(1) Annals of Banff, I, 87.

(2) Lanark Recs., 264.

(3) Peebles Charters, etc., I, 160-1.

(4) Edinburgh Recs., III, 231.

(5) Peebles Charters, etc., I, 159. Cf. *ib.*, 135.

South Acres, in return for a payment of foremails of £93 in all: but the Deacons protested that thereafter leases of common lands be granted for periods of not more than five years (1). In 1604, however, the Brighaugh grass was foremailed for at least 300 merks (2).

A wadset, or sale upon reversion, was a more desperate resource than foremails, since all interim rents were forfeited until the redemption could be effected. In 1520, the Edinburgh Council required money to refund the sum of 4,000 francs disbursed in the town's name by four merchants in an attempt to obtain a reduction of the French customs. 3,000 francs were raised by loan, and the Council decided that the eight over-booths on the north side of the Tolbooth "be laid in wadsett vpoun the sowme of ix^c and iij^{xx} frankis vnder ane reversion and to be redemit within yeir and day efter this nixt terme of Witsounday"; eight burgesses took the wadset (3). The booths of the capital seem to have been considered suitable for wadsetting. On Feb. 28, 1528/9, the Treasurer was ordered to pay sums of £60 and £50 for the redemption of two booths held "in wadsett of the guid towne", and to receive "all lettres and euidents maid to thame thairvpoun" (4).

(1) Stirling Recs., I, 15. (2) Ib., 109.

(3) Edinburgh Recs., I, 194-7.

(4) Ib., II, 4.

In 1536, four booths had to be foremailed for seven years to redeem the wadset of other three (1),-- the substitution of the lesser for the greater of two evils. In 1539, again, funds were required for repairs to the Netherbow. "It is knawin and vnderstand to thame that thair is na vther commoun gude nor better way till de the samyn, and thairfor the said preuest baillies and counsale consenttis to the said alienatioun and wedsetting, and granttis thair infetment thairto vnder thair commoun seill in dew forme, with clause of warrandice as efferis" (2). In the following August, "for:samekle of the Netherbow as is vnanaliit of befoir" was wadset to Treasurer Graham to reimburse him for his expenses in building it (3).

A sale outright of burgh lands was, however, very unusual. In 1689, heavily in debt, Lanark got rid of four half-acres for 200, 202, 207 $\frac{1}{2}$ and 225 merks respectively (4), but this is the exception that proves the rule. The apologetic tone of an Edinburgh minute of March 18, 1583/4, is significant: at the request of the laird of Merchiston, a good friend to the town, the Council had sold him, for 50 merks, "a littill peice waist and vnpreffitable rowm" lying next his own lands and desired by him only to round them off "in just pro-

(1) Edinburgh Recs., II, 74. (2) Ib., 93-4.

(3) Ib., 95. (4) Lanark Recs., 232.

:portioun of the four nuiks thairof" (1).

The breaking up of the commons was not allowed to proceed without criticism. It is not to be denied that feuing implied some serious disadvantages, and the opposition was occasionally effective in preventing or checking the process. In 1551 there were alienations of lands and fishings at Aberdeen for a lump-sum composition and an annual quit-rent; this involved, not only the substitution of a fixed and inadequate rent for an increasingly valuable revenue, but also the setting up of new interests often opposed to burgh improvements: thus, the feuars of the nets and cobles would be indifferent to harbour-repairs (2). Such considerations carried weight in some quarters at least, and the Council-board itself was the scene of many a disagreement.

On June 21, 1576, following a petition by the deacons, the Glasgow Council decided that as much of the common muirs as could be spared had already been cut up, the remainder barely sufficing "for halding of thair guddis and furnesing feuall", and that no more be feued out either by themselves or their successors (3). Notwithstanding this act, the Council determined, on Oct. 31, 1588, to feu such other commons as might best be spared. The reason minuted was the old one

(1) Edinburgh Recs., IV, 329.

(2) Cf. Kennedy, Annals of Aberdeen, I, 145-6.

(3) Glasgow Recs., I, 50-2.

of a depleted treasury and heavy expenditure. The Council, with the deacons, other craftsmen, fishermen, mealmakers and maltmen, were authorised to visit the commons and decide which should be divided out (1). As a result, Milldamhead, Peatbog, Dassiegreen, the Mealmarket and Greenhead were feued at 6s. 8d. per acre, the entry-silver being made the subject of a roup (2).

In 1600, a further step was meditated,-- still another part of the commons "salbe reivin furth and put to proffeit of the toune and commone weill saiffand and reservand quarrell, coill, lymestane, and mes". This was decided, because neighbours had been encroaching on the commons, the town had to pay "greit soumes that lvis upoun their commoun landis", cattle were constantly trampling down the grain, and, in any case, holders of land in the immediate vicinity to the commons were acquiring de facto rights of exclusive pasturage thereon (3). The crafts, however, who had to be consulted on the proposal, would not countenance any further feuing, "conforme to ane acte sett done in my lord Boyde's tyme", and that settled the matter (4). Glasgow craftsmen seem to have had some special interest in preserving the commons.

(1) Glasgow Recs., I, 120-1. (2) Ib., 124-5.

(3) Ib., 205. (4) Ib., 206.

In this abortive attempt to enclose more commons, the burgesses' rights to quarry, coal, limestone and moss were to be safeguarded. Burgh councils, even in their most autocratic mood (1), did not dare to interfere with long-enjoyed rights of user. In 1562, James Leslie, a burghess of Aberdeen, requested the lease of a certain piece of waste land within the freedom, for such duty as should be determined, in order to build a barn and yard. The Council decided to pass to the ground, along with any other burgesses who cared to go, and consider whether the feuing would prejudice the neighbours, "other in casting of fewall or pasturing of guidis" (2). Another example may be cited from a border burgh. Up till 1678, Selkirk Common had been a sort of "no man's land", in which rights were claimed by the burgh, the Earl of Roxburgh and other neighbouring landlords. By a decree arbitral of 1678, confirmed by Parliament in 1681, it was split up between the town and the other heritors. On the lands allocated to the lairds, reservation was made in favour of the burgesses of Selkirk to win and cast peats in the moss of Ladywood Edge, and to have "free ishe and entrie" up and

(1) And, after all, decisions to feu were generally arrived at in an open manner, often with the consent of "the community", and on account of a real deficiency in the town's revenues.

(2) Aberdeen Recs., I, 341.

down Holmside and Philipburn, to take turf, heather and other fuel, but not to pasture there (1).

As a further check on excessive feuing, the Convention frowned on any irregular practices affecting the common lands,-- just as it promoted efforts for their improvement and preservation. In 1589, the burgh councils were ordered to carry out an annual perambulation of the marches, "sua thatt they be nechtt preiugitt be eny persoun thairin" (2). All burghs were expected to assist one another at law when one of their number was oppressed by neighbours lifting the marches and appropriating commons (3). The other side of the Convention's activities is shown in the act of 1594, laying down a graduated scale of Common Good leases, declaring that lands "alreddy mannret" or let under bond might be let for five years, and insisting that only waste lands be leased for as long as the council wished (4). Following on this act, Inverkeithing was fined and ordered to revise some of the leases of her common lands, which had been set "far within the value" (5).

(1) A.P.S., VIII, 419-28; esp. 423a, 425b. Craig-Brown, Hist. of Selkirkshire, II, 69-71.

(2) Recs. Conv. R. B., I, 304.

(3) Ib., 340.

(4) Ib., 432. Supra, 97.

(5) Ib., 445, 494-5.

CHAPTER V -- ALTARAGES AND CHAPLAINRIES.

The endowments of the pre-Reformation Church have already been mentioned as constituting an important burgh revenue in later times. Long before 1560, every burgh had its parish church, often dedicated to a special patron saint (1), within which were altars under the charge of chaplains supported by endowed funds. In the Abbey Church of Dunfermline were the Rood altar, and altars to Our Lady of Pity, and Sts. John, Ursula, Andrew, Peter, Benedict, Cuthbert, Michael, Mary Magdalene, Stephen, Katherine and Margaret (2). Stirling had altars dedicated to the Holy Rood, the Holy Blood, and ten patron saints (3). The parish church of Peebles, a collegiate foundation called St. Andrew's Church, was served by a provost and twelve prebendaries, who officiated at twelve altars (4). The strong hold of the

(1) Thus the church of Dumfries was dedicated to St. Michael, who also figures in the town's arms. MacDowall, Hist. of Dumfries, 146.

(2) Eeles, in Burgh Recs. of Dunfermline, xxxviii-xl.

(3) Stirling Recs., I, Index, sub voc.

Altars. (4) Peebles Charters, etc., I, liv.

Church on the affections or superstition of a devout but unlearned people was reflected in its disproportionate share of the wealth of the nation.

The burgh altarages owed their foundation to the piety of past ages. A few examples, drawn from Glasgow and Peebles records, will suffice to show the manner in which they came into existence. In Feb., 1444/5, an indenture was drawn up between the Bailies and community of Peebles, on the one hand, and the priests of Lynton and Selkirk Regis, on the other. The burgesses were constituted "keparis vphaldaris and verray lauchfull tutowrys of the landis annuale-rentis and possessiownys and al hale anowrnmentis, quhat euir thai be, that the said Sir Wilyham and Sir Wilyham has gefyn or sal gefe to the altar of Saynt Michaele within Saynt Androis Kyrk of Peblis, to the service of a chapellane thar perpetually to say mes efter the valow of the rentis and the possessiownys gefyn tharto . . ." The Bailies promised to maintain the Church gear, books, vestments, chalice and rents now mortified. The chaplain, who must be an indweller, was to be appointed yearly by the burgesses assembled in the Pasch Head-Court (1).

A commoner form is that of the foundation charter of a chaplainry at the new altar of St. Kentigern in

(1) Peebles Charters, etc., I, 11.

Glasgow Cathedral Church by Walter Stuart of Arthurlie in 1460,-- Nouerit vniuersitas vestra me. . . . vnam nouam capellaniam perpetuam censibus et redditibus infrascriptis per me dotatam, de nouo fundasse, constituuisse et ordinasse ac fundari, creari, erigi et ordinari fecisse . . ." Stuart gave and granted certain specified rents in pure and perpetual alms, for the upkeep of the altar and its chaplain. The patronage was reserved to his heirs-male, and, failing them, to the bailies and community of Glasgow. An obit and a requiem were ordered for Stewart's soul after death (1). In 1473, the burgh of Peebles gifted 12 merks of annual rent to a new chaplainry at the altar of St. John the Baptist, reserving the patronage (2). In 1487, William Stewart, a canon of Glasgow, founded a private chantry at the high altar of the Dominican Church, mortifying 50s. of annualrent, 10s. for repairs, 40s. for distribution among the friars. The rector and regents of Glasgow Arts College, and the provost and bailies of the burgh were to be ^rconsequatores capellanie, with disciplinary powers over the friars (3). In 1517, William Alan, burgess of Peebles, made the bailies and burgesses patrons of an altarage to be founded by him in the

(1) Glasgow Charters, I, pt. ii, 45-52.

(2) Peebles Charters, etc., I, 21-4.

(3) Glasgow Charters, I, pt. ii, 72-7.

parish church, and gave £200 for the purchase of lands and rents for its upkeep (1).

The Peebles gift of 1473 shows that the burghs themselves sometimes acted as founders, but the role was much more frequently sustained by pious individuals. Again, in the grant of 1473, the mortification was to be drawn indiscriminately from the burgh rents, but it was commoner to annex to the altarage a definite group of rents. The sum of £2, 10s., required for the chantry mentioned above, was made up as follows:--

From the tenement of David Spere, in the High Gate,	18s.
From that of John Hynde, in the Trongate,	12s.
From the tenement and garden of John Leiche, fisherman, in the Brig Gate,	4s.
From the tenement and 2 roods of land of Humphrey Macnair, at Muthill's Croft, lying between Trongate and Glasgow Green,	10s.
From Walter Rankyn's 5 roods of meadow, at Pallioun Croft, beyond the West-port,	6s.
Total,	£2, 10s.(2)

The rental of "the Rud and our Lady lich(t) siluir", at Dunfermline (1495/6), reads as follows:--

David Couper's Land below the Tolbooth must either "vphald the littil herss of vax", or pay	7s.
From 2 acres at the east end of the town, on the south side of the causeway,	2s. 6d.
From the "Braid Yard",	1s.
From Gilbert Cuthbert's land at the east end of the Nethertown,	1s.

(1) Peebles Charters, etc., I, 43-5.

(2) Glasgow Charters, I, pt. i, 75-6. See also Clue Map at end of Murray, Early Burgh Organisation.

From John Black's land in Newraw, 3s.
 From John Kellok's cow ("Johne Duncan in
 the Mony Rodis souerte tharto"), $\frac{1}{2}$ lb. wax.

14s. 6d. and $\frac{1}{2}$ lb. wax (1).

This is not an altarage proper, but something very similar,-- a list of rents for the upkeep of altar-lights. Payments to altarages were frequently made in candle or wax, since much of the expense of maintaining a chaplainry was due to the lighting required. The Stirling rental of 1652 gives some details about the then altarage annuals:--

I. Annuals of the Rood altar (unspecified),
 £5, 3s. 4d.

II. St. Lawrence's altar (St. Lawrence's croft, £4, 2s. Booths, £3, £2, and £1, 16s. Baxter's close and houses there, 5s. The house next Lawrie's turnpike, 5s. James Easson's house and yard, 10s. House and yard in Friar Wynd, £2. Property at the foot of the Bakraw, 5s. St. Marnock's chapel and yard at the brig, £2. 2 acres of land, 10s. each, £1. Waste land at the Easter Craigs, 3s.), £17, 6s.

III and IV. Ground-annuals of St. James' and St. Thomas' altars (Lands at the brig of Stirling, £2, 18s. Land and yard at Craig's close, £1, 14s. Crofts at the burgh-mill, 1s. 6d. and 10s. 8d. Tenement at the head of Mary Wynd, 5s. 6d. Land in Baxter Wynd, 14s. Land at Brandiswell, 10s. Land "doun from the Dall wall", 6s. 8d. 14 other "lands", distinguished from each other only by the name of the original owner, £2, 6s. 8d., 16s., 13s. 4d., 10s., 10s., 9s., 8s., 8s., 6s. 8d., 6s., 5s., 5s., 2s., and 2s., in all, £7, 7s. 8d.), £14, 8s.

Total of the four altars, £36, 17s. 4d. (2).

The nomination to chaplainries, and the supervision

(1) Dunfermline Recs., fol. (65).

(2) Stirling Recs., I, 298-300.

of the work performed, were almost invariably vested in the burgh council. In the Peebles indenture of 1444/5, the bailies and burgesses, on their part, accepted the patronage, promised to make yearly appointments, and to give the post only to indwellers. In 1514, when Provost Schaw of Glasgow erected a chaplainry at St. Christopher's altar, he reserved its disposal to himself quoad vixero; thereafter it was to go to the burgh. Only the son of a Glasgow burgess was eligible, and absence without cause for over 30 days was punishable by deprivation (1). The same line was followed by Sir Patrick Stenhouse of Peebles in 1520/1, when he founded the chaplainry of Sts. Peter and Paul (2). Sometimes separate charters were employed to convey the patronage of an altarage already founded or to be founded. In 1473, James of Tweedie and five colleagues resigned in the burgh's favour the right to appoint the chaplain of St. John's altar, since the community bore most of the expense of its upkeep (3). An instrument of May 1, 1529, bore that Master James Houston, sub-dean of Glasgow Cathedral, named the provost, bailies and burgesses patrons of seven altars to be founded by him in the New Church in St. Tenew's Wynd (Trongate), and only reserved the patronage for his own life-time (4).

(1) Glasgow Charters, I, pt. ii, 101-5.

(2) Peebles Charters, I, 50. (3) Ib., 20-1.

(4) Glasgow Charters, I, pt. ii, 107-9.

The burgh councils lost no opportunity of using their powers over the chaplains, insisting on the required qualifications and the performance of the stipulated duties. At Peebles, no chaplain was presented unless he could "syng playn syng at the leste" (1). At Lanark, in 1553, defaulting chaplains were pursued at law for the maintenance of the services laid down in the foundation charter (2). Deprivation was followed by a new election. In Aug., 1532, in accordance with a judgment delivered by the Peebles bailies, Sir John Ker was appointed to St. Mary's altar, non obstante intrusione domini Johannis Tuedy, capellani, in eiusmodi altari, per suos consanguineos confecta, ex eo quod dictus Johannes Tuedy non inuentus erat ydoneus in cantu per maiorem partem consilii decanum et choristas dicte ecclesie. Twenty-seven years later, the Tweedies turned the tables on the Kers, for, on Ker's death, Gilbert Tuedy was appointed to serve at St. Mary's altar (3).

Despite their endowments, altarages were not always completely self-supporting. In July, 1482, the new waulk-mill of Peebles was let for 3 merks, to be paid yearly to St. John's altar (4). In 1524, two

(1) Peebles Charters, etc., I, 126.

(2) Lanark Recs., 30.

(3) Peebles Charters, etc., I, 55-6, 69-71.

(4) Ib., 191.

chaplains of Stirling got 25 merks and 6 merks respectively, in addition to their revenues; but this was a temporary measure, for, on Oct. 2, the Quest decreed that "thar sall necht be na pencion giffin to na chaplane in agmentacioun to ane alteragh for ane yeir" (1). The Council of Aberdeen even went the length of imposing a special tax on exports -- wool, hides, skins and barrel goods -- for the repair of the parish church and its altarages (2). Occasional gifts of burgh-lands, in addition to those already mortified, are recorded. In 1529, 16 acres of the Gallowmuir were conveyed in pure and perpetual alms to God, Sts. Mary and Ann, Houston and the eight chaplains recently installed in Glasgow New Church by him, 2 acres being assigned to each altarage (3). When, in 1532, a similar step was taken in Edinburgh, in favour of a chaplain of St. Roque's Kirk, the Council fought shy of the "pure and perpetual alms", granting 3 acres of the Burgh Muir, "with ane vther aiker of land to big yaird and houssis vpoun", only during their will; and the chaplains were to supply "solatis wattertiicht glaswyndois and all vther necessour thingis as efferis" (4). From the Common Good of Ayr, in 1536/37, were paid the following sums:--

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- (1) Stirling Recs., I, 23.
 - (2) Aberdeen Recs., I, 18.
 - (3) Glasgow Charters, I, pt. ii, 109-12.
 - (4) Edinburgh Recs., II, 59.

To the Blackfriars, £13, 6s. 8d., <u>plus</u>	
£2, 15s. 1d. for their Martinmas term alms,	£16, 1s. 9d.
Pensions to six chaplains, varying from £2	
to £14, 13s. 4d.; in all,	£46.
Fees of two "sangsters",	£15, 6s. 8d.
To Sir Alexander Kar, "for keping of the	
revestrie and bukis of the kirk",	£2.
Augmentation of Kar's stipend,	£1, 9s. 6d.
Augmentation of Sir Johnne Fair's stip-	
:end,	17s. 6d.
	<hr/>
Total,	£81, 15s. 5d.

This sum was a charge on a total revenue for the year of £294, 15s. 10 $\frac{1}{2}$ d., and represented over 40% of the whole expenditure (1).

Thus, over and above those founded directly by the burghs, the altarages were sometimes a charge rather than an asset. But much the greater part of their funds was provided by private gifts and bequests, and this is why they are included among the burgh revenues. A further reason appears when we consider the part played by the burgh chaplains in the everyday life of the burghesses. They not only ministered to the religious needs of the townsfolk; the education of the youth of the country was also entrusted to the Church, and in this connection the burgh chaplains played an important part. One case will serve to show the attention paid to this side of their activities. In 1476, when Sir Lawrence Johnson, a schoolmaster, was appointed to

(1) MS. Ayr Acets., fol. 13b. Infra, App. B.

St. John's altar at Peebles, it was decreed that, for the future, that particular service be given to the ablest chaplain in town, "at hes mast knowlage to be sculmaster and to tech barnis" (1). Again, poor relief was regarded as a matter for the Church rather than the State, and was often administered through the chaplains. In 1462, certain lands were set aside for an alms-house at Peebles, and the chaplain of Our Lady altar was to be perpetual "tuteur and oursear of the sayd almushous" (2). Now, after the Reformation, ministers, schoolmasters and hospitals accounted for very large portions of the local revenues, and, from this point of view, the altarages, generally endowed by outside persons, saved the burghs much expenditure.

Under the Presbyterian regime, the altarages were, for the most part, transformed into direct municipal revenues. An Act of the Privy Council, dated Feb. 15, 1561/2, annexed the thirds of benefices to the Crown, and stated, in vague terms, that the annuals, mails and duties pertaining to altarages, chaplainries, prebendaries and friars' lands should be uplifted by the Queen's nominees and expended on "hospitaliteis, scolis, and utheris godlie usis". Further, the Council, realising the convenience of friars' lands and religious

(1) Peebles Charters, etc., I, 180-1.

(2) Id., 146-7.

buildings for these purposes, directed the corporations of Aberdeen, Elgin, Inverness, Glasgow and such like places to preserve intact all "freris places and to use the samyn to the commone weill and service of the saidis townis" (1). On Jan. 10, 1566/7, the Privy Council appointed a commission to convene burgh representatives and assess local taxes for the support of the ministry. For the relief of the burghs, the Queen granted all altarage-annuals, chaplainries and obits to the burghs in which they lay, as they fell vacant. Any surplus, not required for ministers' stipends, was to be distributed, with the advice of the ministers and elders, to hospitals and the poor (2).

Neither of these acts effected a complete or immediate revolution. Life-interests in the chaplainries were explicitly reserved. A tenement annexed to St. James' altar in St. Giles' Church, Edinburgh, was let in March, 1567/8, for a yearly feu-duty of 12 merks, payable to the chaplain during his lifetime, and thereafter to the Trinity College Hospital (3). Sometimes chaplainries were re-granted to students or young clergymen, though they, of course, had to conform to the "new order" (4). Sooner or later, however, the

(1) Priv. Counc. Reg., I, 202. (2) *Ib.*, 497-8.

(3) Edinburgh Recs., III, 245. Cf. *ib.*, 247.

(4) *e.g.*, Peebles Charters, etc., I, 73-4.

work of dovetailing the relics of Catholic finances into a Presbyterian Scotland was carried out all over the country. Indeed, a start was made in many places in the years following immediately on the overthrow of the Church of Rome. In 1561, the Council of Stirling was turning the old Church "gear" to mundane uses, rousing the chalices belonging to the altars, and expending the profits on causeway-mending (1). But in most burghs the original purposes of the gift, as expounded by the Privy Council, were closely followed, and nowhere to a greater extent than at Edinburgh.

The first step was the withholding of payments to the priests,-- "becaus thair hawe nocht awatit vpon thair devyne service", as now interpreted. The Treasurer would not receive consideration for any pensions paid to chaplains, and heritors of burgh lands were advised to withhold their annuals, "quhill generall ordour be tane thairanent" (2). During the summer the Council got to work on the utilisation of Church property and revenues. The old "College Kirk" of St. Giles was first altered, extended and repaired, so as to serve as a new tolbooth, clerk's chamber, school and prison. On Aug. 1, it was decided to sell the silver-work and vestments formerly used in the church,

(1) Stirling Recs., I, 78.

(2) Edinburgh Recs., III, 62-5.

and apply the sums realised to the work of repair. For the rest of the year, the Dean of Guild continued to receive and roup robes, cloths, precious stones, the "arm of St. Giles", "capis, vestmentis and ornamentis of the kirk" (1). Though this new source of income did not cover the heavy expenses involved, it was a welcome addition to the municipal revenues.

Also in accordance with the Privy Council's instructions, it was decided to convert the Trinity Church into a hospital, and the reconstruction was carried out under the supervision of one of the bailies as Master of Work. When completed, it accommodated twelve "bedrellis", or "aigit pepill seiklie and vnabill to laubour for thair leving" (2). In 1567, too, a special "collector-general" was appointed, to uplift all duties formerly pertaining to chapels, churches, colleges, prebendaries and altarages within the burgh, and to apply them to the support of ministers, hospitals and the poor. He made yearly compt to "the prouest baillies counsall and kirk" (3).

(1) Edinburgh Recs., III, 70, 74 et seq., 85.

(2) Ib., III, 243; IV, 77.

(3) Ib., III, 241. The Collector of Annuals, as he came to be called, was an important official, responsible for large sums, employing a clerk of his own, and fencing and holding special courts, with a dempster and serjeants like other tribunals. Ib., IV, 99-100. To save expense and trouble, many of the smaller annuals were sold, in 1586, to the heritors of the lands owing them, at the rate of 20 merks per merk of annual. Ib., 452-3.

What happened at Edinburgh is a fair reflex of the processes being carried out in other royal burghs, and in some that were not royal. A royal charter of 1577 set up "Our (i.e. the King's) Foundation of the Grammar School of Paisley", an endowment for maintaining a burgh school and supporting four poor scholars at 10 merks apiece per year. To this purpose were devoted eight altarages; the "pittances", duties applied in pre-Reformation times to the augmentation of the monks' food; and "obit silver", intended to furnish commemorative services and prayers for the departed (1). At Irvine, the annuals of eight chaplainries, together with 6 bolls of multure-malt formerly uplifted by the Carmelite friars from lands within the bailiwick of Cunningham, were united, by royal charter of 1572, into Fundatio nostra Scole de Irwing (2).

In 1563, five bursaries were founded at Glasgow College by Queen Mary, who ordered her Comptroller to see that the Master of the College be answered of certain mails and ferme-meal formerly paid to the Friars-Preachers and others (3). In March, 1566/7, two months after the general act of the Privy Council, a royal charter conveyed to the magistrates and council of

(1) Paisley Charters, etc., 129-37.

(2) Muniments of Irvine, I, 211 et seq.

(3) Glasgow Charters, I, pt. ii, 129-31.

Glasgow all revenues formerly paid to the friars, or exigible from the city of Glasgow, and formed them into "Our Foundation of the Ministry and Hospitality of Glasgow". Present incumbents were to be left in undisturbed possession during their lifetime, but all alienations were forbidden (1). A precept of the Regent Murray, of June, 1568, extended the grant to include thirds of benefices and altarages annexed to the Cathedral Church (2). These revenues were in turn handed over to the University for the support of a professor of Theology, two teachers of Philosophy (Dialectics, Physics, Ethics and Politics), and twelve poor students. The student bursaries, in the gift of the Town Council, were valid for $3\frac{1}{2}$ years,-- the period required for graduation, and all must be residents and upholders of the orthodox faith (3). This grant did not exhaust the burgh's old church property, and the remainder was at the Council's disposal. In Aug., 1570, the New Church of St. Mary in the Trongate, now "dismantled and ruinous", with its cemetery and garden, was let in heritable feu-ferme to a burgess called Fleming, for the comparatively trifling sum of £5, 6s. 8d. per year (4). The teind-sheaves, on the other hand, "quhilk of old

(1) Glasgow Charters, I, pt. ii, 129-31.

(2) Ib., 137-40.

(3) Ib., 149-62.

(4) Ib., 140-5.

wint to be drawn be the bischope", but gifted to the burgh in the reign of Charles I, were roused yearly, along with the Common Good, and came to be worth no less than £800. Comprising the teinds, parsonage and vicarage, teind-duties and tack-duties of the spirituality of the Archbishopric and of four neighbouring parishes, they were specially appropriated to the support of a minister in the Hie Kirk, in place of the Archbishop (1).

At Ayr the rents of altarages and friars' lands were uplifted by the Treasurer and entered as ordinary items of the Charge. In 1613/14, they comprised:--

The Blackfriars' annuals,	£20, 12s. 4d.
Feu-duty of the Blackfriars yards,	£4, 4s. 4d.
"The coristis annuell", rents formerly devoted to the upkeep of the choristers,	£29, 19s. 1d.
Annuals of St. Nicholas and the Lady altars, "of sic tenentis as ar now in vse of payment and vpliftit",	£6, 7s. 4d.
Annuals of the Rood altar,	£13, 3s. 8d.
Total,	<hr/> £74, 6s. 9d.

Along with other burgh revenues, these annuals went to ordinary expenditure, which included the support of ministers, schools and hospitals, and so fulfilled indirectly the requirements of the Act of 1567. Thus, though small in comparison with expanding sources of income like customs or multures, the altarages and annuals were of material assistance to the burghs (2).

(1) Glasgow Charters, I, pt.ii, 415, 418-23; dlx. Glasgow Recs., I, 132, 419.

(2) MS. Ayr Accts, fol. 126a.

CHAPTER VI -- MILLS AND FISHINGS.

The special regulations enforced with regard to burgh mills necessitate their being treated apart from the burgh lands. They formed a source of revenue often equal to all others combined, and this was due to the fact that the grinding of grain was constituted a burgh monopoly, and one of the most valuable of all. Grants of regality and barony were generally made cum multuris et sequelis,-- all grain-bearing lands were "thirled" or astricted to the lord's mill, and those living in the "sucken", or thirled area, brought along all their corn, malt and bear, paying the miller his multure, as fixed by charter or local custom. Other minor duties were involved in the "knaveship" or thirlage,-- such as the obligation to "bring home the mill-stone", which was done by putting a beam through the hole and wheeling it along (1). In the case of the burghs, early charters generally conveyed the multure-rights to the

(1) Of. Innes, Scotch Legal Antiquities, 47.

community, and all burgesses were required to bring their grain to the burgh mills, the profits of which accrued to the Town Council, as trustees of the Common Good. "All burgessis within this burgh hes evir bene, ar, and sould be, thyr lit to the commoun mylnis, grynd thair quheit, malt and vther cornys at the samyn, pay thair gyrst and multer to the fermariris or thesaurer of the gude toun for the tyme, vnder the pane of tyns-:ale of thair fredomes" (1). In this way, the burghs acquired the right of thirlage, originally a prerogative of the Crown enforced by the central authority. In early times, the King's power was exercised through the Chamberlain, who ascertained whether the burgesses did their duty to the mill, whether there were the proper number of millers, and if they took salmon from the mill-pond (2). The Modus Procedendi gives six points for inquiry:--

(1) That the miller's servants are not too numerous.

(2) Whether each man has his grain ground in turn.

(3) If the millers defraud the burgesses by having a greater space between the mill-stones "than law vald".

(4) Whether they "tak smoltis in the myll stank again the inhibicioun of law".

(5) If they keep one measure for receiving grain and one for giving it.

(6) That they do not exact excessive dues (3).

(1) Edinburgh Recs., IV, 48.

(2) Art. Inq. in Itin. Cam., A.P.S., I, 682.

(3) Mod. Proc. in Itin. Cam., A.P.S., I, 698.

The result of all this careful attention on the part of the Crown was seen in later days, when the burghs had got the control of the "royalty",-- King's mails, fines, petty customs, mills and fishings. Milling rights were increasingly valuable, since all lands became part of theucken as soon as they were cultivated. Thus, the feuars of the Burgh-muir of Edinburgh had to grind malt at the common mills to the annual value of £5, "the saidis persones being alwayes bundin and thirlit to the saidis commoun mylnis and to grynd all thair malt and cornys thairat" (1). In the case of the few burghs which had no common mills, the charters of erection, incorporating some such phrase as cum multuris et sequelis, or molendinis, multuris et eorum sequelis, expressed a latent right, which the council might enforce as soon as mills were acquired (2). The reverse process, of cancelling a knaveship, must be very rare, but it was done, at least, at Glasgow in 1581, owing to the utter inadequacy of the town's mills for all the grinding that had to be done; for the future, "it sall necht be lesum to thame to thirle free men and burgessis of this toun present and heirefter to be maid na maner of way for the hurt of thair commone weill and libertie" (3).

(1) Edinburgh Recs., II, 82-3.

(2) Stirling Recs., I, 204, 211.

(3) Glasgow Recs., I, 85-8.

Rates of multure varied from burgh to burgh. Already, in the reign of William the Lion, at least five different rates were recognised as being legal,-- "the xiiij fat", or thirteenth vat (vas), exacted from "a carl or a malar of service land"; the sixteenth, twentieth or thirtieth vat, from a freeman, "after as he is infeft"; and a special rate, the nineteenth, apparently taken from a tacksman holding by short lease on the conclusion of his lease (1). The Statuta Gilde forbade the use of hand-mills except when rendered necessary by stress of weather or lack of common mills, and even then the thirteenth vas was payable as multure; anyone using a hand-mill in any other way was deprived of it, and forced to grind his grain at the common mill and pay the twenty-fourth vat (2). The multure-dues were fixed by local custom, which was interpreted in cases of doubt by the burgh councils,-- "till eschew and ceis murmure and discord", the Edinburgh Council decreed, in 1532, that all burgesses should give "for ilk thre bollis of malt groundin ane pek of multer malt to the gude toune or fyrmouris of the samyn, with vther dewiteis to the myllaris as vse and wont hes bene in tymes bigane" (3). The farmers of the mills must keep "ane just pect

(1) Assise Reg. Will., cap. xxxv, A.P.S., I, 381-2.

(2) Statuta Gilde, cap. xxii, A.P.S., I, 435.

(3) Edinburgh Recs., II, 59.

brunt and selit" (1). Aberdeen burgesses gave the 24th peck as multure, plus the 96th as knaveship ("ane peck of knaschip of ilk vj bollis of malt") (2). At Dumfries the rate was the 20th,-- half-a-peck for each 10 pecks ground (3). Irvine, again, had quite a different rate, the "tuentie-fyft veschell" (4).

Severe penalties were attached to any evasion of the multure-laws. Any wheat or malt that "went by" the Edinburgh mills was escheated to the farmers (5). A burgess of Peebles found taking corn to another mill had to pay the tacksman the proper multure on oath (6). At Dundee, a fine of £20 was imposed on anyone attempting to evade the multures (7). If the miller of Lanark apprehended a delinquent "rid hand", he received one-half of the malt, and the town the other half; if, however, the offence was proved later, one-third went to the miller, two-thirds to the burgh (8). In 1645, the Dumfries Town Council decreed that the fine for defrauding the mills should be 5 merks, plus double multure to the tacksman (9). The need for such laws shows that

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- (1) Edinburgh Recs., II, 59.
 - (2) Aberdeen Recs., I, 161.
 - (3) MacDowall, Hist. of Dumfries, 371n.
 - (4) Muniments of Irvine, II, 79-86.
 - (5) Edinburgh Recs., II, 87.
 - (6) Peebles Charters, etc., I, 302.
 - (7) Warden, Burgh Laws, 53.
 - (8) Lanark Recs., 182.
 - (9) MacDowall, Hist. of Dumfries, 371.

many efforts must have been made to evade the duties. Further, the great number of old querns and hand-mills surviving to this day implies a considerable volume of contraband trade (1). Still, the universal acceptance of the monopolist principle, the general conviction that all lands should be within a sucken, kept the independent, "adventure" miller from openly entering the lists: free competition was unthinkable.

With the mills, as with the rest of the Common Good, the question of direct administration or annual roup was ever present. The first alternative was occasionally adopted, but the other was much commoner. In 1555, two Peebles councillors were deputed to collect the multure-malt,-- "ay as it is getting in" -- and hand it over to the Treasurer. For the year 1554/5, the multures realised £116, 4s. 9d., whereas the two mills, when let, were rented for £106, 13s. 4d. (2), so that the additional profit was less than £10,-- a slender enough inducement to continue the process.

At St. Andrews, during the period of the earliest accounts, a compromise between the two methods seems to have been adopted. Disregarding the years 1611/12 and 1612/13, for which the evidence is incomplete and inconclusive, the last seven years' records show that

(1) Cf. Maxwell, Hist. of Dumfries, 238.

(2) Peebles Charters, etc., I, 203, 211, 220.

the approximate yield of the mills in multure-malt was calculated beforehand and sold by quarterly roup to the man who gave the highest bid for the price per boll. This successful bidder takes the place of the tacksman, the speculation affording him a double chance of gain,-- a better yield of malt than was expected, and a better price for the boll than he had offered. In 1618/19, three roups are mentioned, on Nov. 8, Feb. 12, and May 28, the respective amounts being 7, 10 and 10 chalders; in the following year, the malt was roup'd in three equal portions of 7 chalders each. From 1621/2 onwards, four quarterly roups were held, the yield for each being calculated as follows:--

	<u>Mart.</u>	<u>Cand.</u>	<u>Rood-day</u>	<u>Lammas</u>	<u>Total</u>
1621/2	7c.	6c.	7c.	6c.	26c.
1622/3	5c.12b.	5c.12b.	5c.12b.	5c.12b.	23c.
1624/5	4c.5b.2f:	4c.5b.2f:	4c.5b.2f:	4c.5b.2f:	17c.6b.
1625/6	4c.4b.2f:	4c.4b.	4c.4b.3f.	4c.4b.	17c.1b.2f.
1626/7	4c.4b.	4c.4b.	4c.4b.	4c.5b.	17c.1b.

Prices varied widely,-- from £5, 9s. to £10 per boll,-- so that, by this method, the Council was able to participate in the high profits of a season of scarcity. Once, indeed, during the Candlemas term of 1619, when the prices suggest a dearth, the whole quarter's yield was not roup'd at once, but split up into three lots, 20 bolls selling for £10 per boll, 19 bolls for £9, 10s., and 57 bolls for £9. Despite the wording of

the entry in the accounts,-- "the compter oneris himself with the pryces of thriescoir aucht bollis multisur malt roupit and sauld to James Watsone for v li. ix s. ilk boll, to be vpliftit betuix Halhallowmes 1626 and Candelmes 1627"-- it seems tolerably certain, from what we know of municipal finance, that the surplus of the actual malt received over the official forecast would go to the bidder (1). Again St. Andrews is to be congratulated on having made the most of its revenues, for the quarterly roup not only allowed the Council a greater share of rising prices than would an annual one,-- it was also, with its double chance of profit, a more attractive speculation for investors than was the ordinary type of roup. (2).

Most burghs, however, preferred to let the common mills either annually or for a number of years. With mills, mill-lands and fishings, 3-years' leases were authorised by Convention, but longer leases were quite common,-- in 1461, the Peebles mills were let to Andro Mylner for his life-time, for 26 merks annually for the first three years, and 20 merks thereafter (3); in 1476, Robert Miller got them for seven years, for 45 merks yearly (4). When the mill-dam was flooded,

(1) The accounts make no mention of any such surplus revenue accruing to the Treasurer.

(2) See MS. St. Andrews Accts., Charge side, passim.

(3) Peebles Charters, etc., I, 139-41.

(4) Ib., 176.

the whole town was expected to assist in the work of repair (1). The common kiln was let in heritable feu-ferme for 3s. per year, the tacksman only promising to give the neighbours good service in "the drying of thar cornes, kepand euir ilk man his rowme", and taking the customary dryster's fee,-- 6d. per kilnful, and his dinner (2). In 1566, a 5-years' lease of the mills was given, but at a much higher reddendo,-- 180 merks (3).

Convention's ruling of short leases for the mills was treated with more respect by the other burghs,-- natural prudence, of course, demanded it. At Edinburgh, a departure from the annual tack was made only in exceptional circumstances,-- when the mill-houses were to be extended and repaired (4), or when the city had unusually heavy liabilities to meet (5). Annual tacks of the Stirling mills were given "for payment weiklie of foure bollis thre firlores multour malt": in 1661, and again in 1664, 3-years' leases were adopted, but still with the weekly rent in malt (6). At Ayr, the mill of Alloway, belonging to the burgh, brought in, in pre-Reformation times, £40 per year, which seems to argue some fixity of tenure (7). The fermes of the

(1) Peebles Charters, etc., I, 191.

(2) Ib., 191-2. (3) Ib., 302.

(4) Edinburgh Recs., I, 22-3. (5) Ib., III, 129.

(6) Stirling Recs., I, 229, 308 n.3.

(7) MS. Ayr Accts., fol. 12b, 18a, 24a, 26b. Infra, App. B.

common mills were sometimes payable in money: in 1594/95, they were 200 merks, in 1595/96, 250 merks, while in 1576, the mills had been foremailed for four years, for a lump-sum of £302, 10s. (1). Oftener, however, the ferme was paid in kind,-- in 1613/14, "the fermes of the milnis of this burch ovir and nethir" amounted to "lxxx bollis victuall half maill half malt with ane boll of beir for the ferme of the townis aiker at the ovir miln" (2). One-half of this quantity of grain was handed over to the minister in part-payment of his stipend, and the other sold for the current prices. In 1596/97, with the boll standing at no less than £16, the Treasurer received £400 for 25 bolls (3), amply justifying both this method of exacting rent, and the Convention's prohibition of long leases of mills.

The relative value of multures and land may be illustrated from the Ayr accounts of 1613/14. The territory of Alloway belonged to the burgh and supplied four different items of common revenue:--

The "baronie maill . . . in siluir",	£33, 6s. 8d.
Ferme-bear (28 bolls, 2 firlots, 1 peck, 2 lippies), at 10 merks per boll,	£190, 12s. 6d.
Dry multures of Alloway, "payit be the tennentis",	£146, 13s. 4d.
Mail of the corn-mill of Alloway,	£26, 13s. 4d.(4)

(1) MS. Ayr Accts., fol. 63a, 87a, 89a.
 (2) Ib., fol. 113ab. (3) Ib., fol. 90b, 126a.
 (4) Ib., fol. 126a.

The barony was being feued to the tenants for a rent in kind, at the rate of one boll of bear per merkland,-- silver-mail was due only from lands "as zit nocht sett to ferme" (1). Thus, for 1613/14, the total land-rent of the barony was £223, 19s. 2d., while the multures and tack-duty of the mill yielded £173, 6s. 8d; that is to say, the monopoly of milling was worth over 77% of the land-value, even when realised in the most economic manner possible, with rents in kind.

A parallel, though less important, revenue arose out of the burghs' monopoly of the fishing-rights in nearby rivers and streams. Fishings (piscaria), like multures, were Crown rights, often expressly conveyed to the burghs by their charters of erection. If they were of little value, the burgh might allow this potential source of revenue to lie dormant, but the rights continued and were ready for use as occasion arose, unless expressly granted to other heritors. They were sometimes shared between the burgh and such other heritors. Robert III's charter of feu-ferme to Dumfries (1396) conveyed to the burgesses the royal fishings of the water of Nith, except those granted by his predecessors to the Friars Minorites of Dumfries (2). Again, it was open to the burgh councils either

(1) MS. Ayr Accts., fol. 113a.

(2) MacDowall, Hist. of Dumfries, 140-1.

to collect directly or to sub-let: they might supervise the work of paid fishermen and dispose of the fish as they were caught, or lease the fishing-rights to tacks-men. A fishing was often split up into so many "nets", and the net treated as the unit for leasing.

Banff's charter of feu-ferme (1372) confirmed all the burgh's privileges, cum croiis et piscariis aque de Duverne (1). A bend of man-rent concluded with Sir James Ogilvy of Deskford in 1471/2 shows how the fishings were put to profitable use. Ogilvy was obliged to maintain the burgh's liberties, especially those of the Deveron fishings, and to recover or make good any spoliations or illegal catches. In return, the Council let to him three nets of the "King's Water" fishing for nineteen years, for an annual rent of £6 (2). In this year, other eight nets of the King's Water, along with a third of two other fishings, the OVERRACK and "Middleshot in the sea", were let to seven burgesses for nineteen years. While Ogilvy paid only £2 per net, they had to give 10 merks for each (3). The direct administration of the fishings by the Council is recorded in the year 1549. Eight water-men were chosen to take fish on behalf of the community, not "at thair awne hand": their remuneration was 8d. per day, to be

(1) Annals of Banff, II, 375.

(2) Ib., I, 20-1.

(3) Ib., I, 21n.

paid in kind if they caught fish, in money if not (1). The example of 1472 seems to have been more often followed than was that of 1549. King's Water was split up into nets, Scurrie and the "shots in the sea" into thirds, and Overrack into eighteenthths, each of these units realising £2-- £3 per year (2). Long leases eventually gave way to feus, the Council being authorised to take this step by a royal charter of 1581 (3). The double of the feu-ferme had to be paid on fishings, as on lands, on the entry of an heir (4). During the reign of Charles I, the fishings brought in £54, 6s. 8d. per year, but, though this constituted almost one-fifth of the total revenues, the feuing of an expanding source of revenue for a money-rent was anything but a wise step (5).

The fishing of "the watter of Forcht", at Stirling, was roused every year for a rent which increased steadily for a century and a half. Worth £10 in 1519/20, they had risen to £30 by the end of the century, to £53, 6s. 8d. in 1625, £82 in 1642, £270 in 1649, and £433, 6s. 8d. in 1660 (6). Thereafter, their value depreciated,-- in 1689, they realised £300, in 1700, £154, 6s. 8d., and in 1707, only £80 (7). The water-

(1) Annals of Banff, I, 23. (2) Ib., II, 248.
 (3) Ib., II, 248, 385-8. (4) Ib., I, 59.
 (5) In 1626/27, the total revenue was £261, 5s. 4d.
 (6) Stirling Recs., I, 305-8. (7) Ib., II, 410-1.

bailies, in accordance with an assise of William the Lion and subsequent Acts of Parliament, prevented fishing "fra the saterday at evyn quhil menenday at the son be risyn" (1); at the same time, they were forbidden to curtail the permissible season, which ran from St. Andrew's Day (Nov. 30) till the Assumption of Our Lady (Aug. 15), for it was obviously unfair to the tacksmen to extend the close season beyond the statutory fifteen weeks (2).

Ayr had two separate fishings,-- Doon and Ayr. Here the unit was, not the net, but the "coble". In the early accounts (1535--1539), each individual tacksmen had to make reckoning of his share of the Common Good at the yearly compt. In 1539, Provost Hamilton, John Fallisdale and Alexander Lockhart each paid 20s. as his coble-mail, while Bailie Preston's mail for two years past (40s.) and Janet Clark's half of the Doon fishing (33s. 4d.) were entered as still owing (restat ad bonum comptum) (3). Both fishings were grouped together in 1539/40 as items of the "property", Doon fishing being worth 5 merks, and Ayr, £5 (4).

Aberdeen also had rights on two rivers, the Dee and Don. As early as 1398, the fishings were worth

(1) Assise Will. Reg., cap. x, de Aquis, A.P.S., I, 374. Act of 1424, ib., II, 7.

(2) Stirling Recs., I, 104-5.

(3) MS. Ayr Accts., fol. 20a-21a. (4) Ib., fol. 24a.

no less than £138, 6s. 11d., and in 1413, £159. There were four fishings on the Dee,-- the Rake, Midshingle, Pot and the Foords,-- each of 5-7 nets, and, on the Don, 6 half-nets and the salmon-cruives (1). Fishing by cruives -- wickerwork traps set in mid-stream, tidal places or gaps in weirs -- was considered by some to be an unfair method of taking salmon, and numerous acts were passed, ordering the destruction of all such contrivances, unless specially granted by charter or indentment (2). Brieves were sometimes issued to the sheriff, authorising him to destroy all cruives within his sheriffdom (3). On the other hand, a burgh like Aberdeen, which had long enjoyed the privilege of cruive-fishing, maintained and defended the rights of the cruive-fishers against encroachments by coble-fishers, who were not permitted to fish there: only one "generawll and commond coble" was allowed, for transporting the tacksmen, their servants and their catches (4).

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- (1) Kennedy, Annals of Aberdeen, I, 106.
 - (2) A.P.S., XII, Index, sub voc. "Cruives".
 - (3) Innes, Scotch Legal Antiquities, 236-7.
 - (4) Aberdeen Recs., I, 286-7.

CHAPTER VII -- THE PETTY CUSTOMS.

Scottish customs fall into two classes. Between them a distinction was always made, and this became very definite after the petty customs were localised, leaving only the great customs to be collected by the Crown. Magna custuma were exacted from staple wares, wherever exported: in practice, the King found it convenient to appoint customarii only in the sea-ports chiefly concerned in foreign trade,-- such as Edinburgh, Linlithgow, Haddington, Stirling, Burntisland, Kinghorn, Dysart, Pittenweem (with Crail), Cupar, Perth, Dundee, Aberdeen, Elgin (for Moray), Inverness (for Ross, Sutherland and Caithness), Dumbarton, Ayr and Irvine (1). The Exchequer Rolls show the nature and incidence of the duties. For the year 1557/58, William Kar, customar of Edinburgh, charged himself with £1,773, 0s. 9d., made up chiefly of four items, the custom on the staple goods, wool, woollen cloth, woolfells and hides. Wool

(1) Exch. Rolls, XIX, 33-9.

paid custom at the rate of 20 merks per last, cloth at 10s. per hundred pieces, woolfells 13s. 4d. per hundred, and hides at 4 merks per last. These four items yielded a revenue of £1,413, 8s. 1d., the remainder being drawn from minor duties on English goods, on fish, and on coal, tar, oil, nuts, malt, flax and such commodities. Deducting the trener's and accountant's fees and several pensions to chaplains and others, the balance of £1,631, 18s. 7d. was handed over to the Comptroller (1).

Let us compare this with the petty customs of the capital for the same year. The Treasurer charged himself with £280 for "the dewtie of the piety customes set to Johnne Weir the said yeir", and with £657, 12s. 10d. for "the dewtie of the wyld awentores, being in his awin hand the said yeir" (2). Thus, the total receipts from local customs amounted to £937, 12s. 10d., or well over half the value of the Exchequer's customs. When it is remembered that the foreign trade of Edinburgh was vastly more important than that of any other town, and that therefore the great customs should be of much more value there than anywhere else, it may appear that the terms "great" and "petty", as applied to the customs, require some explanation.

We must hark back to origins. The Assisa de Toll-

(1) Exch. Rells, XIX, 37-8.

(2) Edinburgh Old Accts., I, 231.

oneis is a list of burghal tolls, or petty customs, in use in the reign of David I; duties were exacted on wagons, horse-loads and men's packs passing through the town; on wool, hides, skin, grain, salt, bread, farm produce, cloth, woad, herring, salmon and other fish, horses, cattle, sheep and swine, wax, oil, pepper and spices, canvas, linen, thread, timber, knives, leather, onions, garlic and other goods sold in the burgh market. Similarly, the Custuma Portuum, dating to the same reign, shows that foreign vessels paid 12d. for harbourage and Scottish vessels, 4d., plus an additional duty in kind according to the nature of the cargo; fishing vessels, crears and small boats also paid for anchorage (1). Let us compare these dues with the great customs, under the few heads common to both. The King's custumar claimed 6s. 8d. from the sack of wool, 3s. 4d. on 100 fells, and 13s. 4d. on a last of hides; moreover, this rate was doubled, tripled, and finally quadrupled, in order to pay for David II's ransom (2). The burgh serjeant (in later times, the petty custumar), on the other hand, received 4d., 4d., and 8d. from these three sources. From such a direct and

(1) Ass. de Toll. and Cust. Port., A.P.S., I, 667-72. (2) Burnett, Exch. Rolls, I, Pref., xcix. Quadruple custom was retained as a permanency, and was in use in 1557/58. Supra, 166.

specific comparison, "the insignificance of the tax on imports" becomes evident (1), and Scotland might well claim to be "distinguished among the nations of Europe as the only one which laid no duty on imports" (2). But for us, comparing national and local customs and their relative value, there is another side to the question. The magna custuma were exacted only from a few staple wares; moreover, foreign trade was concentrated in a few sea-ports on the east coast, from Dunbar to Inverness, and in a handful of southwestern burghs. Petty customs, on the other hand, were drawn from all live-stock, victuals, raw materials and manufactures sold in every burgh-market, from the haven-dues of all ships arriving in sea-ports, and from all loads passing the landward "ports" or gates. Thus, though far smaller in detail than the King's customs, the parva custuma were valuable on account of their much wider incidence.

Figures amply bear out this conclusion. In 1582, the great customs were leased to the burghs for an annual rent of £4,000 and 30 tuns of Bordeaux wine. Taking the tun as worth £80 (3), the tack-rent would be £6,400,-- a fair average for the yield dur-

(1) Burnett, Exch. Rolls, Pref., I, xcvi.

(2) Maxwell, Hist. of Dumfries, 234.

(3) Cf. Recs. Conv. R. B., I, 182-3.

:ing James' reign prior to the Act of 1597/8, which introduced the principle of a national tax on foreign imports (1). The following list will give some idea of the receipts of various burghs from petty customs in the late XVI and early XVII Centuries:--

Edinburgh, 1563,	£733,	6s.	8d.	(2).
Peebles, 1572,	£55,	9s.	9d.	(3).
Glasgow, 1582,	£240,	0s.	0d.	(4).
Lanark, 1592,	£73,	6s.	8d.	(5).
Stirling, 1595,	£84,	0s.	0d.	(6).
Ayr, 1613,	£298,	14s.	0d.	(7).
St. Andrews, 1621,	£400,	0s.	0d.	(8).
Banff, 1624,	£56,	13s.	4d.	(9).
Dumbarton, 1627,	£92,	0s.	0d.	(10).

Peebles and Lanark were inland burghs, depending for their customs on market- and port-dues. Glasgow and Stirling, riverside towns, had some share of sea-going trade. The others were sea-ports (11). The list may, therefore, be taken as a fairly representative one.

(1) Exch. Rolls, XXIII, xlviii-1; 681-4. A.P.S., IV, 118.

(2) Edinburgh Old Accts., I, 454. Petty customs proper, 480 merks; wild adventures, 620 merks.

(3) Peebles Charters, etc., I, 352.

(4) Glasgow Recs., I, 94.

(5) Lanark Recs., 103.

(6) Stirling Recs., I, 305.

(7) MS. Ayr Accts., fol. 126a. Old rental of customs, £260, 2s.; part of the petty customs, held by the Clerk, £20; licences to strangers to sell goods, £16, 12s.

(8) MS. St. Andrews Accts., fol. 57b.

(9) Annals of Banff, I, 52.

(10) Dumbarton Recs., 11.

(11) Edinburgh, of course, can only be ranked as a sea-port through its port of Leith.

Nor were these nine the wealthiest of the royal burghs. In the tax-roll of 1594, Edinburgh was first, Glasgow fifth, St. Andrews sixth, Stirling and Ayr eighth equal, Lanark and Dumbarton twenty-fifth equal, Peebles thirty-second, and Banff fortieth (1). These nine typical burghs, then, drew an aggregate revenue of over £2,000 from their petty customs, and, since the royal burghs were ultimately sixty-six in number, the whole parva custuma, considered collectively, were almost certainly more valuable than the King's customs. The conclusion is that the small customs, royal in origin like the great customs (2), were feued to the burghs for an utterly inadequate return.

With regard to customs, as in many other respects, English municipal history was widely different from Scottish. The term parva custuma was occasionally applied in a loose way to local customs (3), but it cannot be used distinctively in this connection, since the name was given to the later national customs on cloth (1303 and 1347) (4). Three kinds of local customs may be noted:--

- (1) the original custuma ville.
- (2) special imposts for a special purpose: Anchor-age, Murage, etc.
- (3) early national customs assimilated to local dues: Lastage, Scavage, Cornage.

(1) Recs. Conv. R. B., I, 451-2.

(2) A.P.S., II, 4.

(3) Gras, Early Eng. Cust., 194, 199. (4) Ib., 74-5.

The origin of most of these duties is shrouded in mystery. The general custuma ville may have been "of local origin, confirmed by the crown at later dates", while the special impositions were perhaps instituted after them with the King's consent (1). "Semi-national" customs were the garbled results of premature attempts at a national customs system,-- duties imposed between the Conquest and the reign of Edward I. Lastage was due on exported goods, scavage (ostensio) on merchandise from beyond the seas, and the wine-custom (cornage) might be regarded as a local tunnage, an "item in scavage, separated from the general list". Partly owing to the practice of granting exemptions to different persons, partly on account of sub-infeudation to lords and towns, partly as a result of the rise of a real national customs system,-- the Ancient Custom on Wool (1275 and 1303), the Petty Custom on Cloth (1303 and 1347), the later Wool, Tunnage and Poundage subsidies, and the Butlerage on wine,-- the semi-national customs lost their significance from the Crown's point of view and became merged in the customs of the town (2).

The net result was that English local customs were anything but standardised,-- in some towns they were very valuable privileges, in others they were almost

(1) Gras, Early Eng. Cust., 21-7.

(2) Ib., 28-37.

non-existent. Sandwich was powerful enough to obtain redress from a lord who wrongfully subjected one of the freemen to the duties of picage and stalage,-- fines for breaking the ground and erecting a booth at a fair (1). Congleton, on the other hand, in County Chester, had no right to the customs of its fairs, until James I authorised another fair and permitted the borough to receive "toales, stalage, piccages, amerciements and all other profitts commodities aduantages and emoluments whattsoeuer exigible at that fair only" (2). As is only to be expected, London affords the extreme example of the multiplication and diversity of local dues. In 1545, a note presented to Henry VIII's commissioners on behalf of the Emperor's subjects, complained of the heavy exactions suffered by them at the hands of the Corporation of London, and reveals the existence of a very strong protective barrier against all foreigners, and subjects of Charles V in particular. Custom at the rate of one-eighth instead of one-fortieth, the King's twentieth tun of wine, and ordinary toll custom were only the beginning of the troubles. "Head-money" was due on arrival and again at departure. Merchandise must be "declared" and registered, both in bulk and piecemeal,

(1) Brit. Mus. MSS., Cott., Jul. B V, fol. 7a, Laws and Customs of Sandwich, April 1, 1300.

(2) Brit. Mus. MSS., Cott., Galba E I, fol. 88b, 89a, Charter of 1625.

at a cost of 6d. and 8d. respectively, under pain of confiscation. A Crown officer exacted a fee for sealing goods customed. Every ship returning empty paid 4s. 8d. for being searched at London, and the process was repeated at Gravesend. Merchants must enter into an obligation to spend their receipts on local wares, and this cost them other 4s. Finally, there was a host of minor duties like the old semi-national customs,-- lightage, scavage, anchorage (payable at London and Gravesend), groundage, entregelt and water-bailiage (1).

The English customs system was the outcome of the development of the State. With an ever expanding field of commerce, and ever increasing needs of the Crown, new, wider, more scientific and more productive customs were constantly imposed. The older duties, lastage, scavage, murage and anchorage, -- the very names of which take us back to old English or Norman-French times,-- had served their purpose, but were not now sufficiently productive to interest the central authorities. So they were allowed to drift away and become localised in baronial, clerical or municipal hands, along with older, originally local customs. These facts, in conjunction with the lack of definite distinctions between boroughs, townships, villages and manors, were

(1) Infra, Appendix E.

responsible for the ultimate condition of the borough customs,-- a disordered mass of duties of different origin, different scope and different value.

Scottish feudalism, on the other hand, was still a vigorous force when England was well on the way to become a "Modern State". A burgh was either royal or it was not,-- there was little in the way of a vague borderline,-- and the privileges enjoyed were distinctive and well nigh exclusive. One of the most valued of the burghal rights was the permission to trade within a defined district to the exclusion of other burghs or merchants. A "hinterland" was understood to belong to all the royal burghs, and the general charter of 1364 confirmed to them facultatem emendi ac vendendi infra libertatem suorum burgorum, forbade "poaching" on each other's preserves, and prohibited all trading within the area save with the merchants of the town concerned (1). Earlier grants to individual burghs, however, show that this charter was merely a confirmation of rights already enjoyed. The burgesses of Lanark had sole trading rights within the sheriffdom of Lanark (1285) (2), and those of Perth, Inverness, Aberdeen, Stirling, and the three head-burghs of the Lothians were in a similar posit-

(1) Recs. Conv. R. B., I, 540.

(2) Lanark Recs., 308-9.

tion as regards their respective sheriffdoms (1). Cupar's charter of feu-ferme, dated Feb. 28, 1428/9, accurately defined its trading area, which was, roughly, the county of Fife to the north of the Leven and west of a line drawn between the mouths of Leven and Eden, exclusive of the regalities of St. Andrews and Pittenweem. Cupar's share of sea-going trade was exercised through its "free port" at the mouth of the water of Motray, near Leuchars (2). The Peebles burghesses exercised merchandise, non solum infra libertatem et territorium ac jurisdictionem dicti nostri burgi sed etiam infra omnes alias partes infra integras bondas vicecomitatus nostri de Peblis tam regalitatis quam regalis (1621) (3). One firloft of oats was due from every tilled plough-land within the sheriffdom (4). In 1627, the Dumbarton Council decided to "tak vp the pettie customis throw all the pairts of the sheriffdome quhair mercattis ar", since this was the customary practice of the other burghs (5). Where there was one royal burgh to the sheriffdom, exclusive trading rights were easily worked out, and in other cases regalities and earldoms

(1) Ballard, S.H.R., XIII, 16-7. Keith, E.H.R., XXVIII, 455-6.

(2) Charters, etc. of Cupar, 6-8.

(3) Peebles Charters, etc., I, 85-6.

(4) Ib., 363.

(5) Dumbarton Recs., 17.

became the units, like the Earldom of March for Dunbar, the barony of Renfrew for Renfrew, and the baronies of Cunningham and Largs for Irvine (1). In Fife, Cupar was supreme in the district already outlined, St. Andrews over the old see, Crail around Fife Ness, Pittenweem on the Priory lands, Culross on the Abbacy, Inverkeithing and Dunfermline respectively on the royalty and regality of West Fife. Little would be left for later erections, and the Anstruthers, Kilrenny, Dysart, Kirkcaldy, Kinghorn and Burntisland must have relied almost wholly on trade and shipping and had no claim on the landward part of the county. The same would apply to small and late burghs like Annan, Lochmaben, Stranraer and others, but in one case, at least, the hinterland system was productive of much strife and wrangling,--the granting of mercantile rights to Glasgow, and the late erection of Dumbarton (2). As a whole, however, trading-areas adjusted themselves fairly satisfactorily, and the burghs are to be regarded as monopolising trade, exacting customs and punishing unfreemen, over wide districts, often corresponding to a sheriffdom, regality or barony (3).

(1) Ballard, S.H.R., XIII, 17.

(2) See Irving, Book of Dumbartonshire, 343; Marwick, Early Glasgow, 13-4. Renwick, Hist. of Glasgow, 94-5; Murray, Early Burgh Organ., 9, 48-9, 321, 411.

(3) The whole question is, I believe, engaging the attention of Dr W. C. Dickinson.

Scottish petty customs show local variations, but there is a thread of uniformity running through them, due to the fact that they have a common royal origin, and were leased to the burghs in similar circumstances. In 1457, the Edinburgh customs were roused in three lots,-- parue custume burgi, parue custume de Leyth de pok pak barell et hujusmodi bonorum, cum lie met syluer, and lie pittie heavin syluer de Leyth (1). The first group comprises the normal petty customs, exacted by virtue of the charter of feu-ferme, while the second and third are the outcome of a special royal grant to supplement them by duties on ships and goods entering Leith, towards the upkeep of the port and haven. The customs of Leith were duties on wool, skins, hides, grain, salt, coal, fish, tar, iron and timber. Preference was given to "friemen of the Kingis burrowes", who paid 4d. on the serpleth of wool and skins, 4d. on the tun of merchandise or "girnale guidis", and 1s. 4d. on the last of hides, while others were charged respectively 8d., 8d., and 2s. 8d. Ships, too, paid graded harbour-duties,-- large ships ("hulkis and foircastellit schippis"), 10s., crears and barges, 5s., smaller vessels and rowing-boats, 1s., 6d., or 2d. (2). In 1457, the special Leith impost was divided for convenience into haven-silver, and customs on goods im-

(1) Edinburgh Recs., I, 16. (2) Ib., 3-4. These duties were extended by letters patent in 1471; ib., 25.

ported, weighed, measured and paying met-silver when necessary. Some twenty years later, the second and third groups were re-united as the "petit customes and havin silver" of Leith, but a third, new group appeared, the "wild aventouris", or "customes of the adventures of schippis" (1). A royal charter of 1482, confirming all the special duties uplifted by the city to supplement the original petty customs, distinguishes the haven-silver of Leith, the customs paid "apon landin to Leith or within the watir . . . by the hevin siluir", and the "grete custumys and dewiteis" of the wild adventures. The haven-silver was a small tariff on all manner of goods, often with a 50% preferential deduction to freemen, and also a graded anchorage-duty. The small customs of Leith were aimed to a large extent against unfreemen and strangers,-- special duties were imposed on their barrel-goods (tar, pitch and so forth), hides, farm-produce, cloth and iron, some of which would already have paid haven-silver. Tariffs were levied, too, from salt and timber (over and above the haven-silver), fish and all kinds of skins. Wild adventures were, on the whole, heavier in incidence than the others, and were taken from strangers and unfreemen only, under one of three heads,-- (1) duties on goods entering the port,

(1) Edinburgh Recs., I, 38, 41-2.

foreign wines, woad, mercery and costly dry goods, iron, canvas, lint, soap, oil, produce, timber and barrel goods; (2) graded anchorage-duties; and (3), outward customs on salt, coals, wool, hides, cloth and skins (1).

At pre-Reformation Ayr, five several lots of the customs were roused,-- the petty custom, the custom of the firlots, the tron, the nolt-markets, and the sheep and cloth (2). The records of Lanark for 1575 show the scope and nature of the petty customs proper. Charges were imposed on unfreemen and chapmen having loads of meal, corn, bear, malt, wheat, bread, salt, herring and other fish on market-days (Mondays and Fridays), and on sheep, swine, cattle and beef, butter, cheese and fruit, timber, wool, cloth and "burdings" of merchandise. Most of the duties were low,-- such as 1d. per load of grain, draught of timber or carcass of beef. In addition, there were "stallage" and "weighage" dues,-- 12d. per stall from unfree men and women, and 2d. for the use of the firlot, 1d. for the peck, for weighing with on market-days. Burgesses paid only 4d. "for the furlet in the yeir",-- an annual fee covering all occasions (3).

(1) Edinburgh Recs., I, 66.

(2) MS. Ayr Accts., fol. 24a.

(3) Lanark Recs., 71.

In 1627, the Dumbarton customs were roused in three lots,-- ladle and petty customs, "the impost of horss, kye and uthir guidis", and "the pettie custome of the said guidis". The impost was a special gift of the Privy Council, granted on "impetration" by the burgh with Convention's consent, and consisted of duties on horse and cattle passing through the burgh, on booths and stalls, on timber-boats on the river, on bark, and on ships arriving within the liberty. The revenue was to be used to preserve the town from the inundations of the River Leven (1). It fell on certain articles already liable for petty custom, which were accordingly formed into a separate lot, so that the same tacksman might take both (2). In 1635, four customs-groups appear,-- (1) ladle, small customs, measurage, weighage, assize-boll of grain within burgh, or in the River Leven, and the "ankorage of small bottis without mastis"; (2) the impost within the burgh and Leven; (3) the petty customs of the Clyde; and (4) the petty custom and impost of horses and goods (3). Here we have distinctions both geographical and specific: group (1) comprises the bulk of the petty customs,

(1) Reg. Privy Coun., Sec. Ser., II, 466.

(2) Recs. Conv. R. B., II, 90, 220; III, 46, 270. Dumbarton Recs., 11-2. The second and third lots were actually taken by the same tacksman.

(3) Dumbarton Recs., 46-7.

less those due from merchants in the Clyde and those exigible from "horss and guidds"; group (2) is made up of the impost, less that due from horses and goods; the three excepted portions of customs and impost, re-ar-ranged for convenience, form the two other groups.

The Edinburgh and Dumbarton evidence shows that, when a burgh had acquired the right to collect different sorts of duties, it might re-group the whole, as best accorded with geography, the tacksmen's convenience, or the common profits. On the other hand, some burghs let the complete customs in one single lot. St. Andrews always did this,-- in 1622/23, "the small customs of thes citie ladill of the corne maill and maill marcatis and toust and ankraige of the schoir" were set to Androw Annell for £400 (1).

Stirling is perhaps the best example of the reverse process,-- progressive sub-division in the lots of customs. During most of the XVI Century, seven lots were put up,-- (1) small customs; (2) pecks and firlots; (3) "gait dichtings"; (4) fishings of Forth; (5) the fish "ske-mels", or shambles; (6) King's mail, grass-mail and stallage; (7) shore-mail and anchorage (2). A new bridge-impost appears in 1599, similar to those at Edinburgh and Dumbarton (3). In 1616, as a compens-

(1) MS. St. Andrews Accts., fol. 69a.

(2) Stirling Recs., I, 305.

(3) Ib., 91. Recs. Conv. R. B., II, 36.

ation for the want of mills and multures, another impost was instituted, of 8d. on each "browst" or brewing of ale within burgh, and 2s. on every five firlots of landward malt brewed there without being presented in the market (1). In 1620, tron-customs were roused separately, ladle was grouped with gait-dichtings, and the petty customs and new impost were re-arranged, after the manner of Edinburgh and Dumbarton, into old and new customs at the brig, and old and new customs at the port,-- the former for the north of the Forth, the latter for the south. With minor variations, this arrangement holds good for the rest of the century, and the list of the customs in 1660 may serve as a starting-point:--

Brig customs,	£700,	0s.	0d.
Port customs,	£466,	13s.	4d.
Pecks and firlots,	£140,	0s.	0d.
Tron-customs,	£155,	6s.	8d.
Ladle and gait-dichtings,	£253,	6s.	8d.
Fishings of Forth,	£433,	6s.	8d.
Fish shambles,	£90,	0s.	0d.
King's mail and stallage,	£8,	0s.	0d.
Malt impost,	£100,	0s.	0d.
Shore-mail and anchorage,	£33,	6s.	8d. (2)

We may consider burghal customs in Scotland as falling into nine groups, and proceed to discuss briefly each of these groups.

I -- Ladle. The most ancient and primitive of

(1) Stirling Recs., I, 144.

(2) Ib., 308.

burghal tolls was the ladle duty, the original purpose of which was to provide a fund for keeping clean the "gaits" and "calsays" : Glasgow's ladle was confirmed in 1575, "and that for the souping and clangeing of thair calsay" (1). In that burgh, it was linked with another duty which takes us back to an equally remote and barbarous age -- "the neiffull of ilk wecht of woll" (2). Stirling's ladle-duty, "utherwyse callit the geat dychtyngis" (3), was commuted later on to a money payment,-- all "cornes, beanes, malt and maill", arriving at the burgh for sale or storing paid 4s. per chalder as ladle, if they belonged to freemen, and, if not, 8s. (4). At St. Andrews, "the ladle of the corn and meal markets" is always expressly mentioned as an integral part of the customs (5).

II -- Mett-silver and customs of the Tron. The duty on grain was thus the rather primitive one of one ladleful per load: other goods sold in the market paid according to weight (6). All weights and measures used in the burghs must conform to the four standard meas-

(1) Glasgow Charters, I, pt. ii, 164-7.

(2) Recs. Conv. R. B., I, 433.

(3) Stirling Recs., I, 174.

(4) Ib., II, 31.

(5) MS. St. Andrews Accts., Charge side, passim.

(6) According to Dr Murray, a "certain proportion of eggs, fish, potatoes and cheese" was taken as ladle. Early Burgh Org., 270 n.l. But all produce requiring to be weighed was taken to the tron, and there weighed, paying tron-custom. Edinburgh Recs., I, 34-5. Eggs and fish paid gait-dichtings, fish-shambles, stallage or hucksters' fines, according to local custom.

ures, the stone-weight, the pint-stoup, the firiot, and the ell-wand, kept respectively by Lanark, Stirling, Linlithgow and Edinburgh, "quhilkis has the iust mesour-:is" (1). Whenever a doubt was cast on the accuracy of any burgh's measures, application was made to one of these four, a new model secured, and all others based thereon (2). The monopoly of weighing and measuring brought the burghs their second group of customs, analogous to what was called in England "weighage". In early times, the monopoly was administered directly, the burgh serjeant, petty customer or common metter had in custody the only authorised measures, and did the actual weighing at a small charge. The practice lingers on till later days, and some councils insisted that only the tacksmen of the customs, tron or weigh-house should keep and use measures, at a time when it was usual to allow mealmakers, baxters and vendors of market produce to have their own weights. This was done, "swa that the fermoraris of the petie customes may gett thair deweteis thair of" (3). In 1575, 2d. was taken for "ilk furlet for the boll metting", 1d. for "ilk pek on the merket day for metting thairwith", and

(1) Recs. Conv. R. B., I, 2.

(2) Edinburgh Recs., IV, 195-7, 199-203, 207. Recs. Conv. R. B., III, 71. MS. St. Andrews Accts., fol. 39a (cf. infra, Appendix C), 75b-76a.

(3) Edinburgh Recs., I, 165-6. Cf. ib., II, 92.

4d. from each burghess for "the furlet in the year", for goods weighed in the market of Lanark (1). Even when private measures were the rule, a use was still found for the common weights and measures. Foreigners, unfreemen and casual merchants must have their goods weighed and pay the duty before they might sell. Strangers arriving at Leith with "chairgabil guidis that aucht to be weyit at the our trone", and landward clothmen coming to market paid their duties respectively to the petty customers and common metster (2). For cloth made in the burgh and sold by neighbour to neighbour, the metster might only charge if asked to met it: in the same way, the Aberdeen mett was used only for the goods and gear of "fremmit men cummand to the tovn of thair aventour" (3). Butter, cheese and farm-produce was weighed at the Over-tron of Edinburgh (4), and the customer of Banff found it convenient to keep, "for the publict vse", firlots, pecks and lippies (5).

III -- Pecks and firlots. The expansion of intra-burghal trade, the increase in the number of goods exposed for sale, and the hardship of obliging all merch-

(1) Lanark Recs., 71.

(2) Edinburgh Recs., II, 166; IV, 415.

(3) Aberdeen Recs., I, 270.

(4) Edinburgh Recs., I, 35. Cf. Rogers, Social Life in Scotland, I, 348.

(5) Annals of Banff, I, 148-9. He charged 2s. for every two bolls weighed, and 3s. 4d. per chalder.

ants to frequent the tron and weigh-house, suggested the modification of the original monopoly of measuring. Resident burgesses might be trusted to use private measures for their own business. As early as the reign of David I, each burgh might have a corn-measure, an ell-wand, a stone- and pound-weight, provided they were stamped with the burgh's seal (1). Now, the imposition of a duty for every "burning" or sealing of private measures, together with the retention of weighing-duties in the case of strangers' and landward men's goods, preserved and perhaps enhanced the value of the monopoly. In this way, the custom of the firlots and pecks, -- "the birne irne and stampis" (2) -- took its place as a regular department of the customs: at Ayr, in 1539/40, it realised £8, 0s. 4d. out of a total customs-revenue of £32, 1s. 4d. (3). Each "firlott burning" at St. Andrews brought in £1 to the burgh (4). In 1620, Stirling burgesses paid 6s. 8d. for firlots, and 3s. 4d. for smaller measures, while others were charged double duty (5). Malpractices of all kinds were sharply dealt with: burgesses must not keep more measures than were actually required (6), they must

(1) Leg. Quat. Burg., cap. xlviiii, A.P.S., I, 342.

(2) Aberdeen Recs., II, 103-4.

(3) MS. Ayr Accts., fol. 24a.

(4) MS. St. Andrews Accts., fol. 38a, 48a (cf. infra, Appendix C).

(5) Stirling Recs., I, 154.

(6) Glasgow Recs., I, 260-1.

not give them to landward men, for this defrauded the tacksmen of "their custome deutie of the missirage" (1), while false measures were simply destroyed (2). Stamping and sealing were not confined to corn-measures, though they constituted the most valuable part of the monopoly. From the nature of the traffic in fish, ale and wine, it was essential that individual measures be sanctioned, and Parliament, Convention and burgh councils applied themselves to the task of ensuring uniform standards. Aberdeen had the custody of the standard salmon-barrel, Edinburgh that of the barrel for herring and white fish, and other burghs got their patterns from them, saw that their coopers modelled their barrels on them, and stamped them with the town's seal (3). Taverners' "stowpes", too, should be marked with both the craftsman's stamp and the burgh seal (4).

IV -- Stallage. Stallages are as old as the Laws of the Four Burghs, wherein it is provided that stallagers should compound with the burgh-grieve for their fine, or pay $\frac{1}{2}$ d. each market-day, small-ware dealers (mercenarii, "mersars") with covered booths the same duty, and those with uncovered booths, $\frac{1}{4}$ d. (5). Only

(1) Dumbarton Recs., 47-8. Glasgow Recs., I, 260-1.

(2) Annals of Banff, I, 148.

(3) A.P.S., III, 302-3. Recs. Conv. R. B., I, 100.

(4) Edinburgh Recs., II, 115; IV, 475.

(5) Leg. Quat. Burg., cap. xxxvii, A.P.S., I, 339.

thus were unfree packmen and "dusty-foot" merchants enabled to sell their wares on market-days. St. Andrews stallages were called "fleakis", or flakes, another name for the stalls or crames of hucksters (1). At Lanark,-- "ilk chapman on the Mononday" (market-day) paid 1d., but regular stallangers were admitted for 12d. per year (2). A stallanger had no other liberty but that of erecting his stall in the market, and was not allowed to usurp any burgess-privilege (3). All the inhabitants of Edinburgh, including unfree pedlars and "regratouris of fische butter cheis eggis wilde foullis and all vther thingis sauld and occupyit within this burgh", were expected to become burgesses if they were able to, and, if not, to pay the annual stallage: the fee from each "stallenger puir body" was 2s. (4). The value of the stallages depended on the extent of the district supplied by the burgh, and the number of different kinds of goods placed on the market. Glasgow had separate markets for corn, meal, straw and grass, meat, country produce, woollen and linen cloth, fruit and vegetables, fish, and horses, occupying stances from the West-port, along the Trongate, in the Tron Kirk-yard, about the Cross, and up the Hie Gait to the

(1) MS. St. Andrews Accts., fol. 3a; cf. fol. 52b.

(2) Lanark Recs., 71.

(3) Art. Inq. in It. Cam., A.P.S., I, 682.

(4) Edinburgh Recs., I, 36, 41.

Blackfriars (1). Stirling had meal, shoe, timber, iron and horse markets (2). In 1477, in the streets and vennels of the capital, and about the Tolbooth, Cross, Tron, Over- and Nether-bow, were no fewer than sixteen markets, for the sale of hay and straw, fish, salt, chapmen's wares, bonnets and hats, timber, shoes, red barked leather, nolt, game and fowl, live stock, grain, cloth, butter, cheese, wool and other goods requiring to be weighed, iron-work, and "ald graith and geir" (3). At Stirling, the fish-shambles, really a part of the stallages, were roused separately, along with the "calseymeallis" (calsay mails), duties on timber, "piggs" (earthenware) and such commodities sold at the weekly market (4).

V -- Gait-dichtings. In some burghs, like Glasgow and Stirling, gait-dichtings were associated from the earliest times with ladle; but in other places, this original purpose of the ladle-duty, if it ever did apply, had been forgotten, ladle was treated as an ordinary petty custom, and special duties were imposed for the object of "keiping of the geattis . . . cleine". In 1505, the Edinburgh bellman was authorised to remove for his own use all "mwk, filth of fische and flesshe,

(1) Murray, Early Burgh Org., 308-9.

(2) Stirling Recs., II, 33.

(3) Edinburgh Recs., I, 34-5.

(4) Stirling Recs., I, 231, 237, 305-8.

and fulzie weit and dry, staynis and vtheris", and to take small fees, $\frac{1}{2}$ d., 1d., or 4d. per year, quarter, and so forth, from those chiefly responsible for the condition of the streets,-- occupiers of booths, stalls and vaults, fish-hucksters, owners of unstabled horses, and sellers of victual (1). In 1509, two cleaners were engaged, and they had to promise to build 40 roods of causeway, as well as keep the streets clean (2). In 1525, "the gaitt-dichting and dewteis thairof with the escheatt of the middings" were set like any other part of the Common Good, for £28 per year, the duties being limited to those on fish, flesh, salt and victuals (3).

These five groups comprise the normal market- and port-dues of the royal burghs. Glasgow's "knivful of wool", Stirling's calsay-mails, and St. Nicholas' mett at Aberdeen were local variations on the usual customs. Thus also, in burghs specially erected as sherifffdoms, the "Sheriff's gloves" fell to the Provost or the town itself: at Edinburgh it ought to be sufficient to buy the "Provost's ox" (4). All market dues increased in value at the annual fair or fairs, and more especially if the fair was famous and well patronised. The Stirling

(1) Edinburgh Recs., I, 105-6.

(2) *Ib.*, 124-5. (3) *Ib.*, 224, 232.

(4) *Ib.*, III, 265-6; IV, 90, 309. Lanark Recs., 112, 161, 262-3.

fairs enjoyed a great reputation, particularly for the "staigs" or horses sold there, and the revenues derived from them were sufficiently important to be let apart from the rest of the customs. Ultimately there were four fairs, and the general duties and special charge of 2s. on each staig sold at each of them formed separate lots at the roup: in 1707, the items of the Fairs and Staigs were worth in all £357, 4s. 6d. (1).

VI -- Anchorage and Shore-silver. Anchorages were of great importance to sea-ports. Normally, duty was owed on the vessel, as anchorage, and on the cargo, as shore-silver. When, however, a ship was driven into port by stress of weather, even if it was obliged to land goods for safety by boat or crear, anchorage was exacted, but no custom on the cargo (2). An inland burgh like Stirling might also be interested in these dues: as a fact, it had a "shore" near Cambuskenneth capable of receiving wares by river-boat and kept a formidable list of anchorage duties, on timber, skins, barrel-goods, cloth, wine, tallow, bark and lime (3). Duties on ships were always graded according to the vessel's size, and strangers and unfreemen must generally pay double duty.

(1) Stirling Recs., I, 196, 301-4; II, 406-9.

(2) Recs. Conv. R. B., I, 389-90.

(3) Stirling Recs., I, 104.

Harbour duties of some kind,-- anchorage, shore-mail, haven-silver or toust,-- were common to all trading burghs, but, over and above, we may distinguish three other groups of additional duties of a similar nature:-- (i), those exacted in return for a special privilege, such as the licence to a foreigner to sell his wares; (ii), those devoted to a special harbour service, like an official's salary; and (iii), imposts expressly granted to the burgh as an additional revenue for the support of its public works and conveniences. These three classes form the three final groups of local customs.

VII -- Special tariffs against unfree merchants.

By far the most striking in this group are the "wild adventures" of Edinburgh,-- dues imposed on strangers' goods entering Leith harbour, outward customs on staple wares exported by unfreemen, and anchorages paid for their vessels,-- 13s. 4d. from each "grete schip, single or doubill forcastellit", and 10s., 6s. 8d. and 5s. from smaller vessels (1). All strangers' goods must be entered, under pain of escheat, in the books of the tacksman of the wild adventures (2). Prizes taken at sea owed him excise bolls,-- one before, one behind the mast,-- and 8d. per chalder of the cargo, before the

(1) Cf. supra, 178-9.

(2) Edinburgh Recs., II, 167, 169, 226-7.

wares might be sold (1). This duty might be compounded for: in 1548/9, a sea-captain who had taken a prize paid 60 merks "to thole him dispone vpoun his said guidis, quhilkis wer the thrid pairt of the guidis" (2). The Treasurer of Ayr received sums as licences from foreign merchants,-- £5 for the "licence of Stene Duddell Inglisman to sell" (1595/96); 11 merks for other two in 1596/97; £6 from an Englishman "to sell his stuff" (1603/04); £3 from an Isle of Man merchant "to sell his baffe and hydys" (1607/08); £4 for "seppis", £4 for corn, £3, 12s. for Irish bear, £3 for Irish corn and £2 for "certane firr" (1613/14) (3). In 1622/23, the Treasurer of St. Andrews received 40 merks from a "dutche scyiper for ballasting of his schip". A parallel duty was the £2 paid each year to the same official by the laird of St. Monans as the custom of St. Monans market, which was considered to be prejudicial to the privileges of the royal burgh (4).

VIII -- Special harbour services. The most obvious of the duties exacted for a special service at the port is the water-bailieship. The dues attached to this office were mostly anchorages (5) and petty custom of fish ("teind of the watter"), but they must have been

(1) Edinburgh Recs., II, 123. (2) Ib., 145.

(3) MS. Ayr Accts., fol. 88b, 90b, 105b, 113b, 126b.

(4) MS. St. Andrews Accts., fol. 26b, 70b.

(5) Cf. Edinburgh Recs., IV, 145.

of considerable value, since they were often sufficient to outweigh the services performed by the tacksman as water-bailie. At Ayr they were roused for £40 in 1608, at Irvine they were worth £40 in 1665, and £64 in 1706, and in that burgh the duties included the upkeep of the navigation- and ballast-perches (1). In 1684, having heard complaints about the want of a "foote gang" or plank to run between shore and vessel, the Stirling Council ordered the tacksman of the shore-mail to have one made, and, for its upkeep, to take 2s. from each ship of 10 tons burden and over, and 1s. from each smaller vessel (2). The only limit to such additional dues was set by the willingness of the frequenters of the port to pay up rather than take their goods elsewhere.

IX -- Special Imposts. Burgh councils were quite competent to impose minor duties like those mentioned in the last two groups, for the community might "impose rates or burthens to answer the exigencies of the borow for the common utility, and therewith affect the burgesses as to their traffick" (3). But when it was desired to uplift additional duties involving important consequences to the Crown, the burgesses and stranger merchants, other parties must be consulted.

(1) Supra, 107. (2) Stirling Recs., II, 42.
 (3) Bankton, Institute, II, 577.

Convention's consent and support were almost invariably requested, so that other burghs might be given a chance to express complaints. Then the burgh must "impetrat" the King and Privy Council for the impost, and sometimes an Act of Parliament gave it a special sanction. As a rule, two kinds of duties were involved,-- tolls at a bridge for its upkeep, or haven-silver for the support of a decayed harbour. Many requests for imposts were dealt with, one burgh vying with another for the augmentation of the revenues (1): in a single session, four, five or more petitions might be considered (2). Strict appropriation of the duties, whether bridge-tolls or haven-silver or both, to the purposes of the grant was insisted upon (3), and they were limited to periods of 3, 5 or 7 years, though longer stretches were not unknown.

(1) The gift of an impost to one burgh would inspire others to seek the same favour: in 1589, St. Andrews, Crail and Dysart were authorised to "impetrat" an impost like that of Dundee, and in 1592, Kirkcaldy was given the same privilege. Recs. Conv. R. B., I, 299, 389.

(2) In eight years (1589-1596), 24 of these petitions were passed by Convention: 13 harbour-imposts, 10 brig-imposts, and one combined toust for a "decayit herbere and brig". See Recs. for these years.

(3) Convention made an annual audit a condition of its sanction for new imposts. The object was to save the Common Good the additional expense of repairing bridges and harbours. Cf. Edinburgh Recs., IV, 2. In Ireland, too, when a borough got a special local custom (such as murage, pontage or pavage), it was only given for the purposes named, and for the time required for their fulfilment. Misappropriation was punishable by fine, and surpluses should be paid in to Exchequer. Gale, Inquiry into Anct. Corp. System, 117 et seq.

Dumbarton's impost of 1600, already mentioned (1), is a good example of a combined impost, consisting of anchorages, customs on goods, stallages, booth-rents and tolls on animals. In this case, however, the constant need for repairing the Leven bulwarks diverted the whole revenue to this purpose. The simplest form of harbour-impost is that contained in Dundee's request of 1593 for a special duty of 2s. on "euery tun of geir that cumis or pasis to or fra thair portt, quhairof the merchant sall pay xvj d. and the skipper viij d." (2). Duties were generally of a more specific nature, like those granted to Crail in 1594 "for the bying and bigg-:ing of ane new harbery". Each last of herring paid 5s., 1000 salt fish 6s. 8d., 1000 dry fish, 4s., a tun of wine, 5s., a chalder of victual, if exported, 6s. 8d., if "remayning within the cuntrey", 2s. 8d., a chalder of salt, 2s., a last of lint or tackle, 5s., of hemp, pitch or tar, 3s., of oil, 6s. 8d., and timber, one piece per hundred (3). The impost allowed to Whithorn in the following year comprised anchorages (a ship, 13s. 4d., a barque, 6s. 8d., a boat, 3s. 4d.), from free as well as unfree, and specific charges on salt, herring, timber and other wares, only if they belonged to un-:freemen (4). In 1596, there was a project to buy up

(1) Supra, 180. Cf. Irving, Book of Dumbartonshire, II, ch. I. (2) Recs. Conv. R. B., I, 414.

(3) Ib., 440-1.

(4) Ib., 471-2.

a creek in Little Cumbrae as a new harbour for Irvine, which already had a brig-impost. A further "toust, ex-actioun and impoist" was granted for its expenses: 3s. 4d. were due from each tun of goods passing up or down the Firth, $\frac{1}{2}$ boll on 100 bolls of salt and victuals, 5s. yearly from each fishing-boat, 10s. from boats bringing horses or cattle from the Highlands, and one piece of timber on the hundred (1).

As an example of a brig-impost,-- on July 4, 1598, Stirling was given leave to "impetrat" the King for a 3-years' duty "of ilk laid passand alangis the said brig, vnfremen four penneis, fremen tua penneis; and of ilk kow, ox or hors cummand to be sauld tua penneis, and of ilk score scheip foure penneis; vpoun compt to be maid to the burrowis of thair collectioun and imployment according to the ordour in sic caissis" (2). Notice of these duties must be "affixit upon the brig and port" (3). The impost became permanent, and was extended to include charges on wine, beer, flour and "burdings of ony geir" (4). After building the bridge at Clydesholm, the burgh of Lanark was authorised by Parliament to exact toll thereat,-- 12d. per pack-horse, 8d. per riding horse or cow, 2d. per pedestrian or

(1) Muniments of Irvine, 84-6. Despite the impost, the scheme never bore fruit,-- ib., xxxviii.

(2) Recs. Conv. R. B., II, 36.

(3) Stirling Recs., I, 91. (4) ib., 132.

sheep (1). The Town Council fixed the actual rates to be taken,-- 12d. per pack-horse, 8d. per horse for sale, 6d. per cow, ridden horse or horse with a load (except it be peats or coal, in which case the charge was 4d.), 4d. per draught of timber, 2d. per pedestrian or sheep, 1d. per lamb (2).

Towards the end of our period, imposts began to acquire a new significance, with the increased consumption of wine, whisky, brandy and ale, and the example of the royal excise to show how large a revenue might be derived therefrom. At Aberdeen, ale and beer paid 4d. per pint, brandy, wine and aqua vitae 2s. per pint, and each tun of wine imported or sold, £50,-- this in order to enable the burgh to liquidate its debts (3). In the same way, for the upkeep of its bridge and harbour, Irvine was allowed to take 4d. for each pint of ale or beer brewed, or, alternatively, 2 merks per boll of malt, and £40 per tun of French or butt of Spanish wine imported or sold (4).

These special imposts, granted in consideration of the fact that the upkeep of bridges, piers and other public works fell on the burghs, may be compared with a similar institution on the Continent,-- the "Beaken

(1) A.P.S., XI, 66.

(2) Lanark Recs., 272.

(3) Kennedy, Annals of Aberdeen, II, 247-8.

(4) Muniments of Irvine, I, 112.

and Toun money" imposed by the Senate of Hamburg in 1586. The "newe towle" was essentially protectionist, double duty being exacted whenever possible from "the stranger no Cittisen",-- English cloth paid 8s. per piece if bought by a citizen, if not, 16s., and so forth. Other wares liable to duty included silks, velvet, damask, pepper, ginger, cloves, spices, wines (Rhenish, Bordeaux, "hott wyne like as Orleans wyne"), salmon, herring, sturgeon, and Norwegian goods, and both citizen and stranger was obliged "trewlye to geve in the iust valew of their goodes" (1).

Yearly roup and tack were the rule with the burgh customs,-- the reverse procedure is exceedingly rare. The Edinburgh Council decided to try it in 1559, but, after eleven days, found that the revenues "could nocht be gatherit but multitude of seruanis and grit expens", and rouped them as usual (2). During the twelve years of Mary's reign for which the Edinburgh accounts survive, the Wild Adventures seem to have been retained in the Treasurer's hands four times, when the receipts were £550, 8s. 9d. (1552/53), £657, 12s. 10d. (1557/58), £387, 1s. (1559/60), and £268, 19s. 6d. (1564/65), giving an average of £466, 0s. 6d. For other eight years they were let for sums of 700, 860, 850, 800, 760, 700,

(1) *Infra*, Appendix G.

(2) Edinburgh Recs., III, 60.

750 and 620 merks (1),-- on an average, 755 merks, or £503, 6s. 8d. The moral is obvious, and the burgh councils did not forget to exploit man's insatiable craving for speculations. Some sort of continuity in burghal administration was ensured by the fact that much of the actual work of collection was entrusted to petty officials, whose intimacy with technical details gave them a degree of permanence (2). Convention itself approved of yearly tacks of the customs (3).

The tack-rent of the customs, far from being nominal or stationary, was apt to change each year, showing that there was real competition at the roup. In 1457, the Peebles customs were let for $13\frac{1}{2}$ merks (£9), in 1458 and 1459, for £10, in 1461 and 1462, for $14\frac{1}{4}$ merks (£9, 10s.), and in 1464, for $15\frac{1}{2}$ merks (£10, 6s. 8d.); in each year, the tacksmen change as well as the rents (4). The ladle custom of Glasgow realised 715 merks at the Whitsunday Court of 1606, and, just a year later, was roused for no less than 1,370 merks (5). In 1624, the customs of Banff were let for 85 merks, in 1625, for 80 merks, in 1627, for 84 merks, and in 1628, for £60 (90 merks) (6).

(1) Edinburgh Old Accts., I, Treasurer's Accts.

(2) Stirling Recs., I, 104. Lanark Recs., 202.

(3) Recs. Conv. R. B., I, 431.

(4) Peebles Charters, etc., I, 119, 125, 131, 139, 142, 151. (5) Glasgow Recs., I, 248, 264.

(6) Annals of Banff, I, 52, 53, 57, 60.

Foremails and long leases of customs are rare. Only in cases of real financial need was there a departure from the annual roup. The Stirling shore-mail and anchorage were set for 21 years in 1605, "for foir maill to be payed thairfoir in hand", for the repair of the shore (1). In 1571/2, the north wall of the Tolbooth of Lanark had to be taken down and re-built, and three contractors came forward with offers of an unusual nature. One requested a 9-years' lease of the burgh customs, another an 8-years' lease, while the third builder, -- with whose offer the Council closed -- promised to do the work in return for a 5-years' tack of the customs, plus £40 down (2).

Many attempts must have been made to avoid the payment of customs, but the burgh councils were ever on the watch. Owners of Leith herring-boats were obliged to pay their duties to the Treasurer of Edinburgh, despite their plea that they were subject only to the Abbot of Holyrood: on this occasion (1540/1), the Lords of Session found that in cases of doubt the burgh magistrates, interested parties as they were, were yet competent judges as to liability (3). "Induellaris on the north syd of the brig", though under

(1) Stirling Recs., I, 112. There is, however, no record of this act being carried out. Cf. ib., 306, n.2.

(2) Lanark Recs., 64-5.

(3) Edinburgh Recs., II, 102-3. Edinburgh Charters, 210-1.

the jurisdiction of the Baron-Bailie of Holyrood, were still liable for custom (1). Stirling burgesses who stored victuals in granaries, with a view to creating a dearth, were directed to pay ladle-duty on them, "as gif the same wer presentit and sauld in the mercatt" (2). Dundee baxters and maltmen found guilty of buying grain surreptitiously, before custom had been paid, were fined £20 (3). At Dumbarton, anyone who carried away victual without first paying custom owed ladle, plus an unlaw of 40s. (4). Both extortion and slackness on the part of the tacksmen were punished by the council. Excessive rates for the gait-dichtings at Stirling raised "mwrmour . . . amang the pepill", so that "thair cumis littill stuff to the gait to sell" (5). Too high a tariff meant little trade (6),-- at Dumbarton, in 1627, the Mid-summer fair had to be declared custom-free, till "it be brocht bettir in use" (7). On the other hand, the Banff Council decided, in 1624, that the customs had been "prejudgit" by the customers' failure to exact duties on goods imported or exported by sea, and ordered a new list to be drawn up for salmon, salt, victual and other goods (8).

(1) Edinburgh Recs., II, 205. (2) Stirling Recs., I, 134. (3) Warden, Burgh Laws of Dundee, 57-8.

(4) Dumbarton Recs., 32. (5) Stirling Recs., I, 61.

(6) Cf. Warden, Burgh Laws, 54.

(7) Dumbarton Recs., 17. (8) Annals of Banff, I, 52. Cf. Recs. Conv. R. B., I, 2-3, 10-1.

When making a speculation in customs, as in any other portion of the Common Good, the tacksman did so at his own risk,-- with "awenture of deid and weir". He might not claim a rebate as of right, though in very unusual cases of hardship or misfortune allowances were sometimes made. The farmer of the wild adventures at Edinburgh was refused such consideration at the time of the Reformation, when the port of Leith was closed,-- the tack was taken "with all awenture" (1). At the same time, the farmers of the petty customs and Overbow tron were forgiven 20 merks, in consideration of the great loss "be the grit trubblis raisit in this realme in the said yere" (2). In 1607, defalcations were made to the Stirling farmers on account of the pest, in 1627, to those of Dumbarton because the cattle of Argyle had gone up by Dumbarton Castle instead of, as usual, by the burgh, in 1683 to the tacksmen of the Lanark customs, because St. James' Fair "did fall this year extraordinar evill", and, in 1686, to the farmers of the bridge- and burgh's port-customs at Stirling, on account of the cessation of trade during Argyle's rebellion (3). But such allowances were due to an act of grace on the part of the council, and in no way

(1) Edinburgh Recs., III, 61. (2) Ib., 62.

(3) Stirling Recs., I, 115. Dumbarton Recs., 28. Lanark Recs., 219. Stirling Recs., II, 47. Cf. ib., 48 n., 62.

created a right or precedent.

The control exercised by Convention included the prohibition of illegal or excessive duties, and its minutes contain many complaints by one burgh against the exactions of another. In 1581, Inverness was forbidden to uplift the excise-boll from free burgesses, the plea that its right was established by the "lawes of the Maiestie" (Regiam Majestatem) being disproved (1). In 1590, Kinghorn, Dysart and Kirkcaldy secured Convention's veto against Pittenweem's duty of 3s. 4d. from each ship arriving in the harbour, to which impost she could show no legal right (2). Burntisland, accused of similar extortion, had her anchorage-duties drawn up afresh (3). Convention, of course, could not cancel an impost granted by the Crown, but it might show its disapproval by instructing the burgess members of Parliament to procure suspension of the gift, and fining the burgh if it purchased a renewal of the gift without its sanction (4).

Finally, mention should be made of the general impositions levied from time to time by order of the Convention at all sea-ports, to meet unusually heavy expenditure on behalf of all the burghs. Akin in purpose and duration to the special local imposts, but

(1) Recs. Conv. R. B., I, 116, 123. (2) Ib., 337, 349. (3) Ib., 375-6. (4) Ib., 399-400, 403-4.

in incidence rather resembling the royal customs, they occupy a position midway between great and petty customs. The general burghal custom of 1582 is typical. To pay the expenses of a commissioner to France who was to secure the repeal of new duties there, a tunnage-duty, additional to all others, was to be levied for one year (1582-1583), from all wares passing forth of the sea-ports of the kingdom. 4s. were due from the tun of salmon, oil, butter, wax, hides and other skins (1), 8s. from cloth, 2s. from wine, pitch, tar and soap, and 16d. from herring and keeling. Collectors were appointed locally, by the burghs of Edinburgh, Kirkcaldy, Dysart, Pittenweem, Crail, St. Andrews, Dundee, Perth, Aberdeen, Dumbarton, Ayr, Irvine, Wigtown, Kirkcudbright and Dumfries. All skippers and merchants must show an acquittance, otherwise they were liable for payment at the rate of 10s. per tun (2).

(1) 50-100 skins were reckoned to the barrel, and 8 barrels to the tun.

(2) Recs. Conv. R. B., I, 140 et seq.; II, 509. Cf. ib., I, 52-3, 217 et seq., 259, 269-72, 465-6.

CHAPTER VIII -- BURGESS-ENTRIES.

Burgess-fines form an important section of the Common Good. Where citizenship conferred valuable privileges, it was sought after every year by numbers of new burgesses willing to pay well for it, and the income from this source rose with the extension of these privileges. The payment of an entrance-fee was not originally sufficient to make a new burgess. Slaves, indeed, might become citizens, but only if they occupied a burgage for a year and a day without challenge. This was the test,-- a land qualification was insisted upon. The possession of land meant that the burgess could be distrained if necessary, for in primitive communities land is the most readily conceived form of wealth. A King's burgess must do service for one rood of land at least (1), which constituted a burgage and entitled the holder to the rights of burgess-ship. The land, and the freedom along with it, descended in hered-

(1) Leg. Quat. Burg., cap. xlix, A.P.S., I, 342.

editary succession from father to son, from wife to widow, or to him and their children in conjunct fee. The burgh required new members to defend and advance its welfare and therefore admitted slaves rather than suffer the dictation of the slaves' former master; otherwise, burgess status was exclusively hereditary, and the blood-tie may have been the nexus of the early burgh, as it was of the later Highland clan (1).

What were the duties of burgess-ship? At Peebles, on Jan. 30, 1457/8, "was mayd burges Willi Red, and sal pay for his fredom x s., at Beltan v s. and at Mechelmes other v s.; plegis John Red for scottyn lottyn wakyn and wardyn, and drauis his land in borch qwil he get a land scotinyabil of his an" (2). Reid was now under the King's special protection, owing fealty to him and the burgh alone, a full burgess, a potential merchant or craftsman, subject to the jurisdiction of the bailie-court only, which might repledge from a sheriff's or baron's court. Until suitable land was allocated to him, his friend John Reid became his borch or surety, that is, he guaranteed that Will would perform all the wonted duties. These duties are clearly defined,-- "scotting and lotting", contributing to all common burdens, whether annual fermes or occasional stents, and

(1) Cf. Murray, Early Burgh Org., 15-6, 20-1.

(2) Peebles Charters, etc., I, 125.

"walking and warding", taking turns at patrolling the streets and mounting guard at the town-ports or Tolbooth in the hours of darkness or even in daytime. Each householder, rich and poor alike, must furnish a watchman with two weapons from curfew till dawn,-- so ran the early laws (1). As the burghs expanded, all residents were not required for the purpose, and the citizens served in turn, in batches of eight, twenty-four, thirty, a quarter or even a half of the town, according to the prevalent conditions (2). Burgesses mounting guard must not "gae to the potation and drink" (3), and magistrates were not exempt from service (4). From time to time, the burgh councils allowed the indwellers to commute the duty by a money payment,-- a development from the old fines for absence,-- and maintained with the money a "watche of feyit men" (5), but the obligation to walk and ward remained.

Scotting and lotting, walking and warding, formed the chief regular duties of the burgess, but others fell to be performed as occasion arose. He must follow the King when he led out an army in person and defend his native land against foreign invaders. Legally, all

(1) A.P.S., I, 349, 695; IV, 71.

(2) Edinburgh Recs., I, 85, 157; III, 267-8, 271; IV, 358, 457. Peebles Charters, etc., I, 304, 336. Lanark Recs., 63, 205-6. Dumbarton Recs., 80.

(3) Craig-Brown, Hist. of Selkirkshire, II, 17.

(4) Lanark Recs., 41.

(5) Edinburgh Recs., II, 131-2; IV, 429.

burgesses were liable, but in practice the burghs sent a round number of soldiers to discharge their duty (1). This custom, however, depended on an act of grace by the Crown,-- "becaus we wald be laith to truble the haill inhabitantis of our burrowes being subiect . . . we haif thocht guid to certifie yow that ye sendand vnto ws ane hundreth and thre scoir habill hakbutteris provydit to remayne with ws for the space of ane moneth . . ." (2). Burgesses might not legally be summoned out for "Wairdan or Lieutennend raidis", but only "quhair the Kingis awin proper persoun past himself, or quhen the haill body of the realm war chaingit to pas aganis forain ennemeis" (3).

All burgesses were expected to be prepared for these national emergencies and to be provided with arms and armour suitable to their dignity and means. They should be armed like lesser yeomen, with a bow and arrows, sword, buckler and knife (1425), while all who were worth £500 per year or more should have (1598) a corselet, pike and halbert or two-handed sword, or else a musket, bandolier and head-piece; but burghs should observe the proportion of one pike to two muskets (4).

Acts of Parliament and royal letters ordered, from

(1) Edinburgh Recs., II, 58; IV, 332 et seq.

(2) Ib., IV, 260.

(3) Recs. Conv. R. B., I, 68.

(4) A.P.S., II, 10; IV, 169.

time to time, the holding of wapinschaws (1), and the local records show how the burgesses turned out "in feir of weir", with "lang wappinis, sic as speiris, pikis and culueringis", staves, swords, bows and arrows, guns and "hakbuttis", axes and pitch-forks, jacks, steel bonnets and bucklers (2). The Union flag or jack, introduced by James VI, and comprising the crosses of St. Andrew and St. George, appears at a wapinschaw held at Dumbarton in 1635, when the Council ordered "ae an:senye to be coft and maid of red, blue and quhyt, con:form to the act . . ." (3). "The haill fensible men within the burgh" had to observe the "rendezvous" (4).

Though burgesses enjoyed their rights in common, and must all perform the routine duties, several factors served to sort them out into classes. An early distinction was that between "intown" burgesses and "outlandmen". All should have a burgage, built upon (5), but with the passage of time landward burgesses tended to lose touch with the community and with the tie which bound them to it,-- their burgage. This despite reiterated commands to them to take up residence within the burgh before forty days had passed,--

(1) A.P.S., II, 10-1. Edinburgh Recs., II, 199.

(2) Edinburgh Recs., II, 203. Peebles Charters, etc., I, 339-41. Lanark Recs., 75-7. Annals of Banff, I, 56, 176.

(3) Dumbarton Recs., 46, 55. (4) Lanark Recs., 244. (5) Murray, Early Burgh Org., 19-21.

all burgesses of Edinburgh "quhilk dwellis nocht within the samyn, nother yitt nother scotts lotts extents walkis nor wairds nor yitt beris na portabill chairgeis within the burgh siclyke as thai awcht to do" should come and "hald thair stob and staik thairintill" (1). Such acts do not seem to have been effective, for the landward burgesses remained a distinct class in all burghs.

A second distinction,-- that between hereditary and paying burgesses,-- was due to the introduction of entry-fines. Strangers had then only to be of good character and respectable life to be admitted for the payment of the statutory fees (2), but the old hereditary principle survived alongside the new monetary one, and heirs, other sons, and sons-in-law were made burgesses on easier terms than newcomers. Thus, in 1450, the "burges air" at Edinburgh and the "burges be richt of his wyfe" paid each 6s. 8d., but "he that byis his burgesschip" owed 40s. (3). The "awld priuelegeis" of "burges bairnis", and especially of heirs or heiresses, were always carefully reserved when the stranger's entry-fee was raised (4). These rules are mere reflec-

(1) Edinburgh Recs., I, 172. Cf. *ib.*, II, 71. Recs. Conv. R. B., I, 3-4. Peebles Charters, etc., I, 222-4. Warden, Burgh Laws of Dundee, 41. Lanark Recs., 39.

(2) In 1590, the Dundee Council decided to give the burgess-ship only to respectable men. Warden, Laws, 44.

(3) Edinburgh Recs., I, 8.

(4) *Ib.*, I, 112-3; II, 72. Stirling Recs., I, 75.

tions of the regard paid to hereditary right and the determination to "make the foreigner pay". In 1526, John Thom was admitted burgess of Stirling, but only provisionally,-- "and gif it happynit that the said John eldest broder beis levand and cummis in Scotland and desyris to entir to his faderis fredoume, the said John sall renunce and gif our the said fredoume and the occupacioun of the sammyn for the entres of his said broder" (1). In 1584, a merchant was admitted at Glasgow, promising to pay, "geif he marie ane burges dochtir, vj li. xiiij s. iiiij d., and geif he marie nocht ane burges mannes dochtir, xiiij li. xiiij s. iiiij d." This represents a composition, for at that time strangers owed £20, heirs or those married to an heiress, £5, other sons and those married to a burgess' other daughter, £6, 13s. 4d. (2). At St. Andrews, during the period of the accounts, the "lawfull eldest son" paid 10s., the second or third son, £2, and the stranger either £10 or £20, according to his calling and station in life (3). Most burgesses had to pay for admission, but occasional "gratis burgess-ships" were given to noblemen and other distinguished strangers. These were purely honorary, were not heritable, and

(1) Stirling Recs., I, 27.

(2) Glasgow Recs., I, 59, 110.

(3) MS. St. Andrews Accts., Charge side, passim.

conferred no industrial or mercantile privileges (1).

The third distinction as between burgess and burges-
:ess depended on their respective callings. Subject to
local variations, there were three broad classes in all
the burghs,-- burgesses and guild-brethren, craftsmen
and simple burgesses. The merchants were by far the
most opulent and influential of these. To engage in
foreign trade and the sale of imported goods was the
most dignified profession a burgess could choose, and
the burgh setts gave them the lions' share of govern-
:ment and sometimes made an inner ring of the best
families with almost oligarchical power (2). At the
same time, master-craftsmen, especially of the wealth-
:ier incorporations like the goldsmiths, bonnetmakers,
maltmen and baxters, were frequently persons of some
influence, who could make their power felt even at
the council-table. Simple or "draff" burgesses, who
entered perhaps to secure the legal status of burgess-
ship, or because their forefathers had done so, or
merely that they were expected to do so, suffered from
one severe disability,-- they might not enter their
children as burgesses "at the near-hand" (3).

(1) Bankton, Institute, I, 56. Warden, Burgh Laws of Dundee, 39, 61-2. Murray, Early Burgh Org., 271-2. MS. St. Andrews Accts., fol. 3b, 13b. Glasgow Recs., I, 19, 58, 70, 100, 194, 202, 211, 225; II, 20.

(2) Cf. Watt, Hist. of Aberdeenshire, 91-3.

(3) Cf. Murray, op. cit., 473 n.2.

Entry-money varied according to the profession which the new burgess wished to follow. In 1508, burgess-heirs, second sons and strangers might become burgesses of Edinburgh for 6s. 8d., 13s. 4d. and £3 respectively, but the fees for guild-entry for these three classes were 13s. 4d., £1 and £5 (1). In 1590, Dundee burgesses paid £10 for simple freedom, £20 for guild-rights, and this rate seems to hold good in St. Andrews from 1611 till 1627 (2). In 1699, the Stirling fees were revised. Heirs and other sons were to pay as formerly, simple burgesses £24, burgesses who were to enter a craft, £12, guild-brethren, £30, maltmen, £10, burgesses and maltmen, £32. All these duties were payable to the Town Treasurer; the various incorporations received their own entry-fees, but they were invited to lower them in order to attract more residenters (3). A further distinction arose from the fact that merchandise and crafts were regarded as skilled callings, for which a long apprenticeship was desirable (4). Apprentices were "booked" at an early age, and when the time arrived for them to "set up booth" were admitted on easier terms than the stranger who had not served one of the masters of the burgh.

(1) Edinburgh Recs., I, 112-3.

(2) Warden, Burgh Laws, 44. MS. St. Andrews Accts., Charge side, passim. (3) Stirling Recs., II, 91-2.

(4) A.P.S., III, 42.

In 1564, the Edinburgh burghs-ship cost strangers £20, and guild-rights £40, but those who had served their apprenticeship paid only £5 and £10 respectively; in addition, double booking-fee in arrears and double booth-upset were due from the unskilled unfreeman (1). During the reign of Charles I, Dundee burghesses paid 100 merks (in 1644, £100) for their freedom, if they were neither apprentices nor sons of freemen, whereas apprentices, whose indentures had been registered four years previously, owed only £40 (2).

These three main distinctions had the effect of dividing the burghesses of any given burgh into several classes. Lord Bankton (3) noted that burghesses might be honorary or trading (merchants or craftsmen): if the latter, they might be sons or sons-in-law of freemen, burghesses by distinction or by merit (in return for services rendered to the town). An historian of Dumfriesshire notices seven classes there: (i) patricians, with land in the neighbourhood, being burghesses by influence, favour or payment; (ii) merchants; (iii) the master-craftsmen; (iv) ecclesiastics, the Dean and his clergy, the parish priest, the Friars Minorites and others; (v) artisans and mechanics,-- wage-workers; (vi) yeomen or free farmers; and (vii) cottars and

(1) Edinburgh Recs., III, 188. A.P.S., III, 363-4.

(2) Warden, Burgh Laws, 55-6.

(3) Institute of the Law of Scotland, I, 56.

unprivileged workers, who were gradually putting aside their serfdom (1). As regards the burgesses only, however, a triple cross-division is necessary, according as they were, firstly, landward men or indwellers; secondly, hereditary, paying or gratis burgesses; and, finally, merchants, craftsmen or simple freemen (2).

To guard against fraud and favour, "burgess-makings" were ordered to be as public and as formal as possible. The Town Council's consent was required for the admission of a new burgess (3): "na burges be maid fra this tyme furth bot in presens of the prouest baillies and counsale in jugement" (4). Burgesses were required to swear fealty to the Crown, the burgh, the magistrates, and (after 1560) the reformed church (5). In an endeavour to secure a more imposing ceremonial, the Edinburgh Council tried the plan of making burgesses only at head-courts, but "in respect of the multitude that bringis confusioun", had to return to the old method of admitting them each council-day (6). The

(1) MacDowall, Hist. of Dumfries, 237.

(2) Cf. "Laws and Customs of Sandwich", Brit. Mus. MSS., Cott., Julius B V, fol. 8a,-- " . . . strange men that cometh to the towne may haue ther fredome many maner of waies some be bying . . . some be maryage mad with a fre woman of the towne some by fre tenentis or othir tenementis yff any such they do purchase within the franchisies the whyle they be Resydent in the towne."

(3) A.P.S., II, 252. (4) Edinburgh Recs., II, 71.

(5) Warden, Burgh Laws, 38. Glasgow Recs., I, 98.

(6) Edinburgh Recs., IV, 140, 459, 473.

names of new burgesses of Dundee were entered in the town's "Lockit Buik", which could be opened only in presence of the Bailies and Council (1). Some burghs observed the practice of taking borchs or pledges on behalf of a new burgess (2); others, again, allowed him to pay by instalments, provided he "acted" himself for all that was due (3).

The reverse process was the "crying down" of a burgess' freedom as a punishment for a grave offence against the national, municipal or moral code. At Dundee, the act was formally signalised by the deletion of the name from the locked book (4). In 1580, an Edinburgh burgess was deprived for withdrawing from the town to reside in Leith, refusing to return when summoned judicially, and failing to bear the portable charges (5); the same penalty was inflicted on four craftsmen of Aberdeen in 1616, for protesting against a stent, affirming that it affected the merchants only, and declaring that the crafts should be exempt (6). "Tinsale of fredome" was a serious matter, for it debarred the unlucky man from any prospect of resuming his status, either in that burgh or another (7).

(1) Warden, Burgh Laws, 16, 52.

(2) *Supra*, 207. Lanark Recs., 5, 25, 29, etc.

(3) Edinburgh Recs., III, 97. Hay, Hist. of Arbroath, 149. (4) Warden, Burgh Laws, 16.

(5) Edinburgh Recs., IV, 174.

(6) Aberdeen Recs., II, 336-7.

(7) Recs. Conv. R. B., I, 402.

The lists in Chapter III indicate the annual value of burghs-entries as compared with other items and with the total receipts:--

Date.	Burgh.	Burgess-fines.			Total revenue.			%
		£.	s.	d.	£.	s.	d.	
1605.	Arbroath.	26,	10.		614,	2,	1.	4 $\frac{1}{4}$.
1618.	St. Andrews.	102.			5,177,	8,	11.	2.
1630.	Glasgow.	777,	1,	4.	11,909,	12,	8.	6 $\frac{1}{2}$.
1651.	Peebles.	45,	2,	8.	1,416,	16,	4.	3 $\frac{1}{4}$.
1664.	Irvine.	46.			1,508,	3,	11.	3.

It cannot be pretended that burghs-fines, yielding a fraction varying from almost 2% to just over 6% of the whole revenues, were of vital financial importance to the burghs as compared, say, with mills, customs or feued lands. At the same time, the towns were ever careful of all sources of income, and entry-money debarred the indigent undesirables. Further, they were raised very considerably from time to time, as money cheapened and the cost of living rose. "He that byis his burghschip" at Edinburgh in 1450 paid £2, in 1508, £3 for burghs rights, £5 for guild-entry, in 1550, £5 and £10 respectively, and in 1564, £20 and £40 (1). In 1520, £5 were payable at Stirling for the rights of the burgh and guildry, but by 1605, it had risen to £60. In that year, too, a stranger might become a simple burghs-ess for £8, but two years later the amount was doubled; in 1607, "burges bairnis" paid £4, in 1613, again

(1) Edinburgh Recs., I, 8, 112-3; II, 148; III, 188.

twice that sum (1). Examples of the process might be multiplied almost to infinity. Often the rise was very rapid. In 1574, strangers' fines at Glasgow were £10, in 1576, 20 merks (£13, 6s. 8d.), and in 1577, £20. Other classes paid proportionally,-- second sons, who owed £5 in 1576, were charged 10 merks (£6, 13s. 4d.) in the following year (2). The simple freedom of Dundee cost £10 in 1590, but £100 in 1644 (3). Thus, a double purpose was served,-- a high standard of new burgesses was maintained, and the maximum profit made.

By Act of Parliament, burgess-entries, like the rest of the Common Good, should be spent on common works (4). The fines for burgh- and guild-rights at Edinburgh were payable, by a burgh statute of 1550, to the Dean of Guild, who handed over to the Treasurer £5 for the burgess-entry, retaining £10 as guild-fine (5). Sometimes the Glasgow Council, after admitting a burgess, voted his fine at once to the burgh works, minister's stipend, poor relief, riding expenses, medical attendance on a poor burgess, compensation for theft or other misfortune (6). Again, free burgess tickets were often presented to magistrates, to

(1) Stirling Recs., I, 2, 113, 116, 135.

(2) Glasgow Recs., I, 52, 59. Cf. Murray, Early Burgh Org., 271-2. (3) Warden, Burgh Laws, 44, 56.

(4) A.P.S., II, 252.

(5) Edinburgh Recs., II, 148.

(6) Glasgow Recs., I, Index, sub voc. "Burgesses admitted".

give or sell to whom they pleased (1). The practice was open to abuse, and in 1599 the Glasgow Council decided to roup the year's entries, save for four to be given to the Provost, two to each of the Bailies, one to the Clerk and one to the Master of Work. The remainder were to be collected by the tacksman, who gave his oath that "he sall gif nane doune" of any of the fines (2). But this was an unusual departure with the burgess-entries; they were almost invariably collected directly by the burgh magistrates and expended on common municipal affairs.

The close connection between entries and common works led the councils at times to ask the new burgess actually to perform one or other necessary "works", instead of paying a money-fine towards their cost. This was regularly done in XV Century Peebles,-- the new freeman "sal mak for his fredom a rud cassa", he shall give "a bow and a schefe" (of arrows), build a "dyk" at Wenlaw, make a butt for archery, provide trees and lime for the bridge, iron-work for the steeple or "ole to the knock", or attend to the "thekyn of the stepil" or the "apperyling of the rud": less frequently, we find "his burges siluer gewyn hym fre for his wyffis sak" or "gewyn for the luf of God tyl John Clerk his

(1) e.g., Edinburgh Recs., IV, 140.

(2) Glasgow Recs., I, 198.

eld fader" (grandfather). The custom lingered on till 1610 (1). At Glasgow, Johne Brain, mariner, was entered in 1594 for the gift of his drum "with tua new heid:is" (2). Some four years earlier, Johnne Neill, cord:iner, had compounded in a more unusual manner, by pro:mising to supply every year at Fastern's E'en for the rest of his life, "sex guid and sufficient fut ballis", or 20s. as their price (3).

In other burghs, similar dues were owed as supple:ments to money payments, and not as substitutes for them. Aberdeen guild-brethren gave a French crown to St. Nicholas' kirk and choir, while craftsmen and sim:ple burgesses compounded according to their means (4). In the XVI Century, Stirling burgesses gave 2 lb. of wax and "the wyne", in addition to the fees (5). In 1624/25, too, the Treasurer of St. Andrews received £2 as Henrie Wischart's fine "for the ballies wyne" (6). In 1664, Dundee freemen had to give, on entry, 100 merks, and a musket, bandolier and pike, or 20 merks in money (7). Long after the wax and wine contributions had lapsed, it was customary for Stirling burgesses to furnish stones for the town's marches, but, in 1680,

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- (1) Peebles Charters, etc., passim; 360.
 (2) Glasgow Recs., I, 158. (3) Ib., 149.
 (4) Aberdeen Recs., I, 89.
 (5) Stirling Recs., I, 2, 7, 18.
 (6) MS. St. Andrews Accts., fol. 86a.
 (7) Warden, Burgh Laws, 59.

the marches being complete and no more stones required, the duty was commuted to a payment of £3 over and above the usual fees. With this money the Treasurer was instructed to furnish a magazine. In 1683/84, accordingly, £185, 13s. 6d. were received for burgess-entries, and £80, 13s. 6d. as "gun money": but in 1699, the "thrie pound Scots payeable by each intrant in lue of their gunn" were discharged from thenceforth (1).

(1) Stirling Recs., II, 29, 91, 323.

PART THIRD -- THE TREASURER'S EXPENDITURE.

CHAPTER IX -- COMMON WORKS.

Perhaps the most important item of burghal expenditure, ever present and claiming attention, was that of "common works". Burghal codes, acts of parliament, decrees of convention, and practice within the towns, all show that profits of lands, mills, fishings, petty customs and burgess-fines were granted mainly as a fund for the maintenance of public and municipal works (1). Further, particular revenues were often appropriated to a special department of burgh work. The tacksman of "the impost of the brig" of Ayr from 1539 to 1591, charged with £326, 13s. 4d., showed that most of it had been used for payments to the Master of Work, "for turffis leiding to the brig", for mason-work at the brig-port, and for painting (2). In 1627, £72 got for the "impost of horse and cattle" at Dumbarton were

(1) Supra, 90-1.

(2) MS. Ayr Accts., fol. 81a.

devoted to "the use of the watter wark" (1). At Dundee, fines for disobeying the officers or blaspheming the magistrates were given to the upkeep of the church; those imposed for giving "cuffs" or drawing "whingers" to common works generally; and those for leaving "redd" in unauthorised places or drawing weapons at the harbour, to the maintenance of the haven (2). At Lanark, in 1563, a quarter's unlaws were voted to "the begin of the cassay" (3). Such local rules and customs are part of a principle of almost universal application. In 1500, Thomas, Earl of Ormond gave very similar instructions to the burgesses of Carrick by charter:--

" . . . Volumus etiam quod omnes denarii, exitus, et profite ratione dictarum concessionum nostrarum pervenientes ad manus dictorum burgorum ad edificacionem, reparacionem, et sustentacionem murorum et turrium ville nostre predicte disponantur et expediantur" (4).

In the realm of national finance, "the King should live of his own"; in the same way, the Common Good of the burghs should ordinarily suffice for its common works. In each case taxation was a last resort. When old St. Giles Kirk in Edinburgh was being transformed into the building known to later generations as "the Heart of Midlothian", expense was found to be out-

(1) Dumbarton Recs., 11.

(2) Warden, Burgh Laws, 15, 18, 20.

(3) Lanark Recs., 32.

(4) Latin copy of charter, dated July 12, 15 Henry VII, (1500), in Brit. Mus. MSS., Cott., Titus, B XII, fol. 76ab, 77a.

:stripping revenue, and progress was slow,-- so slow that the Queen threatened to remove the Session to St. Andrews or some other town, if it were not quickly completed. This would be "na litill harme to the commoun weill of the burgh". Only then, there being "na money to be gottin of the commoun gude, becaus the samyn wes analiit for tua yeris to cum", did the Council apply the desperate and unpopular remedy of a stent (1). The "auld reuestrye" was prepared as a clerk's chamber, the Dean of Guild's accounts for 1562/63 showing payments for the weekly wages of workmen (masons, wrights, barrowmen and wood-cutters), the purchase of timber, sand, lime, stones, nails, lead and glass, their transportat-:ion, binding windows, wainscoting walls, fixing door-hinges and locks, and supplying ale to the workmen (2). By Nov. 10, 1563, too, the new prison was completed, for on that day the Council decided that all adulterers and fornicators be put "in the presoun hous abone the northwest dur callit the preistis presoun", and prostit-:utes "in the woltis abone the kirk beside the stepill".

On a lesser scale, the other burghs had the same works to attend to, and the constant need for repair, as evinced in the accounts, suggests that Tolbooth, mills, churches, schools, causeways, harbour, bridges,

(1) Edinburgh Recs., III, 130, 140.

(2) Ib., 160, 173-4; Edinburgh Old Accts., II, 176.

prisons and other public works were erected with a view to immediate cheapness rather than ultimate economy, so that each year brought back masons, smiths, wrights and labourers for the same monotonous round of minor tasks. The Treasurer's accounts for St. Andrews in 1618/19 are typical. The wind-mill required attention, a new axle-tree had to be provided, as well as timber, iron, nails, "tweildene" (twilled cloth for the sails) and tar. The mill-dam got loads of clay, the Quarry Mill a new shaft. At the Tolbooth, the windows were re-glazed, the inner and outer doors, booth-doors, and the door of the pit or underground cell (1) got new locks and hinges. Rope and tackle were provided for the bell, the tongue was mended, rain-pipes were required for the grammar school, lime, stones and timber for the Bow-brig, and causeway at the Market Gate Port. The largest share of work, however, fell to be done at the shore and wooden bulwark. Materials were not to be purchased cheaply. Three lots of timber for the shore cost £48, £24 and £9, 13s. 4d. respectively, iron-work for the wind-mill, £30, 12s., clay, £13, 3s., glass for the Tolbooth windows, £7, 2s., iron and lead, £8, 8s. 4d., 12 bolls of limestone for the Bow-brig, £7, 10s., and 15 bolls of lime, £5, while the

(1) A "thieves' hole", or sunk dungeon for criminals, was a feature of all the old tolbooths. MS. Ayr Accts., fol. 127a. MS. St. Andrews Accts., fol. 14a. Lanark Recs., 70.

cost of laying the new causeway at the Port was £13, 12s. 8d. As regards wages, not only were skilled workmen required (masons, wrights, carpenters, and glaziers); there was a great deal of navvy-work to be done, carting and barrowing stones and timber, casting away "redd" or rubbish, shovelling and digging. Unskilled and heavy manual labour was paid at the rate of 5s. to 8s. per day, and skilled artisans proportionally higher. The best-paid workman was the mill-wright, with £2 for $2\frac{1}{2}$ days' work. The largest item of common works was the sum of £623, 17s., paid to boatmen, timbermen, barrowmen and one smith for "making vpsetting and filling" 31 couples at the shore-bulwark. A few shillings were very generally thrown in as drinksilver (1).

Expenses such as these were typical of burgh finance, and it was hard to meet them from the Common Good alone. In 1614/15, ordinary revenue at Lanark amounted to £327, 6s. 8d., yet in that year £300 were spent in building the council-house and prison, and £100 on repairs to the minister's house. The result was a superexpenditure of £175, to be carried on as a burden for later years (2). The need for economy sometimes forced the councils to get the consent of the community for a big undertaking (3), while at Stirling (1683), no magis-

(1) MS. St. Andrews Accts., 1618/19, infra, App. C.

(2) Lanark Recs., 122.

(3) Aberdeen Recs., I, 72.

strate might spend common money without the Council's consent, or, in emergencies, that of four other magistrates, together with one merchant and one trades councillor, whose decision must be ratified at the first council-meeting. In particular, the Treasurer must not undertake any building or repairing without the Council's consent (1).

There were various ways in which the municipal and public works of the burghs were carried out. From the available records I have noted seven different methods:--

I -- Leases of common property. In March, 1569/70, the walls of Peebles being in a dilapidated state, the Council agreed to have them re-built by two contractors, to whom they gave, as payment, a 13-years' lease of the two corn-mills. The lease might be reduced by one year for every 200 merks paid over by the Council (2). Just two years later, a similar transaction occurred at Lanark, when the north wall of the Tolbooth had to be re-built, and eight vaults constructed under it. The lowest and successful offer was a lease of the customs for 5 years, plus £40 in cash (3). This is a development of the system of giving long leases and foremailing in financial emergencies.

(1) Stirling Recs., II, 39-40.

(2) Peebles Charters, etc., I, 316-7.

(3) Lanark Recs., 64-5. Supra, 201.

II -- Works in lieu of burgess-fines. Instead of taking entry-money from new burgesses, the councils sometimes asked them to settle some of the town's debts, perform a necessary public work or contribute something in kind towards the common needs. In this way, "cal-says" could be laid, windows glazed, butts built, timber or stones supplied, the chaplain provided with a new surplice or the drummer with a new drum (1). Such expedients have this in common with contractors' leases of the Common Good, that the councils, instead of realising the "common profits" and expending them on public works, converted them directly into some form of useful and necessary work.

III -- Direct expenditure by the Treasurer on common works. This method, as illustrated above from the St. Andrews accounts for 1618/19, may be treated as the standard one. Most treasurer's accounts resemble each other closely as regards common works. That official noted down, from year to year, many small items of building and repairs among fees, wages, interest on loans, alms and other running expenses, just as they fell to be paid. Sometimes separate headings were adopted and all the details of one particular "work" entered by themselves. In the St. Andrews accounts of 1622/25, two such headings are given,-- "ffollowis the

(1) Supra, 220-1 and references given there.

expensses of the 1623 reparatione of the Wynd Mille in Julie or therby", and "ffollowis the expenssis of the 1623 clinging and dressing of the harbure in the mon-:ethis Juniij Julie and Agust" (1). In this year, three important "works" were undertaken,-- building up the Lade-brae, at a total cost of £34, 6s.; repairing and providing two new sails to the wind-mill, costing in all £56, 3s. 8d.; and cleaning the harbour, which ac-:counted for £138, 5s. Another big item was the trans-:porting of oaken timber, which cost the town £92, 6s. 4d. If we include all the minor expenditure detailed in the accounts, for the Tolbooth, the causeways, the Swilcan bridge, the ports, and the rest, we find that the total expenditure on common works amounted to £591, 3s. 4d., or just over 10% of the whole expenses for the year (£5,587, 5s.), and just under 10% of the year's income (£6,345, 6s. 2d.); while in number, the items of common work make up over 50% of the whole discharge (2). One of the larger items of the year, the repairs to the Lade-brae at Pamfray Wynd, was not detailed in the Treasurer's discharge, but in a separ-:ate "compt sine and allowit". This treatment of the more important works enabled the Treasurer simply to enter the total expenditure, and refer to the individ-

(1) MS. St. Andrews Accts., fol. 79b, 80b.

(2) MS. St. Andrews Accts., fol. 71b-82a.

ual "compt" for details. One such separate compt has survived, and is bound up with the Treasurer's own accounts,-- the "Compt of the Expensis debursit vpon the Repairing of the schoir of Sanctandros sen the 18 day of September 1616". Lasting for fifteen weeks, the whole work cost £945, 2s. 10d. for the purchase of materials, their transportation, by land and sea, from Leven, Largo, Crail and Kinkell, and wages and drinksilver to the workmen; barrowmen and labourers got 6s. 8d. per day, masons, 12s., and other craftsmen, 10s., 13s. 4d., and up to £1 per day (1).

IV -- Masters of Common Work. Undoubtedly the object of making separate accounts for important works was to spare the ordinary burgh accounts the monotonous reiteration of the same wearisome details, and, carried to its conclusion, this idea led to what I shall call the fourth method of performing common works. This was the appointment of ^a special magistrates[^] to supervise the work placed under his direction, to purchase materials, pay wages, and account to the council for his "intromissions". As a rule, the office was an annual one, though ad hoc appointments are found. Similar appointments were sometimes made in connection with particular departments of the common work, like the harbour and pier, the bridge and the kirk. Again, the Master

(1) Compt bound up with MS. St. Andrews Accts.

of Work was often nothing more than a spending officer, receiving sums as required from the Treasurer, but in some cases he uplifted fines and casualties which had a special connection with the work concerned.

Masters of work are not uncommon at Edinburgh (1): in 1585, a special one was appointed to carry out the building of the College, receive all present or future college revenues, and enjoy a salary of 100 merks (2). The Dundee "Piermasters" received sums voted from the Common Good, shore-fines and shore-casualties (3). An assize of Dumbarton in 1628 chose a Master of Work for the bulwarks and water-works, bridges and streets; four years later, another was named for the building of the minister's manse, and, in 1655, accounts were submitted by the overseer of the common quay work (4). At Lanark the Master of Work was an annually elected official, so that, when any work had to be done, he was simply instructed to "agree with wark men for that effect"; on retiral he handed over to his successor the tools of his office,-- the town's pick and shovel, a "laidgallon", a fire-shovel, "ane hanging flower for a candle", an iron for carrying the basin and sand-glass of the meeting-house, a timber candlestick, and the brances (5).

(1) Edinburgh Recs., II, 74. (2) Ib., IV, 431.

(3) Warden, Burgh Laws, 20.

(4) Dumbarton Recs., 26, 38, 67-8.

(5) Lanark Recs., 146, 188, 257.

The Ayr accounts show just such an official at work. The magister communis operis was a regular magistrate ranking with the Treasurer and Dean of Guild, and, like them, presenting his account at the yearly audit. He was almost exclusively a spending officer, taking over sums from the Treasurer, Dean of Guild, stent-collectors and the town's debtors, and charging himself with his private dues as a tacksman of the Common Good. In pre-Reformation days, materials were cheap and wages low,-- masons got 13s. 4d. per week, quarriers, 10s. per week, and labourers and barrowmen, 6d., 7d. or 8d. per day. Thus the total charge of the Masters of Work was often low. In 1536/37, it was £10, 13s. 8d., in 1537/38, £64, 7s., in 1538/39, £106, 4s. 3d., in 1541/42, £181, 0s. 11d. The public works carried out were along the usual lines, the erection of a common tron, turfing the butts, causeway-making and mending, making and "eyeing" mill-stones, drying out the quarry and making a common "pailzoun" or tent; but in particular the shore required attention and had constantly to be repaired with stones from the quarry, timber and "wrak" from the beach and rush ("ryss") from Dalrymple Wood. The Master of Work's fee was generally £2 per year.

Coming down ^{sev-} ~~twenty~~ years, there are great changes. The year 1613/14 was an important one for the common

works, and involved extensive operations at the bridge, for which a special local tax was imposed. Wages had risen very considerably since 1540, for the master-mason now received £5 per week, and his men, £2, 13s. 4d. Henry Osburne, Master of Work, got £132 of the tax, and spent it all on the bridge-work. Bailie Cuninghame was responsible for another "pairt of the brig work this zeir 1614", and spent £52, 15s. 4d. on it, while the Treasurer's discharge shows expenditure on the bridge, as well as repairs to the kirk, bulwark and causeways. A memorandum at the end of the compts states that the common works for that year, in the hands of Treasurer, Dean of Guild, Bailie and Master of Work, accounted for £671, 12s. 8d. This amounts to over 36% of the total sums handled by the four spending magistrates (£1,859, 5s. 3d.). Admittedly this was a big year for common works, necessitating the participation therein of four magistrates, but it was just the possibility of such an occurrence which gave this aspect of municipal expenditure its importance (1).

V -- The employment of Master-craftsmen for common works. It was the desirability of having a whole-time skilled official to attend to the upkeep of Tolbooth, haven, bridge, causeways and the rest, that inspired the appointment of masters of work. The fifth

(1) MS. Ayr Accts., sub loc. Infra, App. B.

method is closely analogous,-- the feeing by the council of a master-craftsman to perform all operations falling within his province. Occasionally such a workman was engaged for a weekly wage, but more usually he was allowed a definite yearly salary. In 1500/01, a master-mason was employed for the Edinburgh Tolbooth, at a weekly wage of 10s., with 9s. to his helpers, and allowances for expenses (1). A contract of 1529 between the corporation of Stirling and Johne Couttis, master-mason, bound the latter to devote his whole time from dawn till evening each day and his whole craft of "masonry and gemetry" to the town's work, as occasion arose. His yearly fee was 50 merks, plus a "bountaith" of £2 for zeal and good service, and the remission of burgess- and guild-fines in return for "hus gud and thankfull service" to be done (2). In pre-Reformation Ayr, a glazier was engaged at an annual retaining fee of £1 for mending the church windows (3). A "cassay makar", engaged at Aberdeen in 1539, received payment very much like the old burgh chaplains, 1d. per day from "euerilk housse haldar", plus his meat in turn from the neighbours. Later on, there is mention of a plumber and a "knockmacker" employed by the same

(1) Edinburgh Recs., I, 89-90.

(2) Stirling Recs., I, 35-7.

(3) MS. Ayr Accts., fol. 18b, 23b. In 1615/14, the "glasinwrycht" received £4 per year. Ib., fol. 127b.

burgh (1). In 1577/8, a "calsay maker" of Dundee was lent to the burgh of Glasgow to oversee the work there, the western burgesses binding themselves to make payment to their brethren of Dundee for the work done (2). In 1613/14, a master-mason of Ayr drew a stipend of 20 merks "for vphalding of the key" (3). The Dumbarton Council decided, in 1661, to pay John McIntyre a lump sum of £10, plus an annual allowance of £1, 10s., to preserve the Hospital from the periodic floodings of the River Leven (4).

VI -- "Pressing the neighbours" for common work.

To press all burgesses, under pain of a fine, to work at the shore, bridge or causeways, was perhaps the most economical, if also the most primitive, way of getting the work done. In 1465/6, seven brig-masters were chosen at Peebles to supervise the work, which was compulsory for all inhabitants, under pain of an un^law of 6d. for each fault (5). In 1547/8, all in-
:dwellers of Stirling were warned to be ready, along with servants and horses, "to wirk and labour for strynthing of the touin in all sortis as salbe devisit and commandit" (6). Forced labour was required at

(1) Aberdeen Recs., I, 241; II, 358.

(2) Glasgow Recs., I, 64, 69. Cf. Marwick, Early Glasgow, 155.

(3) MS. Ayr Accts., fol 126b.

(4) Dumbarton Recs., 79.

(5) Peebles Charters, etc., I, 154.

(6) Stirling Recs., I, 51.

Edinburgh just after the capture of Leith by the Protestants in 1560. To prevent future foreign enemies fortifying themselves there and defying the Government, the Privy Council directed the Town Council to compel the inhabitants to demolish the walls on the Edinburgh side, and "the hale nychtburis" were made to supply "samonny men as thair may gudlie perfurneis efter thair landis gudis and substance, for downcasting and demolishing of wallis and fortres of Leythe" (1). The "honest men" of Peebles were "desired", in 1571, to give loads of lime, sand or stones to the bridge-work (2). The Town Council of Paisley might, and did, charge the inhabitants to carry stones for the causeways, under pain of fine and poinding (3). In 1606, the burgesses of Stirling had to provide, in turn, eight serving men or women to carry away "red" (4). In 1652, those of the Peebles burgesses who had horses were directed to bring clay to the burial-ground, while those who had none must carry stones (5). In 1656, the inhabitants of Lanark were ordered to turn out with mattocks, shovels and clats, "for helping of the calsay and redding the burne, under the paine of sex s. ilk persone" (6).

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- (1) Edinburgh Recs., III, 69.
 - (2) Peebles Charters, etc., I, 327.
 - (3) Paisley Recs., 268.
 - (4) Stirling Recs., I, 114.
 - (5) Peebles Charters, etc., I, 395.
 - (6) Lanark Recs., 156.

VII -- Sectional responsibility for common works.

Occasionally the corporation did not accept responsibility as a body for a particular piece of work, but called upon those most intimately concerned to see to its performance. The mending of Edinburgh causeways was frequently imposed as a duty on the heritors of adjoining lands pro rata. In 1554, the heritors of the lands in Friar Wynd repaired the decayed causeway at their own expense (1). Four years later, when the Cowgate required attention, the work was done "vpoun the equale expenssis of the heritouris of the landis vpoun bayth the syddis of the said gait" (2). In 1581, the burgesses of the south-west quarter were ordered to "repair the calsayes fornent thair landis", though on this occasion their expenses were to be "allowet in thair mailles" (3). In 1621, the heritors of lands adjacent to the town-well of Peebles were instructed, not only to repair it, but also to maintain it for the future (4).

(1) Edinburgh Recs., II, 193. (2) Ib., III, 26-7.

(3) Ib., IV, 204. Traces of this custom still survive in some country parishes. At Birkhill Feus, in Forfarshire, the village was formed out of 40-pole feus, laid out in parallel rows with strips of waste between. These strips have been transformed into roads -- after a fashion -- by the imposition on each feuar of the obligation to keep in decent condition the parts adjoining the front and back of his tenement.

(4) Peebles Charters, etc., I, 361.

CHAPTER X -- HOSPITALS AND THE POOR.

The administration of such poor law as existed in the burghs was not exclusively a charge on the treasurer's normal revenue, for in some cases taxation was resorted to, some fines were specially devoted to the poor, voluntary collections were taken, and street-begging allowed, and all these methods are certainly outside the scope of the Common Good. But public law and common practice both show that the upkeep of the burghs' own poor was a duty not to be shirked by them, a standing charge on their hereditary wealth. Apart from the fact that indigent persons were commanded to seek their own native parishes for support, casual beggars and ship-wrecked mariners were liable to turn up in all parts of the country, and under both heads there was a constant stream of burghal expenditure. The duty is one which no civilised community may neglect, and the Scottish burghs were no exception to the rule.

Within the burghs the duty of supporting the

aged, infirm and indigent fell jointly on the burgh and the church, and was often discharged, in post-Reformation times, by the Council and Session acting together. In the same way, on them rested the responsibility for expelling idle and masterful beggars, sorners and undesirables; the appointment of Justices of the Peace and constables, in and after 1617, relieved them of a share of this work (1). The records leave no room for doubting the constant need for poor relief. It was contended, indeed, by a writer of the last century (2), that the average Scot of olden times had too keen a sense of shame to ask or accept assistance, a laudable virtue which was being lost in the writer's own day; but such a falling away from former habits of sturdy independence, like the "good old days", is to be found in the reminiscences of survivors of a past generation rather than in the pages of history. The fundamentals of human nature show little change from age to age, and the readiness to accept charity is no exception.

Chaplainries had much to do with the relief of poverty and want. In 1462, a piece of land having been resigned, "with erd and stan", into the hands of one of the Bailies of Peebles, "eritable stat and possessioun" were given to Sir John Smayle, "in name of

(1) Cf. Rogers, *Social Life in Scotland*, I, 262-7.

(2) Sir J. Sinclair, *Analysis of the Statistical Account of Scotland*, II, 212-6; and *Old Stat. Acct.*, Campsie, XV, 363.

pur folk, thair to haf in that land harbery and bedd-
 :yng": a chaplain was named "tutour and coursear of the
 sayd almushous", which was dedicated to the worship of
 God, Our Lady Mary and the souls of the founders (1).
 In 1478, when Archdeacon Rerik was founding a chaplain-
 :ry in Glasgow Cathedral, he laid down the condition,
 that the incumbent should distribute alms in money or
 kind, to the value of £1 yearly, among thirty poor per-
 :sons, at the rate of 8d. each (2). Thus was the prob-
 :lem faced in early times. And in later days, when the
 altarages had come into the hands of the burghs, much
 of their wealth went to the alleviation of distress,
 sometimes by express appropriations. In old Edinburgh
 there had been a duty of one quart on every tun of wine
 sold for the benefit of the fraternity of St. Anthony,
 and in 1560, this was assigned to the poor of the city,
 and ordered to be roup'd yearly along with the Common
 Good. In 1561, "St. Anthony's quart" was commuted to
 a duty of 12d. per tun, and in 1579 it was again
 changed and reduced to one pint per tun; but throughout
 these changes the same purpose was kept in view (3).
 In 1567, the Dundee Council made arrangements for up-
 :lifting the "Queen's Donation" (Greyfriars, Black-
 :friars, and chaplainries), and applying it to the

(1) Peebles Charters, etc., I, 146-7.

(2) Renwick, Hist. of Glasgow, 258.

(3) Edinburgh Recs., III, 86, 108, 110; IV, 125.

ministry and the poor (1). In 1575, the rents of all the chaplainries of the parish (collegiate) church of Aberdeen, saving life-rents, were voted to St. Thomas' Hospital (2). At Glasgow, the altarage of St. John the Baptist was annexed to the mastership of the new hospital at Stable-green (3).

But burgh altarages, being mostly fixed money-rents, tended to diminish relatively to current prices, while with the spread of humane ideals, the need for poor relief expanded steadily. Later gifts and bequests, too, though neither rare nor negligible, failed to meet the demand for funds, and new methods of relief must be found. The misery and want of those who had been used to get their alms at the bishop's or abbot's gate would be a standing reproach and argument against the new faith. Three methods of relieving poverty suggested themselves to the burghs, and all are to be found in operation, often at the same time. Thus, on March 13, 1579/80, the Council and Session of Edinburgh, in a joint sitting, "took order anent the poor", expelling unwanted strangers, convening their own poor and giving them daily begging "tokens"; at the same time, they were distributing periodic charity by means of collect-

(1) Warden, Burgh Laws, 32-3.

(2) Aberdeen Recs., II, 22-3.

(3) Glasgow Recs., I, 147.

:ing among the burgesses, and keeping up two almshouses, Trinity College and St. Paul's work (1). In fact, licensed begging, organised charity and hospitals were all required by the volume of unemployment.

I -- Licensed Begging. As early as 1502/3, begging in the capital was limited to those who bore the town's "leidin taiknis" (2). In 1536/37, the Treasurer of Ayr paid 2s. to "the tynklar for making of . . . lyddin taknyngis to the pure folk" (3). "Maisterfull and sturdy beggaris" were in a different category, -- a man was frequently employed to keep them off the street (4). The national ideal was the upkeep by each parish of its native poor, casual drifters being driven from place to place until claimed by some village or town (5). Locally, the burgh was expected to make sufficient provision for the sustenance of decayed inhabitants, to control casual begging, and to banish all strangers (6).

II -- Organised charity. With begging, even by natives, frowned upon if not forbidden, recourse must often be taken to the other methods, and for this purpose one of the most valuable sources of revenue

(1) Edinburgh Recs., IV, 77, 93, 153.

(2) Ib., I, 97. (3) MS. Ayr Accts., fol. 13a; infra, App. B. (4) Edinburgh Recs., IV, 300, 381. Peebles Charters, etc., I, 414.

(5) A.P.S., V, 178, 184; Reg. Privy Coun., Second Series, III, 65, 411. (6) Cf. Annals of Banff, I, 66.

comprised fines and escheats, many of them expressly devoted to poor relief. Indeed, the poor's box was placed in the burgh-court of Dundee, and 2s. of every £ of unlaw put into it (1). Several of the fines, along with escheats of regrating hucksters and townsfolk who employed the unfree weavers of Rotten Row, were given over entire to the same cause (2). Sabbath trading was punished in the same way (3). An Act of Parliament of 1579 directed that "sic as tynis thair pley within burgh" should pay 12d. in the £ to the poor, over and above debts and costs, and this revenue was roused in Edinburgh for 100 merks for the first year(4).

Many other occasions were turned to the advantage of the poor. There was an almshouse collector at the Dundee shore whenever a ship was due to depart (5). Burgesses of Banff paid 6s. 8d. to the poor in addition to entry-fees (6). Any burghess or stranger desiring to have the kirk-bells of Stirling rung at a funeral gave £4 or 10 merks -- according to his status -- to the burgh's poor. In the same way the monopoly of the mortcloth at Peebles was administered for the sole benefit of the poor (7). The Selkirk "dead-bells" and

(1) Warden, Burgh Laws, 33.

(2) *Ib.*, 28, 30, 34, 47-8, 50, 515.

(3) *Ib.*, 47.

(4) A.P.S., III, 147. Edinburgh Recs., IV, 548.

(5) Warden, Burgh Laws, 49.

(6) Annals of Banff, I, 156.

(7) Stirling Recs., II, 74. Peebles Charters, etc., I, 370-1.

hand-bells, on the other hand, were generally conferred on some indigent burgess as a direct means of support(1).

Despite all attempts to raise funds by these means, direct levies had often to be made on the burgesses, by way of taxation, "free-will" offerings according to an assessment roll, or truly voluntary contributions. The first two, of course, tended to differ only in name. In 1561, all indwellers of Edinburgh were obliged to give "oulklie almous" according to their means, and were poinded for them in case of refusal. The collectors of each quarter handed over the proceeds to the elders and deacons every Saturday for distribution, and compt was made thereof in presence of the Council and Session sitting together (2). In 1565, compulsion was introduced in a sterner manner, the Bailies being authorised, if necessary, to poind for a quarterly tax and to "mak penny thairof according to the taxt rollis" (3). By 1575 a regular machinery was in operation. Every Saturday the collectors took up the tax at St. Giles Kirk and handed it over "incontinent" to the deacons for distribution; warding was the penalty for non-payment (4). The crafts attempted, without success, to evade liability, on the ground that they attended to their own poor and kept them from public begging (5).

(1) Craig-Brown, Hist. of Selkirkshire, II, 81.

(2) Edinburgh Recs., III, 102-3. (3) Ib., 191-5.

(4) Ib., IV, 39, 42. (5) Ib., IV, 165.

In 1574, weekly collections were instituted at Aberdeen, the elders of the kirk taking them up and handing them over to the minister for monthly distribution. The collection was according to a "voluntary" roll, which could not be altered save by way of increase (1). In 1619, Council and Session decided that 50 merks weekly, or 2,600 merks (£1,733, 6s. 8d.) per year would be required, and raised £1,000 by tax, the remainder to be paid out of the church-collections at Communion time or the poor-box at the kirk-door (2). In 1699, the burgesses of Lanark were taxed for £12 weekly for the poor (3).

The Aberdeen arrangement of 1619 combined a tax with a voluntary collection. In 1596, in the same burgh, one collector per quarter was named for another voluntary contribution (4). At Peebles, in 1561, the west vault under the Tolbooth was set aside "for the ressait of pure folkis, decrepit bedellis, to be harboryrit thairintill", and a free-will "charite and almous" taken each Sunday on their behalf (5).

III -- Hospitals and alms-houses. The hospitals of the capital, even before the Reformation, were important institutions, governed by a master of dignity and substance, and housing many "beadsmen" (6). Many

(1) Aberdeen Recs., II, 20-1. (2) Ib., 359-61.
 (3) Lanark Recs., 263. (4) Aberdeen Recs., II, 149.
 (5) Peebles Charters, etc., I, 272-3.
 (6) Edinburgh Recs., II, 212, 214, 219.

burghs had a leper hospital as well as an ordinary almshouse for the poor: the Bishops of Glasgow kept one in the Gorbals, with private chapel and burying-ground, which was maintained by endowments, casual alms from passing strangers, and gifts from the Bishop or from great personages visiting the town (1).

After the Reformation, a hospital-master was required, of course, to be of the Protestant faith, as well as educated and of good morals; his duties included that of reading prayers daily. He often had financial responsibility,-- the collecting and accounting for the hospital-revenues,-- and must give implicit obedience to the council as patrons. The beadsmen, too, must be orthodox in religion, decent and well-behaved, regular in attending prayers, and economical of their small pittances (2). They were allowed a sufficiency of coals and peats, and were expected to pray for the King, the nation, and their individual benefactors, to cultivate the garden and keep the buildings clean (3). Residence was strictly insisted upon (4). Inmates of the Over-hospital at Stirling got 40s. weekly as "aliement", one load of coals per chamber in summer, and two in winter, as well as candles (5). Extravagance on the part of the master was

(1) Renwick, Hist. of Glasgow, 271-5.

(2) Edinburgh Recs., IV, 564-7. (3) Paisley Chart-ers, etc., 88-92. (4) Stirling Recs., I, 122.

(5) Ib., II, 11.

safeguarded against,-- clothes, chamber-pots or such articles might not be supplied without the magistrates' consent, and the total of the alimnt paid out must be less than the hospital-revenues (1).

Besides these three definite measures for poor relief, special consideration was extended to the poorer inhabitants in a number of ways. Poor children would sometimes get their education free at the burgh schools, and medical attendance was also given gratis to them and their parents, the Council in each case making good the loss of income to teacher and surgeon (2).

The rule that only natives might expect relief was not without exceptions, for needy strangers, shipwrecked sailors, cripples and blind men were often helped on their way with a small gift. It may be conjectured that the burgesses were glad to see the backs of such unfortunates, even at a price, for the money was often entered as having been used for "putting away" these strangers. In the year 1584 alone, two Flemings were given £10 at Edinburgh to enable them to go home; six "schipbrokin Inglismen" and three boys got £20 to help them south; for the same purpose, three "puir Inglis tymmer men come fra Norway" received £3; while a poor man, "quha cryes throw the toun and kirk 'God save the King'", was given "ane jowp, ane pair of breiks,

(1) Stirling Recs., II, 39-40.

(2) e.g., Edinburgh Recs., IV, 407-8, 535.

hois and schone, of . . . gros and stark stufe", but was warned to desist from shouting during church services. In the following year, "Blynd Jame" got 5s. per week "for his sustentatioun and halding him frome the gaitt", and it was decided further "to gif him a hardin sark" (1). During the winter of 1588/89, ship-wrecked Spaniards from the Armada were constantly appearing in a destitute state,-- "in maist miserabill estaitt, bayth naiket and famishet",-- to receive clothing, food, and money, from fines and collections, to help them on their wearisome journey (2). In 1625, 6s. were given to "ane puir schip brocking mane" at Peebles (3). In the St. Andrews accounts, £6, 13s. 4d. were given to "ane Gretiane", £11, 16s. to a burgess' wife for "enterteneing of the Giptianes", £1 "to Androw Baxter the cripell man and to carrie him af the toune", 12s. to another "cripill man and to carrie him to Craill", £2 to "ane puir man at command of the magistraitis", and 7s. "to put a puir man of the toune" (4).

(1) Edinburgh Recs., IV, 326, 338, 351, 357, 428.

(2) Ib., 531-2, 542.

(3) Peebles Charters, etc., I, 414.

(4) MS. St. Andrews Accts., fol. 4b, 14b, 60b, 61b, 71b, 73b.

CHAPTER XI -- THE BURGH SCHOOLS.

The whole subject of the burgh schools has been so thoroughly investigated in the standard work of Mr James Grant, that it would be ridiculous, as well as impertinent, to treat it as a new field of research. But, whereas Mr Grant has studied the schools as an educational system, my intention is to show their significance as a department of municipal administration and finance. In very early times, when the dim lamp of learning was kept burning by the unassisted efforts of the churchmen, schools are to be found only in connection with cathedrals, abbeys and churches. Even by the XV Century, however, the town councils had begun to take a share of the burden (1), to appoint teachers, pay their salaries and regulate the pupils' fees. It was so even in cathedral cities, the strongholds of the old church,-- at Glasgow, Aberdeen and Banff, the local councils, by virtue of paying most of the salaries, had the patronage of the grammar-schools, along with the

(1) Grant, Hist. of the Burgh Schools, 29-32.

responsibility for the upkeep and repair of the school buildings (1). This development was assisted by the fact that the burghs had the patronage of the altarages, and found it convenient to divert some of the leisure of the burgh chaplains to the service of education.

The hereditary wealth of the old church was supposed to be devoted to the ministry, poor and schools of the burghs. Thus a portion of the second teinds of the bishopric of Aberdeen, comprising the tenths of all royalties, demesnes, thanages, baronies and burghs, was set aside in favour of a grammar school at Banff (2). But few burghs were equally fortunate, and it is to be feared that what endowments were made in support of schools were ludicrously small in comparison with the known wealth of the old church. The rapacity of the nobles left it to the King to found schools out of the annexed lands,-- a duty which was apt to be lost sight of amid the incessant claims of a greedy court. Some foundations, indeed, were made,-- those at Irvine and Paisley, in support of the grammar schools there, and at Glasgow, in favour of professors' salaries and poor students' bursaries, have been noted above (3). These grants, however, were all too few; Mr Grant quotes only

(1) Marwick, Early Glasgow, 59-60. Watt, Hist. of Aberdeenshire, 104, 198-9.

(2) Annals of Banff, II, 166-8. Cf. Grant, op. cit., 449.

(3) Supra., 147-8.

seven royal gifts to burgh schools from the reigns of Mary and James VI: those to Dundee, Irvine, Renfrew, Elgin, Dunfermline, and two burghs of barony, Paisley and Musselburgh (1). A few private mortifications and bequests were made in later days. In 1651, three sisters Tweedie gifted lands and houses in Peebles in augmentation of the schoolmaster's salary, on condition that votes in his election were allowed to three relatives of theirs (2). In 1662, Lord James Carmichael mortified, in favour of the teacher, five poor scholars and the "musician" of Lanark, bonds to the total value of £3,520, yielding, at 5% interest, an annual revenue of £166 (3). But while many endowments have been made, the private schools have benefited to a much greater extent than those of the burghs, which, consequently, have been largely supported by the towns themselves (4).

The manner in which the encumbered municipalities of Scotland responded to this call has drawn forth the praise of the profession itself, disinclined as it is to overlook its grievances (5). The town councils deserve much of the national credit for the way in which the path of education has been left open to all. Interested primarily in industry and commerce, they still

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- (1) Grant, op. cit., 447-8.
 (2) Peebles Charters, etc., I, 392.
 (3) Lanark Recs., 187-8.
 (4) Cf. Grant, op. cit., 444-56.
 (5) Ib., 461-2.

found time to devote to the cause of learning. Even Convention lent a hand, and its legislation on the subject makes curious reading, wedged between a minute of arrears of taxation and an order for the settlement of a debt. In 1593, the commissioners approached Edinburgh with a view to drawing up a grammar-book for use in all the burghs (1). Again, in 1633, the "Grammar" and "Rudiments" of the Aberdeen dominie, David Wedderburn, was adopted, and the burghs had to write to the agent, each for its quota of the books (2).

Within the burghs, the desire for a standardised system of education led to the enforcement of their monopoly of schools. The children of Edinburgh burghesses might not attend any school other than the principal grammar-school, save to learn the elements of reading, under pain of paying 10s. each time to the schoolmaster (3). At Stirling, a "writting schole" was discharged in 1609 (4). At the same time, it was not pretended that a grammar-school was sufficient for the educational needs of the burgh. In the capital, in the late XVI Century, besides the grammar-school, we read of a French school, a song-school and a Scots school: all were under the special protection of the Council(5).

(1) Recs. Conv. R. B., I, 411-2.

(2) *Ib.*, IV, 527, 532. Dumbarton Recs., 41. Stirling Recs., I, 171. Peebles Charters, etc., I, 573.

(3) Edinburgh Recs., I, 193-4.

(4) Stirling Recs., I, 122.

(5) Edinburgh Recs., IV, 23, 128, 407-8, 450.

In 1586, the ten "maisters of the lecture scholes" employed by the Council were warned about the need for preserving good order in their schools (1). Stirling kept up a grammar-school, an "Inglis scole", and a "dame school" for young girls (2), while at Banff the wife of the music-master taught weaving and sewing (3).

"Examinations" of candidates for vacancies were frequently conducted by the Council and Session in joint sessions, and attempts were made to get the best available: a Scotsman teaching in London was sent for by the Edinburgh Council in 1562/3 (4). Their tenure of office was sometimes made to depend on their good conduct, and appointments were limited to "the Council's pleasure", or to four, five or nine years "at least"; such short terms must be regarded as periods of probation (5).

In pre-Reformation times, as has been stated, the duties of schoolmaster were, of necessity, almost invariably annexed to the office of chaplain. As early as 1464, Schyr Wylyam Blaklok was appointed as unsalaried schoolmaster, "to tak the prophet of the scole has efferis of the chylder at he techis" (6). A Protestant analogy is supplied by the junction of the

(1) Edinburgh Recs., IV, 479. (2) Stirling Recs., I, 131-2; II, 73. Grant, *op. cit.*, 528. (3) Annals of Banff, II, 174. (4) Edinburgh Recs., III, 157. (5) Paisley Charters, etc., 259. Annals of Banff, II, 166-8. Stirling Recs., I, 238; II, 14. Peebles Charters, etc., I, 386. (6) *Ib.*, 152.

offices of schoolmaster, precentor, reader and session-clerk in one man's hands (1).

But for us the chief interest of the schools is centred in money matters, the payment of the salaries and the regulation of the scholars' fees. Sometimes special taxation was resorted to (2), sometimes particular sections of the Common Good were appropriated to the teachers' stipends (3), but, as a rule, all burgh salaries were a standing charge on the whole body of the annual revenues. Increases of salary were occasionally petitioned for, on the grounds of the high cost of living, the upkeep of a large family, dearth of victuals or visitation of the plague, and, as a last resort, teachers sometimes threatened to resign if their stipends were not raised (4); yet, on the whole, the salaries, always increasing with the cheapening of money, though by no means excessive for the work done, seem to have maintained the school teachers in a social position at least equal to what it is now, and perhaps somewhat higher.

Mr Patrick Anderson was schoolmaster at Ayr in the reign of James V, receiving an annual stipend of £10. Coming down seventy years, in 1613/14 the Treas-

(1) Edinburgh Recs., IV, 407-8. Annals of Banff, II, 166-8. Grant, *op. cit.*, 298-301.

(2) *Ib.*, 458. (3) *Ib.*, 456-7.

(4) *Ib.*, 480 *et seq.*

:urer paid £80 to the master of the grammar school, £30 to his doctor or assistant, and £80 to the master of the music school; in addition, £8, 6s. 8d. were due as rent of the school-house for two quarters, and £20 for the doctor's house-mail and expenses (1). In 1557, the salary of one Peebles teacher was 20 merks "and to provide his chalmer himself", of another £2 per quarter, but in 1649 the schoolmaster got 100 merks, plus 10 merks as chalmer-mail (2). As early as 1563, the Edinburgh Council offered £80 as stipend for a dominie,-- really a lordly salary for these days. About this time, the French schoolmaster got £20 per year, the singing master 20 merks and other 20 for "scole-maill" (3). In 1570, David Mackie got only 5 merks at Lanark, in 1581 the salary had risen to 10 merks per term, in 1582 to £20 per year, with 33s. 4d. as house-rent. In 1589, £24, 6s. 8d. were given to "our skuillmaster for teaching the youth, and chalmer maill to him". In 1589, the stipend was £40, in 1615, £60. In this year, too, a doctor was engaged by Council and Session, receiving £10 from the town, £10 from the session-box, and £20 from the minister and elders: in 1680, this sum was payable entirely by the town (4). Two doctors were

(1) MS. Ayr Accts., fol. 25a, 31b, 126b-127a.

(2) Peebles Charters, etc., I, 245-4, 386-7.

(3) Edinburgh Recs., III, 157; IV, 23, 128.

(4) Lanark Recs., 36, 79, 91, 100, 108, 122-3, 203.

engaged at Stirling in 1602 for 20 merks each; ten years later, the master was receiving 100 merks. By 1625, the master's stipend had reached £100, while in 1662, it was no less than 400 merks, or £266, 13s. 4d. (1). The St. Andrews dominies (1611-1627) were well paid,-- Mr Henrie Dansken got £166, 13s. 4d. (2). The Aberdeen second teinds, annexed to the Banff school as salary, were difficult to collect, so the Council gave the master 80 merks, 60 from the town, 20 from the kirk-session, "aye and quhill the said Maister. George be in pacible possessione of the saids secund teindis, be uptaking and receaving of the same". By 1628, the stipend was £80; in 1680, the music master got £53, 6s. 8d.,-- 50 merks from the town, 30 from the session (3).

It will have been noticed that the councils very often paid the school- or house-rent, or gave a grant in lieu(4). The master had a few other perquisites, as the council or parents sometimes gave him seasonable gifts of coals, peats, clothes, gown or hat, and, again, the teachers received their board in turn from the parents (5),-- "burde and intertenement", as it was called (6). As a final mark of appreciation, the coun-

(1) Stirling Recs., I, 101, 131, 160, 238.

(2) MS. St. Andrews Accts., fol. 44a, 49b, 63b, 75a.

(3) Annals of Banff, II, 166 *et seq.*, 388 *et seq.*

(4) Grant, *op. cit.*, 486-9. (5) *Ib.*, 489-92.

(6) Stirling Recs., I, 101. Lanark Recs., 108.

:cil would pension off a schoolmaster who had served the town well. In 1584, a yearly pension of 200 merks was awarded to the old master of the High School of Edinburgh, in return for his renunciation of the office (1). It is pleasing to note that the same pension was given to Wedderburn, the Aberdeen grammarian, in 1640, with the proviso that the town might still avail itself of his services in any suitable way,-- a clause worthy of that careful community (2).

The schoolmaster's rank seems to have placed him on an equality, or very nearly so, with the clergy and well-to-do burgesses, and his emoluments would enable him to maintain his social dignity. For the salary was but part of the income received by the dominie. Probably his scholars' fees were of greater value than his fixed stipend, for, in 1568, the Edinburgh Council decided that, if their annual payment of 50 merks to the schoolmaster, plus "the dewite of the barnis, quhilk is iiiij s. of ewerie barne", did not amount to 300 merks or thereby, they would increase their contribution to 100 merks (3). And in April, 1585, when they instructed their music master to receive poor children gratis, they allowed him a grant of 30 merks

(1) Edinburgh Recs., IV, 330.

(2) Aberdeen Recs. (Burgh Recs. Socy.), I, 231-2.
Cf. Grant, op. cit., 290.

(3) Edinburgh Recs., III, 251-2.

per year as compensation (1). Far from being nominal charges, the scholages in a well-attended school would run into hundreds of pounds. In 1574, the French master got 25s. from each pupil, which represents a very material addition to his stipend of £20; while the fees at the music school were 6s. 8d. per quarter to the master, and 2s. to the doctor (2). In 1558, the Peebles schoolmaster took "his aventuris" from the children. A standard quarterly scale was drawn up in 1649, of 12s. from each town child, and 13s. 4d. from each landward man's son (3). In 1567, at Lanark, before any salary had been attached to the schoolmaster's office, Mr Ninian Swan took 10s. from each child. Later, when a salary was provided, the fees were changed to 3s. 4d. per burgess' child, --"and his venter of outtounes barnes". The doctor got additional fees, 16d. from each child taking English, 2s. from those learning Latin, and "ane soume as hie thinkis maist expedient" from music scholars (4). The Stirling master paid to the doctor's stipend, £3, 6s. 8d., "furth of the expenses of his scollage mair nor was first conditionate to him be his contract". In 1612, scollage was no less

(1) Edinburgh Recs., IV, 407-8.

(2) Ib., 23, 128.

(3) Peebles Charters, etc., I, 152, 244, 386-7.

(4) Lanark Recs., 36, 79, 108, 123; the word "venture", used here to signify the fact that the teacher was left free to compound with the pupils according to his conscience and their means, recalls the use of the term "wild adventures" at Edinburgh.

than £2 per year at the grammar school, of which the master got 24s., and the two doctors, 8s. each; leave was given "to tak of gentill mennés bairnes according to the discretioun of the gevares" (1). Banff burgesses' children paid 6s. 8d. per quarter, landward pupils, 13s. 4d. (1620) (2). The reason for differentiating between town and country pupils was that the school was partly maintained out of the common revenues, to which the indwellers already contributed (3).

Other perquisites paid to the teacher at sundry times, like Candlemas offerings, bent-silver (to provide bent or rushes for the floors), and cock-money (due for the privilege of bringing a fighting-cock to school on Fastern's E'en) are recorded by the historian of the schools (4). They have little to do with burgh finance, as being an arrangement between master and pupil. Of more significance is the firma domus at Edinburgh. The master of the grammar school was bound to keep the school "wynd tycht, watter tycht, in thyking, in slating, in durris, glas wyndos, and vther necessaris", and for this purpose there was assigned to him "the auld dewtie vsit and wont, callit fyrma domus, and now of new reparatio or sustentatio domus". The duties were 2d. per term from each pupil,

(1) Stirling Recs., I, 101-2, 131-2, 160.

(2) Annals of Banff, II, 166-8.

(3) Cf. Grant, op. cit., 466. (4) Ib., 473-80.

in addition to the normal fees (1). The custom appears to be peculiar to the capital (2).

Just as poor children were encouraged to come to the burgh schools for the rudiments of education, so the "lad o' pairts" in lowly circumstances was often induced by the generosity of the burgh councils to go on to higher schools and colleges. The Glasgow Council, just after the Reformation, gave unannexed chaplainries and prebendaries to scholars, on the condition that they "remane at the scholes in this toun" for a certain number of years (3). In 1660, the Town Council of Lanark voted 10 merks to a student at Glasgow College, "to help him, being ane puir boy, for his interteinment" (4). In 1666, the Dumbarton Council received a petition from James Broun, a poor student, ". . . that for his better attaining to literature and learning in the colledge of Glasgow . . ." they would grant him a sum of money "for his subsystence and interteynment", and authorised the Treasurer to pay him £20 annually (5). Such passages redound to the everlasting credit of the old Scots burghs.

(1) Edinburgh Recs., IV, 104.

(2) Mr Grant does not mention this firma domus, and I can find no reference to such a duty in the records of the other burghs.

(3) Glasgow Recs., I, 48-9.

(4) Lanark Recs., 132.

(5) Dumbarton Recs., 85.

CHAPTER XII -- SALARIES AND COMMISSIONERS' EXPENSES.

This chapter naturally falls into four sections. Firstly, the regular magistrates were allowed a small annual grant, more by way of bonus than salary. Next, the professional classes, ministers, teachers, surgeons and lawyers often preferred to serve the town for a fixed fee, than take their "venture" as private individuals. Thirdly, the employees of the burgh included many menial servants, officers, bell-ringers, hangmen, drummers and so forth. Finally, burgh commissioners to parliaments, conventions, assemblies, synods, courts of justice and similar meetings, were allowed expenses for the journey, for lodgings and for time lost.

I -- Magistrates' fees. Gratuities to the head officials were not peculiar to Scotland,-- as early as 1300, the mayor of Sandwich was allowed £8, 13s. 4d., and the clerk, £2 (1), while the XVI Century accounts of Cambridge show "fees and rewards" to mayor and re-

(1) Brit. Mus. MSS., Cott., Julius, B V, fol. 49b et seq.

:corder,-- 2s. and 1s. per week respectively, plus £1 for the mayor's robe (1). In 1479, the provost of Edinburgh got £20 per year (2), but this was unusually high for these days. During the reign of James V, the provost of Ayr was given £5, the treasurer £2, the master of work, £2: in 1613/14, the treasurer drew the same as the provost,-- £5,-- while the master of work got 5 merks (3). In the late XVI Century, the Lanark treasurer received £1 (4); and the same official at St. Andrews (1611-1627) drew £10 "for my pains and travellis tain in the towns effaris conforme to custowme observit to utheris" (5): no mention is made of the other magistrates. In 1651, the provost of Stirling got £10, the bailies and treasurer £4 each (6). In 1663, the Dumbarton Council decided that the provost should have £20: till then he had had, like the bailies, treasurer and clerk, only £10 (7). The fee paid to the clerk, a professional man and often appointed for life, was more of a true salary. As early as 1503, he drew £2 at Lanark, at Ayr (1540), he had £4, and at St. Andrews (1611-1627), no less than 40 merks (8).

(1) Maitland, Township and Borough, App. 146, 147.

(2) Edinburgh Recs., I, 37-40.

(3) MS. Ayr Accts., fol. 25a, 29a, 126b.

(4) Lanark Recs., 35, 95.

(5) MS. St. Andrews Accts., fol. 8a, 15a, 22a, 82a.

(6) Stirling Recs., II, 312.

(7) Dumbarton Recs., 82

(8) Lanark Recs., 13, 16. MS. Ayr Accts., fol. 25a, 31a. MS. St. Andrews Accts., 19a, 44a, 74b.

Like the burgh schoolmaster, the clerk's salary was a small part of his whole revenue: his fees were very valuable. At Glasgow, in 1612, this official was authorised to take 13s. 4d. for making out and booking seisins, 26s. 8d. for extracting them, 3s. 4d. for each enrolment of a paper confession or oath of party, and 10s. for a decree upon a process (1).

II -- Professional employees of the town. The most important members of this class, ministers, precentors and school teachers, are dealt with elsewhere in these pages (2). This leaves only surgeons and advocates to be considered here.

Medical science, generally associated with the art of the barber, was but little understood, and the need for having a doctor ever ready to serve his fellows was seldom felt, save in times of plague or civil turmoil. A few examples of spasmodic or regular fees may, however, be cited. In 1563, Robert Henderson, an Edinburgh surgeon, had attended to burgesses' injuries, healed stricken limbs, dressed sword-wounds, and exhumed the corpse of a woman "allegit to haue bene wyrreit": he was given a bonus of 20 merks (3). In 1585, James Henrysoun was granted a life-pension of £20 per year and was declared stent-free, in return for

(1) Glasgow Recs., I, 334.

(2) Supra, ch. XI; infra, ch. XIII.

(3) Edinburgh Recs., III, 166.

using "his airt of chirurgie" in the treatment of all cases of pest within the burgh (1). The same privileges were granted at Glasgow in 1577 to Allexander Hay, town chirurgeon, who was also admitted a burghess gratis (2). James Harpeas, surgeon of Ayr (1613), drew a stipend of £23, 6s. 8d. (3). St. Andrews did not employ one during the period of the early accounts, and the profession seems to have been held in little regard:--

"Item the said day (sc. July 26, 1614) to Thomas Richie sururigane for mending the drum and putting in twa heidis thairin 5 li. at provest and bailleis command." (4).

Doctor M'Lachlan, of Dumbarton, was treated with more respect in 1637: in return for practising the "science of phisik, pottingerie and chirurgerie", he was given a house and yard, and an annual salary of £40, and admitted as a burghess gratis (5).

A procurator-fiscal was often engaged to advise on legal matters and represent the town in law-suits,-- "to persew and defend in thair commoun actiounis and previlagis, quhilk ar oursene, with the pvneissing of sic as transgressis thair actis and statutis", at a yearly salary of £2, 10 merks, and so forth (6). A scribe to the council was also employed at Edinburgh

(1) Edinburgh Recs., IV, 420, 436.

(2) Glasgow Recs., I, 58.

(3) MS. Ayr Accts., fol. 126b.

(4) MS. St. Andrews Accts., fol. 20a.

(5) Dumbarton Recs., 52.

(6) Stirling Recs., I, 78. Edinburgh Recs., III,

in 1562, to do the town's writing to the Queen, the Lords of Session and others (1). In addition to the procurator-fiscal, three, four or five advocates were chosen annually at the capital, as assessors to the Council, with £10 each per year (2). At Ayr the "Priour Fischeallis fe" was 5 merks, at St. Andrews he got 16 merks, and at Stirling (1650), £4 (3). By 1679, the Stirling fiscal was enjoying the handsome salary of £58 (4).

III -- Officers and paid servants. The salaries paid to serjeants were but part of their income,-- in 1560 the Edinburgh Council raised the guild-serjeant's fee from 50s. to 12 merks, because "he wes sustenit in tyme of the papisticall kirk be vther wages he had thairof" (5). Annual pensions of £8 were allowed in Feb., 1584/5, to four old discharged officers of that city, who were permitted to "beir and vse thair halberts and exerce the office of extraordinare seruands", but would miss their accustomed casualties and the perquisites arising from "odd jobs" (6). The five officers of St. Andrews were paid only 24s. apiece, at Ayr they got £10 between them, at Stirling £2 each (7). Casual-

(1) Edinburgh Recs., III, 153.

(2) Ib., II, 254; III, 153.

(3) MS. Ayr Accts., 1613/14, fol. 126b. MS. St. Andrews Accts., 1620/21, fol. 52b. Stirling Recs., II, 312. (4) Ib., 25. (5) Edinburgh Recs., III, 87.

(6) Edinburgh Recs., IV, 389.

(7) MS. St. Andrews Accts., fol. 8a, 14b. MS. Ayr Accts., fol. 126b. Stirling Recs., II, 312.

:ties, however, included court-fees, charges for poinding, arresting and imprisoning, gaoler's fees, dues for rouns and proclamations, as well as payments for the hundred and one menial jobs which were ever liable to occur. Our manuscripts illustrate these additional duties. The St. Andrews officers got 20s. for "castin out of lint", 8s. "to go to Lewcharis to try giff Mr Androw Ramsay was in the Mearns or Edinburgh", 8s. for "chairgeing the tennentis of the Northe Hauche and Pilmwir to bring in thair ferme", 12s. for publishing "the proclamatioune anent the waipin schawing", 6s. for "going throche the toune collecting sum annuallis", £13, 6s. 8d. for "casting of the vatter passeg conforme to ane ack of cunsell", 6s. for "gathering in the anwollis", and so forth (1). At Ayr, too, the "clengeing of the Tolbuyth" and similar duties brought in perquisites to the town officers (2). In addition, the officers required new clothes frequently, and in the early XVII Century this item cost the burghs of Ayr and St. Andrews some £30-40 (3).

In early times, the drummers, fifers, pipers and minstrels who patrolled the town in the morning and evening were paid in the same way as the burgh chaplains, by taking their daily bread in rotation. Anyone failing to provide for the common pipers of Edinburgh in this way was fined

(1) MS. St. Andrews Accts., fol. 7a, 16b, 17a, 19a, 20b, 21a, 51a, 82a. (2) MS. Ayr Accts., fol. 81a, 127a.

(3) Ib., fol. 126b, 137b. MS. St. Andrews Accts., fol 75b.

3d. per day to each piper (1). A similar practice was observed at Aberdeen, where the trumpeters, fiddlers, pipers and drummers attended the magistrates on all formal and ceremonial occasions and supplied the music at mystery plays: all burgesses were liable for their upkeep (they must "slip na man"), guild-brethren gave them 16d. wages in addition to their meat, craftsmen 12d., and anyone refusing to give them food paid double wages (2). Burgesses of Selkirk must engage the town minstrel only for bridals and feasts (3). The minstrels and pipers of Ayr turned out to play for the town's array at raids and military campaigns (4). Fines for failing to give meat and drink gradually developed into regular wages,-- in 1574 Glasgow burgesses paid the two minstrels 2s. each "but meyt" (5), while in 1634 those of Dumbarton gave 9s., 6s. or 3s. per year, according to their stent-class (6). The drummer of St. Andrews had a fixed salary of £20 from the town, while at Stirling he drew £64, payable in proportions by the town and incorporations (7). Here too perquisites are to be noted, such as 6s. for "ganging throw the towne annent the malt rovping" (8).

(1) Edinburgh Recs., I, 52.

(2) Aberdeen Recs., I, 452.

(3) Craig-Brown, Hist. of Selkirkshire, II, 40.

(4) MS. Ayr Accts., fol. 29a, 31b.

(5) Glasgow Recs., I, 18. (6) Dumbarton Recs., 46.

(7) Stirling Recs., I, 184. MS. St. Andrews Accts., fol. 40b.

(8) Ib., fol. 39b.

In XV Century Aberdeen the keeper of the "orlage" or town clock received £2 per year (1). The same fee was payable at Ayr for "keping of the knock" (2), and at Stirling (1548) (3). At Aberdeen it was raised to 20 merks in 1608, and at Glasgow the town gave £20 per year and the session 10 merks, to the upkeep of the Tol-booth and High Kirk knocks ("to keip the same in gang-and grath") (4). In 1624, for a salary of 20 merks, the officer of Banff had "to reull and hald the knock in temper . . . and giff the knock happin to be ane quarter ane hour out of temper . . . ", a quarter's fee was forfeited (5). A similar fee was often paid for ringing the bells at evening or for special occasions (6), but in other cases, when the bells were required only now and then, payments were made as they were used. 5s. were given at Ayr in 1536 "to ring the bellis on Sälmes Eyn" (All Souls' E'en, Nov. 1), 12s. at St. Andrews in 1622 "for ringgine the beellis the fyft of Agust" (Gowrie plot day), and again for ringing them on Guy Fawkes' day (7).

(1) Aberdeen Recs., I, 20. Kennedy, Annals, sub loc.

(2) MS. Ayr Accts., fol. 13b, 18b, 30b.

(3) Stirling Recs., I, 53.

(4) Aberdeen Recs., II, 297. Glasgow Recs., I, 308.

(5) Annals of Banff, I, 53, 55.

(6) Stirling Recs., I, 129. Lanark Recs., 71, 86.

Annals of Banff, I, 151. MS. Ayr Accts., fol. 126b.

(7) Ib., fol. 13a. MS. St. Andrews Accts., fol. 64a, 72a; cf. ib., fol. 81a.

Not all burghs required a common hangman, but some did. At Stirling, in 1650, the executioner drew 10s. per week for 44 weeks (1). There was one at Perth in 1622, for it was thither the St. Andrews Council sent for an "executor", who was paid £10, 13s. 4d. for "heed-:ing the man that slew Johnne Jak": incidental expenses, food, sharpening the axe, making a coffin, a block and a grave, brought the total up to £22, 18s., while, shortly afterwards, the executioner got other 16 merks for hanging "the voman that patt doune the bairne". In the following year, an executioner was employed by the town at 6s. 8d. per week for 20 weeks (2). In 1605, a condemned thief was engaged at Glasgow as hangman, consenting that, if he failed in his duty, he should be "hangit to the deid, but ane assyse, quhairver he may be apprehendit" (3). In 1613/14, the Treasurer of Ayr paid 27s. 6d. "for cordage anent ane houssie Agnes Ben-:ocht and ane fallow that wes scurgit" (4). The gaoler of Glasgow had a yearly salary of 40 merks from the town, plus prisoners' fees (2s. per day from a burghess, 4s. from a landward person) (5), while the Edinburgh grave-digger got 2s. of every 8s. paid for graves (6).

(1) Stirling Recs., II, 312.

(2) MS. St. Andrews Accts., fol. 63a, 64a, 79a.

(3) Glasgow Recs., I, 223-4. Cf. Marwick, Early Glasgow, 291.

(4) MS. Ayr Accts., fol. 127a.

(5) Glasgow Recs., I, 358-60.

(6) Edinburgh Recs., IV, 317.

Special watchmen were often engaged for particular seasons,-- at Stirling, in 1529, to watch the brig for twelve days, at 1s. per day, and at Peebles, in 1557, to guard the four ports for six months for 10s.--£1 (1). In 1622/23, eight men got £9, 12s. at St. Andrews "for watching the toun in tym of the senzie" (2),-- the great Easter fair held in the cloister of the Cathedral (3). The analogous duty of "putting away" poor persons and keeping them from the streets, has already been alluded to (4). On the wind-swept, sandy coast near Ayr, the hills and dunes were used as common pastures, and sums of 2s., 3s. and 6s. 8d. were spent on "keping of the hillis" from blown sand; by 1613/14, an annual fee of £4 was given for this purpose (5). Ayr, too, employed a common "sutour" or tailor, and a "lokman" or locksmith, and Banff (1549), a common smith, to whom the citizens had to give coals (6). "Clingers", or cleaners of plague-infected clothes, are of more widespread occurrence: there was one at Ayr in 1613/14, drawing a salary of £10, while at Edinburgh the "bailies of the muir", "maister clingers", "clene clinger", "fowle clengeris", and "distributers of the meitt and drynk to

(1) Stirling Recs., I, 38. Peebles Charters, I, 241.

(2) MS. St. Andrews Accts., fol. 76b.

(3) Cf. Grierson's Delineations of St. Andrews (1838), 108. (4) Supra, 243; cf. ib., 249.

(5) MS. Ayr Accts., fol. 13a, 18b, 24b, 26b, 127a.

(6) Ib., fol. 126b. Annals of Banff, I, 26.

the pair folkis vpoun the mure" were paid good wages,-- £6, £8 or £10 per month (1).

IV -- Burgh commissioners. The burgh accounts contain many items of payment to pursuivants, messengers and boys, both coming from the capital and taking money or letters to it. At Ayr, sums of 2d, 1s., 2s., 6s. 8d. and so forth were often given in pre-Reformation times to messengers who brought precepts for Parliament, Exchequer writs, proclamations, orders for wapinschaws, for taxes or for a military levy, tidings of the birth of a prince, and "novellis of the weir", and to those who journeyed back on the town's affairs (2). Seventy years later, the rate of payments is again considerably enhanced,-- 24s. were given "for transporting of letteris to Edinburch", and 12s. "for ganging twyss to Dalkeyth anent the Townis effairis" (3). At St. Andrews, 6s. were given to the post that brought the proclamation "anent the cunzie", 24s. to a messenger sent from the burgh with letters in a law-suit, 12s. to the boy with the missive "desyring tuelfe borrowis to meit at Edinburgh", and so forth (4).

A higher duty was that of representing the burgh in matters generally of national importance. From the

(1) Edinburgh Recs., III, 254; IV, 30, 419, 426.

(2) MS. Ayr Accts., passim.

(3) Ib., fol. 126b-127b.

(4) MS. St. Andrews Accts., fol. 6b-7b.

XIV Century onwards, the royal burghs were an integral part of Parliament, and, in the XV Century, of conventions of estates also, "and in speciale for generale taxtis or extentis" (1). They were represented directly in the General Assembly of the Church, and, of course, in their own conventions. These last-named had to meet three or four times per year, and, since Parliaments were few and far between, the burgh commissioners found it convenient to meet beforehand, as a convention, and prepare the business and the policy which were to be adopted by them as an estate. In this way, the double obligation was fulfilled, expenses were saved, and the burgh estate became almost indistinguishable from the convention of royal burghs (2).

Payment of members depended solely on burghal custom (3). Sometimes a daily rate was fixed at the appointment of commissioners, sometimes they got a round sum beforehand "upoun compt to be rendered", sometimes they presented a reckoning afterwards. As often as possible, expenses for parliaments, conventions and assemblies were grouped together. Of the mass of evidence, I shall present only the most significant items. In 1554, James Wylsoun and Stewin Robesoun were in Edinburgh as parliamentary commissioners for Peebles. For

(1) A.P.S., II, 606. Cf. Rait, S.H.R., XII, 256.

(2) Mackie and Pryde, Estate of the Burgesses.

(3) Cf. Rait, Parliaments of Scotland, 273-4.

being on the spot for four days, "quhan thay sowld haif haiden the perlament", they got £1, 6s. 8d., or 3s. 4d. each per day, and for the five days when Parliament actually sat, £2, 8s. 4d., or 4s. 10d. each (1). In 1583, when James VI, recently released from the Ruthven Raiders, held a convention of estates in St. Andrews, he summoned seven ministers, including three from Edinburgh, to appear before him at the same time and answer for their orthodoxy and loyalty. These three had their expenses paid along with those of the four burgh commissioners to convention (2). Parliament of 1621 appointed a committee of six members from each estate, to inquire into the state of the teinds and plant new churches where necessary: Robert Tailzeour, of St. Andrews, was one of these, and was paid £9, 11s. 4d. "to ryd to Edinbrouch for the plantatioune of soume kirk", and further £16, 13s. 4d. as "commissionar for plantatioune of ministirs" (3).

Commissioners' expenses during the Civil Wars were enormous. In 1645, £600 had to be paid out of the Common Good of Stirling for this purpose (4). The two Peebles commissioners for May-August, 1650, received

(1) Peebles Charters, I, 410-1.

(2) Edinburgh Recs., IV, 54, 264-5, 287, 314. Calderwood, Hist., III, 722-3. Cf. Melville's Diary, 138.

(3) A.P.S., IV, 606. MS. St. Andrews Accts., fol. 59a, 74a.

(4) Stirling Recs., II, 301.

£68, 8s. 8d., "as thair compt beers" (1). On behalf of its commissioner, the burgh sometimes borrowed or purchased a foot-mantle, "to ryde the next parliament thairwith" (2). In 1660, when the Stirling Council heard that Glasgow "intends to have the place of this burgh . . . in ryding the said parliament", they sent the provost, two bailies, dean of guild, deacon-conven-er, and another deacon, to sit at the town's expense(3). An uniform rate was slowly adopted in some burghs. At Monk's convention of 1659, the Banff commissioner was allowed £3 per day (4). In 1691, Stirling commissioners were granted £12 for going and coming, and £4 for each session-day, including adjournments up to six days (5).

Direct representation of the burghs at the general assemblies depended on a decree of 1568. Commissioners sat for the "counsall and kirk of their awin townes"(6). In 1580; a councillor and a minister sat for Edinburgh at the Dundee Assembly, with a supply of £40, "vpoun compt and rekning to be thair expenssis" (7). Council and kirk-session, in a joint meeting, appointed the provost "thair lauchfull commissioner" at Stirling in

(1) Peebles Charters, I, 422.

(2) Stirling Recs., I, 233. (3) Ib.

(4) Annals of Banff, I, 141.

(5) Stirling Recs., II, 65. Cf. Rait, Parliaments of Scotland, 274.

(6) Book of the Universal Kirk, I, 124.

(7) Edinburgh Recs., IV, 168.

1638 (1). In 1639, the Banff commissioner was given £51, 6s. for clothes, and in 1642 he was allowed £2, 6s. 8d. for every day of absence "furth and hame" (2). As late as 1690, however, the Lanark representative got but £1 per day, plus horse hire (3).

The heaviest commissioners' expenses were those incurred for the burgh conventions, which met frequently and imposed fines on absentees. In 1503, the Lanark rentmaster was allowed 32s. for riding to the curia quattuor burgorum, in some ways the forerunner of the convention, and other 32s. for going again "quhen it was contenuit" (4). In 1556, the Stirling Council agreed to make an allowance of 6s. 8d. per day to William Norvell to pass to the Edinburgh Convention (5). The rate for the Glasgow commissioners in 1595 was 26s. 8d. per day "during thair remanyng afeild" (6): they were afterwards allowed 10 merks as "superexpenditure". At St. Andrews, payments (of £10, £17, £40, £120 and so forth) seem to have been made beforehand, "to go", rather than "for going" to the convention (7). In 1612, the minister, Mr Durie, rode with the members, and got £3 for his horse-hire (8). In 1635, the re-

(1) Stirling Recs., I, 181-2.

(2) Annals of Banff, I, 83, 87.

(3) Lanark Recs., 236.

(4) Ib., 13.

(5) Stirling Recs., I, 70.

(6) Glasgow Recs., I, 168-9.

(7) MS. St. Andrews Accts., fol. 4b, 6b, 7a, 16ab, 17a, 30b.

(8) Ib., fol. 17a.

:representatives of Stirling to all conventions for the year received no less than £400 (1). This proves the necessity of having some standing rate of expenses: at Lanark, they were limited to £1 per day, "with horse waige and meitt in the day" (1660), and at Banff (1665), to £2 per day (2).

Other affairs, of local or national interest, obliged the burghs from time to time to appoint special representatives. In 1578, five were sent from Edinburgh to protest against the King's interference with free elections; they "remanit the maist pairt of twa dayis and returnit but ansuer", and were allowed over £36 as expenses (3). In 1600, a commissioner was appointed at Glasgow to wait on the King and protest against Dumbarton's petition for an impost: he was voted £2 per day, plus horse-hire, and given 20 merks in hand (4). The clerk of Aberdeen received 100 merks in 1602 for securing a composition for a warlike expedition to the Lewis (5). In 1614, Mr David Methven, of St. Andrews, got £20 "to go to Edinburgh concerneing the excyis hering",-- a special meeting summoned by the Privy Council to advise on an excise on herring in the northern waters (6). In 1622, £88, 6s. 8d. were

(1) Stirling Recs., II, 300.

(2) Lanark Recs., 184. Annals of Banff, I, 149.

(3) Edinburgh Recs., IV, 86.

(4) Glasgow Recs., I, 210.

(5) Aberdeen Recs., II, 230-4.

(6) MS. St. Andrews Accts., fol. 19b. Recs. Conv. R. B., II, 540-1.

spent at Ayr on a fruitless mission on behalf of the minister, "quha was charget to compeir befoir the lord-:is of secreit counsall", and was soon to be deprived for disaffection (1). In 1605/1606, James Mowat got sums of 80 merks and £100 from Aberdeen for going to Edinburgh and opposing the erection, by Sir Alexander Fraser of Philorth, of Fraserburgh as a burgh of bar-:ony (2). In the same way, Dumbarton fought the pro-:motion of Paisley to the status of royal burgh in 1659, at the cost of £6 per day to their special com-:missioners (3). Peebles had to observe the "day of trew" with the Warden of the Marches, and the burgesses of Ayr held frequent consultations with the Earl of Glencairn, the Archbishop of Glasgow and others (4). At St. Andrews, the power of the Archbishop, as lord-:superior, was such as to command respect and circum-:spection: in 1611/2, five commissioners got 100 merks "quhan thay passid to Edinburgh to my lord Sanctandreis to get the minut of thair contract subscrivit"(5). The contract was a settlement of outstanding disputes, and was ratified by Parliament in 1612 (6). Other minor occasions for commissioners' expenses arose when sev-

(1) MS. Ayr Accts., fol. 137b. Privy Coun. Reg., XII, xci; 623, 627. (2) Aberdeen Recs., II, 279-84.

(3) Dumbarton Recs., 76-7. (4) Peebles Charters, I, 411. MS. Ayr Accts., fol. 28a, 29a.

(5) MS. St. Andrews Accts., fol. 4a.

(6) A.P.S., IV, 515-20.

eral burghs met together to discuss grievances or arrange plans, or when the quarter sessions of the Justices of the Peace sat at the county-town, for the magistrates of royal burghs were ex officio of the Quorum. The St. Andrews commissioner to Cupar on such an occasion got 50s. for his pains (1).

One must bear in mind that, whenever possible, the burghs contrived to combine their obligations to send commissioners for all these purposes, and it is no uncommon thing to find one burghess deputed to attend both Parliament or Convention of Estates and Convention of Royal Burghs, Parliament and General Assembly, Convention and Exchequer, and so forth, and, as noticed above, it was this policy of economising on expenses which led to the temporary fusion of burghess estate and burgh convention (2).

(1) Glasgow Recs., I, 252. Recs. Conv. R. B., III, 91, 107. MS. St. Andrews Accts., fol. 51b; 14b, etc.

(2) Glasgow Recs., I, 162, 184, 194, 247, 250. Recs. Conv. R. B., II, 528-9. Exch. Rolls, XXIII, 322, 511. Dumbarton Recs., 34. Annals of Banff, I, 91. Mackie and Pryde, Estate of the Burgesses, esp. 9-10.

CHAPTER XIII -- THE PROTESTANT CHURCH.

It is significant of the change in the temper of the people in 1560 that, whereas, on the whole, church affairs prior to that date may be treated along with burgh revenues, the later Kirk was a heavy burden on the common purse. The enormous wealth of the Catholic Church in Scotland,-- it was able to bear one-half of the national taxes,-- is as notorious as the poverty of the ministers of the reformed kirk. The former circumstance arose from the superstitious benevolence of past ages, the latter partly from the rapacity of Crown and nobles, partly from a reaction against the former too great influence of the church. The whole nation was timid of building up an ecclesiastical hierarchy the wealth and power of which rendered it almost independent of the state, and thus the early years of the Protestant Church were anything but prosperous.

The burghs, thrown back on their own resources, began at once the work of organising a kirk "according

to the word of God and the example of the best reformed churches". Nothing is more characteristic of their paternal care in this respect than the prohibition of Sunday markets and trading. After 1560, one of the first acts of the Peebles Council was to fix the penalties for working on "Sabaoth day": 8s. fine for the first offence, 16s. for the second, and banishment for the third (1). Flesh sold at Glasgow after 9 o'clock on Sunday morning was escheat to the poor, and keepers of taverns who sold ale or wine were discharged (2). Dundee taverners were liable to a fine of 10s., master-baxters to one of £10 for a first offence, £20 for a second, while flesh, fish, fruit or milk were escheat to the poor, in cases of Sabbath trading (3). Convention itself forbade markets on Sundays, and any burgh permitting them was fined £10 (4).

Many other sins and petty offences brought down the censure of the burgh councils. Failure to attend divine service or to participate in communion, marriages celebrated elsewhere than in the parish kirk, refusal to take the collection in turn, disobedience to the kirk-session, gambling or playing during sermon-time, cursing in public or excessive drinking, calumniating

(1) Peebles Charters, I, 269.

(2) Glasgow Recs., I, 21.

(3) Warden, Burgh Laws, 47-8.

(4) Recs. Conv. R. B., I, 69.

the minister, and a host of like offences were constantly being punished, and the miscreant was liable to pay a heavy fine, and often to make public atonement by asking forgiveness in church (1). Dumbarton women who, "contrair to civilitie", kept their plaids over their heads during sermons or prayers, were fined £1 for the first fault, £2 for the second, and, for the third, were imprisoned and had their plaids confiscated (2). In 1682, a merchant of Peebles who confessed that from the beginning of September till October 12 he had been in church only once, was found guilty of six absences and fined £12 (3). But perhaps the most striking example of the old politico-moral economy is to be found in the Edinburgh records of 1589. To advance the work of repairing Trinity College Kirk, and to check the growing vice of fornication, the Council decided that all unlaws due for transgressions of the burghal statutes against fornicators be rigorously exacted by Alexander Speir, writer, and handed over to the session for their expenses at the kirk (4).

With the burden of responsibility the burghs assumed the privilege of government. In the first place,

(1) Warden, *Burgh Laws*, 28, 48, 50-1, 132-6. Edinburgh Recs., IV, 400. Aberdeen Recs., II, 8-9. Lanark Recs., 34, 246-9. Paisley Charters, etc., 182-3.

(2) Dumbarton Recs., 61.

(3) Peebles Charters, I, 399.

(4) Edinburgh Recs., IV, 537.

the councils retained the choice of elders and deacons, and, since they appointed the ministers, it follows that the kirk-sessions were virtually their nominees. Probably too much stress has been laid by Scottish historians on the importance of the Kirk as an entirely new phenomenon in the national life, and too little on its dependence on the traditions of the past. True, the Kirk was the outcome of a movement which, to a far greater extent than any before its time, welded the nation into one vocal, organised and effective whole. But it was not the creator of things quite unheard of; rather it was the creature of a new impulse employing the instruments which it found to hand and preserving all the elements which had gone to form the national life of Scotland.

A minute of Feb. 1, 1561/2, shows the Peebles Council setting to work without the loss of any time. They chose ten "elderis and senioris" (eight of them councillors) and seven deacons for "setting furth of the glory of God and his trew and faithfull word . . . conforme to the laudabill vse and rite of vtheris burrowis": elders and deacons then chose a minister, and wrote off for the consent of John Knox, superintendent of Edinburgh (1). In Jan., 1566/7, the Lanark Council named a bailie and three others "to be elderis",

(1) Peebles Charters, I, 275-6.

and also chose two deacons (1). After a century and a quarter, the burghs still adhered to their natural right to appoint the session. In 1693/94, after the Stirling Council had nominated seventeen elders for the parish kirk, they heard that the presbytery designed to elect a different set of elders. Their protest, grounded on their "constant and undoubted right" to name the elders for examination and admission by the presbytery, was effective, for later on they are found drawing up an additional list of elders, to take the place of those who had refused to act (2).

Though the session was composed of the council's nominees, and the two bodies overlapped in personnel, the council was not satisfied with this share of power. It retained control over much of the administration, legislation and finance of the church, dividing the burgh, when necessary, into parishes (sometimes corresponding to the municipal quarters), inviting candidates for vacancies at the common expense, sending special delegates to sit with the session, appointing, discharging and pensioning ministers, clerks and readers, and even fixing the days for preaching (3). In this work, council and session generally co-operated

(1) Lanark Recs., 34.

(2) Stirling Recs., II, 68-70.

(3) Edinburgh Recs., IV, 355-6, 359-62, 365, 369, 373, 376, 394, 399. Glasgow Recs., I, 195-6, 239.

harmoniously. In 1593, it was to the ministers and presbytery of Edinburgh that Convention wrote, when an uniform burgh grammar-book was desired (1). Council and session, too, jointly appointed "thair lauchfull commissioner" to Assembly. The fines taken from Dumbarton women for wearing plaids in church, mentioned above, went, half to the kirk-box, half to the town.

The chief concern of the burghs in church affairs, however, was with regard to finance. For long the sessions had no funds of their own, and relied almost entirely on the town councils, who remained masters of the field. By the gift of Queen Mary, they had exclusive rights to the old Church property within the burghs, and their powers in this direction were confirmed by an act of 1641 (2); moreover, they had, of course, access to the only available local revenues, customs, miltures, fishings, taxes and the rest. At first the ministers led a hand-to-mouth existence, allowances being irregular and haphazard, but things gradually straightened out, and they were enabled to live up to their social position. To ensure the steady flow of revenue required to meet these demands, loans and taxes, as well as special appropriations, had sometimes to be resorted to.

Some burghs simply paid their ministers directly

(1) Recs. Conv. R. B., I, 411-2.

(2) A.P.S., V, 415.

from the treasurer's ordinary revenues. This was often the case at Edinburgh, though John Knox's princely salary (£500) was paid by the dean of guild. In 1584, after the sub-division of the city into four parishes, James Hamilton got 300 merks and a manse, and Jhonn Edmiston 400 merks and a manse (1). In 1607, when the minister of Stirling was too old for active service, it was decided to get him an assistant, at a salary of £200, payable by the town treasurer (2). The St. Andrews ministers were paid in the same way, and it is noticeable that, even in the few years covered by the accounts (1611-1627), the value of the charge was twice augmented. Mr Joshua Dury had £433, 6s. 8d., Mr David Barclay, £500, and Dr John Douglas, £600. During the whole period, Mr Robert Zoull served as vicar with £100, and Mr Jhone Reull, probably as reader or precentor, with £66, 13s. 4d. (3). In 1633, the Dumbarton Council authorised their minister to "present" an assistant to them, whose stipend would be between 400 and 500 merks (4). In 1657, a second minister was desired at Dumfries, and the town was prepared to give him no less than 1,000 merks (5). In 1689, the incumbent at Lanark favoured prelacy, but the trend of public

(1) Edinburgh Recs., IV, 383.

(2) Stirling Recs., I, 117.

(3) MS. St. Andrews Accts., Charge side, passim.

(4) Dumbarton Recs., 42.

(5) MacDowall, Hist. of Dumfries, 415.

opinion is shown by the fact that a popular Cameronian preacher named Bannatyne was given £60 per year by the Council, until he should become possessed of the legal stipend (1).

Like the schoolmasters, the ministers made frequent requests for a higher salary. In 1575/6, the stipend of Jhonne Dury, one of the Edinburgh ministers, was augmented from 200 to 300 merks, and, some nine years later, that of one of his colleagues, Walter Balcanquhall, was raised from 300 to 400 merks, since "he hes wyfe, chylderin and famylie, quhilk he is nocht habill to sustene". In 1588, three of the four ministers had their stipends again augmented, on account of "the greitt incres of the derth of all kynd of viuers" and the difficulty of supporting their families (2). In 1595, the minister of Lanark was granted an augmentation of 50 merks from the readiest of the Common Good, "for teching of Godis word to the inhabetentis of this brught" (3).

Special appropriations of parts of the Common Good to the payment of stipends were not at all uncommon. In 1560, the minister of Peebles was voted £40 for his services that year "of the reddyest of the persoun

(1) Lanark Recs., 227-8.

(2) Edinburgh Recs., IV, 45, 448, 533.

(3) Lanark Recs., 111.

gudis and geirris": if this source did not yield the sum required, the Privy Council was to be petitioned "to gif him letteris to be ansuerit conforme to the consuetude of vtheris burrois" (1). Jhonne Carnys, Knox' assistant at Edinburgh and "actour of the morn-:yng prayeris", received a salary of 100 merks from "the annuellis appoyntit for the ministeris of the kirk", and Jhonn Cowper, one of his colleagues, had 250 merks from the same source (2). The Stirling min-:ister's stipend (500 merks in 1599) came out of the teinds of the parish kirk, collected by one of the bail-:ies (3). Later on, the teinds, then in the charge of the Earls of Mar, hereditary keepers of the castle, were worth £500 to the minister, but the Earl's con-:sent was necessary for an election (4). The vicar of St. Andrews' stipend was sometimes augmented by the grant of the "wickarage of the commowne millis" (5).

It may be noticed in passing that at Campvere, the Scottish staple in the Netherlands, the minister of the Scots kirk got 6 lasts of bear and 5 tuns of wine (worth, on an average, just over £1,000) from the local excise uplifted by the Conservator (6).

(1) Peebles Charters, I, 263.

(2) Edinburgh Recs., III, 123, 477.

(3) Stirling Recs., I, 92-3.

(4) *Ib.*, 152-3, 168; II, 26. Hist. MSS. Comm., Mar and Kellie, (1904), 172, 175.

(5) MS. St. Andrews Accts., fol. 21a.

(6) Recs. Conv. R. B., I, 344 et seq., 408-9.

At Ayr part of the minister's stipend was found from the grain-ferme due by the tacksmen of the mills. An entry on the Charge side for 1613/14 reads:--

"The fermes of the corne milnis of this burch of Air and multturis thairof now possest be Hew Nesbit takisman and his pertinoris, lxxx bollis victuall half meill half malt of the crop and zeir of God 1613 (quhairof thair is assignit to Maister George Dunbar Minister in part of payment of his stipend, xxvij bollis meill and xiiij bollis malt) . . . The townis part (besyd and attour the Ministeris stipend foirsaid) eftir the liquidatioun of thir ferris and cotes extendis the said zeir to the sowme of ij^clxx li." (1).

The minister's share would thus be just short of £270 (for malt was dearer than meal). In addition, he had 400 merks in money from the treasurer (2), giving him a total salary of roughly £530.

Often enough, however, the burghs were driven back on the unpopular stent or the uneconomic loan. Taxes were sometimes disguised under the titles of voluntary collections, benevolences or free-will offerings, but in effect there was generally little or no difference. In 1563, a list was drawn up at Edinburgh of the sums promised by all communicants to provide a quarter's stipend for the second minister and the reader. In 1570, another levy was required, and the deacons of crafts are found offering various sums on

(1) MS. Ayr Accts., fol. 126a.

(2) Ib., fol. 126b.

behalf of their respective incorporations. Eight collectors are mentioned later in this year "for procuring of the beneuolence of the godlie to the support of the ministaris stepend". A few years later, a regular annual tax of £500 was taken, the crafts being responsible for their customary fifth. Of course, such measures were supplementary to other revenues, since the total of the four ministers' stipends was then 1,400 merks, or £953, 6s. 8d. (1). In 1599, £100 were borrowed at Stirling to pay the minister "till the teinds be gottin in" (2), and at St. Andrews, which gave its minister a very substantial salary, loans were of common occurrence.

In many cases the stipends were made up from two or three different sources of revenue,-- old Church rents, bequests, taxation and the Common Good proper. In 1643, the Stirling Council instituted a second charge, with a salary of 1,000 merks, as follows:--

Interest on legacies at 10 %,	£182, 13s. 4d.
From the Common Good,	£217, 6s. 8d.
Contributions -- the guildry,	£100.
the crafts,	£100.
the maltmen,	£33, 6s. 8d.
the omnigatherum (mechanics, £20; others, £26, 13s. 4d.),	£46, 13s. 4d.
Total (1,020 merks),	£680. 0s. 0d. (3).

By 1656, the second minister's salary had risen to

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- (1) Edinburgh Recs., III, 161, 278-9; IV, 7-10, 56.
 (2) Stirling Recs., I, 92-3.
 (3) Ib., 185-6.

1,200 merks, plus 200 for manse and glebe. Most of the items show a corresponding increase:--

Interest on mortifications,	£220, 13s. 4d.
From the Common Good,	£217, 6s. 8d.
From the guildry,	£180.
From the crafts,	£180.
From the maltmen,	£60.
From the mechanics,	£36.
From the omnigatherum,	£48.
	<hr/>
Total (1,413 merks),	£942, 0s. 0d. (1)

Just as the consent of Mar, as tacksman of the teinds, was necessary for the appointment of a first minister, so must all these bodies be consulted in the case of his colleague (2). In 1667, the Dundee minister's salary was made up as follows:--

From the Common Good,	£840.
From the hospital-master,	£97, 6s. 8d.
From the dean of guild,	£35.
From the crafts,	£34, 13s. 4d.
From the sailors,	£20.
From the maltmen,	£25.
From the litsters or dyers,	£8.
	<hr/>
Total (3),	£1,060, 0s. 0d.

Manse and glebe were often provided, or the house-rent paid up. In 1560, the Treasurer of Edinburgh spent £40 on furnishing Knox's household, £5 for "furnessing of the minister", and £5, 6s. 8d. as payment to the tenant of a house required for him. Meanwhile, the Dean of Guild, in addition to £250 as one term's salary, gave £6, 13s. 4d. as house-mail and £21 for household gear.

(1) Stirling Recs., I, 225. (2) *Ib.*, II, 6, 36, 82-3. (3) Warden, Burgh Laws, 60.

In 1561/62, he built a study for the great reformer, the work involving breaking through a wall for a window, sawing and carrying timber, making mortar, as well as wages and the purchase of stones, slate, lime and sand, nails, glass, iron, lock and key (1). In 1590, the Glasgow minister, Johne Cowper, had 50 merks yearly, 48 burgesse-loads of coal, and £20 for house-mail (2). In 1633, the Dumbarton Council voted £200 towards the building of the manse, to be forthcoming from annuals, the sale of "ae ruid land" and other sources (3). At St. Andrews, Dr John Douglas' house-mail cost the town £20 per term, or £40 per year (4).

Besides the minister, reader, precentor and clerk had claims on the common purse. These offices were often held together by the same man. As early as 1560, Thomas Duncansone got 40 merks yearly at Stirling for reading the prayers daily and twice on Sundays (5). The Edinburgh Council appointed readers, pensioned session-clerks when they became aged and infirm, and presented successors "to the sessioun of the kirk to be resauet and acceptit be thame" (6). In 1626, at Stirling, Mr Patrick Bell was appointed reader, clerk,

(1) Edinburgh Recs., III, 63, 72, 76, 87, 97, 99, 128; Edinburgh Old Accts., I, 307, 309; II, 115, 153-4.

(2) Glasgow Recs., I, 150.

(3) Dumbarton Recs., 33.

(4) MS. St. Andrews Accts., fol. 73a, 77b.

(5) Stirling Recs., I, 74.

(6) Edinburgh Recs., IV, 339-40, 373.

music-master and "uptaker of the psalms". He was to have the vicarage of Stirling, as soon as it became vacant, and, until then, 200 merks from the Common Good, along with the perquisites of his offices,-- scholages, marriage-fees (6s. 8d.), baptisms (2s.), and dues for registering. In 1662, his successor in these offices had a salary of £30, but his fees were higher,-- 24s. per marriage and 10s. per baptism (1). When the session got funds of its own, a treasurer of the kirk would be appointed: at Dundee (1637), he made compt before council and session combined (2).

Occasionally preachers' visits and special missions were defrayed from the common purse. In 1561, the Dean of Guild of Edinburgh was authorised to accompany John Knox on a tour at the burgh's expense, the minister being required "be the hale kirk to pas in the parttis of Angus and Heryns for electing of one superintendent thair" (3). In 1579, when it was intended that Mr Lowsoun of Edinburgh should go to St. Andrews in connection with the erection of a college of theology there, the Council undertook to pay all expenses (4). Mr Drummond, preacher, got £10, 6s. 8d. at Banff for "his expensis in May, 1654" (5).

(1) Stirling Recs., I, 160, 241.

(2) Warden, Burgh Laws, 58.

(3) Edinburgh Recs., III, 129.

(4) Ib., IV, 131.

(5) Annals of Banff, I, 74.

Further expenses were incurred for the provision of bread and wine for communion. The Treasurer of St. Andrews for 1621/22 claimed that he had paid £22, 3s. 4d. "to vnquhill Johnne Myllis baxter for furnischeing of bread to the communion", and the same official at Aberdeen had to supply it "in sic quantitie as sall serve the turne"(1). The councils sometimes relieved the sessions of their more worldly duties. In 1633, the Dumbarton Council convened the parishioners in the kirk for the election of "certaine persounis to mak an exact roll ffor the taxatioun for repair of the kirk". In 1655 they set the "roods belonging to the kirk sessione, extending to thre and ane half or thairby" for one year for £5, 4s. (2). In 1696, the Stirling Council appointed two "masters" of the reparation-money of the kirk, due in weekly contributions from the parishioners: the masters received the sums each week from the collectors, who were the session's nominees (3).

Finally, ministers in reduced circumstances or in banishment for their religious opinions were sometimes given allowances from the burghs. In Feb., 1583/4, John Dury, an Edinburgh divine who had been removed because of the King's displeasure, was given £50, to remove himself, his family and his goods, "provyding

(1) Aberdeen Recs., II, 115. MS. St. Andrews Accts., fol. 67a. (2) Dumbarton Recs., 40, 67.

(3) Stirling Recs., II, 83, 90.

he burding the guid toun na forther in tyme cuming"; yet in May, 1586, the Council "frelie gevis" him 300 merks for his charges in the north (1). Some two months earlier an annual pension of £40 had been settled on the widow and children of another ex-minister, James Low:soun (2). In 1622, the Treasurer of St. Andrews gave £13, 6s. 8d. to "ane baniched minister of Boyenne (?Bayonne) att the provest and bailzeis directioun" (3). In 1702, the Town Council of Banff granted an annual payment of £12 and organised a voluntary contribution towards the help of "the indigent clergie" (4).

(1) Edinburgh Recs., IV, 325, 461.

(2) Ib., 452.

(3) MS. St. Andrews Accts., fol. 61a.

(4) Annals of Banff, I, 172.

CHAPTER XIV -- FESTIVE OCCASIONS.

To the old-time burgess, many occasions seemed to call for public dinners, libations, bonfires, processions, masquerades and triumphs. In the first place, national events, such as the succession or marriage of the King or the birth of a son and heir, were invariably celebrated. When James V returned from France with his ill-fated bride in May, 1537, the following expenses were incurred at Ayr:--

"Item for colis to be ane fyre quhen the kingis grace com furth of France,	xxx d.
Item for ane ter barrell to the samyn,	xviiij d.
Item for stykkis to the samyn,	ij d.
Item for ail that samyn tyme,	iiij s. ij d.

Three years later, £17 were given to William Nisbet for his expenses at the "joyous birth" of the young Prince James (1). In point of longevity at least there was better reason for making merry over the birth of another Prince James, in 1566. £10 were paid then at Edinburgh for a "punscheoun of wyne run at the croce

(1) MS. Ayr Accts., fol. 13a, 24b. Infra, App. B.

the tyme of the Princes birth" (1). In celebration of the Union of 1603, Aberdeen held a thanksgiving service, and, thereafter, "all godlie mirrines and pastyme" were indulged in, to express "the joy and glaidnes of the hartis of the people"; bonfires were lit, the bell rung, the cross decorated, guns fired "till lait at nicht", wine and spices, with "a numer of glassis to be cassin"; supplied from the common funds (2). On Aug. 5, the anniversary of James' escape from the Gowrie conspirators, St. Andrews was on fete:--

"Item to ane heland pyper that pleyd throuche
the toun the v day of August, xij s.
Item for thrie quartis vyne was drukin at the
cros that day at command of the provest and bail-
:zeis, xlviij s.
Item for ane pund cardill was brunt that nicht,
iiij s.

For Guy Fawkes' day, Nov. 5, "tua tar barrellis", at 32s., figure among the accounts (3).

Charles II was proclaimed King at Dumbarton on May 18, 1660, "with all dew solemnitie", the town paying £72, 19s. 8d. for "wyn, beir, tobacco and glasses . . . for the use of the majistrattes and counsall", and on July 3, a public declaration of loyalty was read, "thair being bonfyrs on throw all this burghe, and drums beating, and cannon shoting from the castel", at a cost of £26, 6s. 8d. (4). At Peebles, "bone-fyre day",

(1) Edinburgh Recs., III, 219. (2) Aberdeen Recs., II, 236-7. (3) MS. St. Andrews Accts., fol. 6b, 8a.
(4) Dumbarton Recs., 78-9.

thanksgiving day, and the inevitable "wyn and vther furnitor" accounted in all for £41, 3s. 4d. (1).

In the second place, sovereigns, nobles, gentlemen and clergy expected their visits to be marked with a gift or a triumph. This was a wide-spread custom,-- at XVI Century Cambridge, "there are numerous presents to be made to all sorts of people who, whenever they come to Cambridge, expect a pike, a tench, a bream, a gallon of claret or of malmsey or even hard cash" (2). When James II visited Aberdeen in 1448, he was "propined" with two tuns of Gascony wine, six candles of three stone of wax, and "xij half pundis of scorchetis, or falyheand tharof xij hale pundis" (3). The early Ayr accounts show the expenditure of 6s. "for wyne to the schiref", £3, 8s. 3d. for a hogshead of white wine and £3, 14s. for another of claret for James V, and similar sums for wine given to the Greyfriars, the Queen and the Governor Arran (4). When the last-named visited Aberdeen in June, 1543, he got a tun of wine, a last of beer, three stone of wax and three dozen "cumfeythis" (5). In 1555, the members of Parliament from that burgh were instructed to seek redress for

(1) Peebles Charters, I, 424.

(2) Maitland, Township and Borough, 207.

(3) Aberdeen Recs., I, 17.

(4) MS. Ayr Accts., fol. 13a, 18b, 24a, 26b, 31b.

(5) Aberdeen Recs., I, 189.

certain grievances, "and gyf neid beis, . . . to gif ane honest and decent propyne, gratitud, and contributioune to our said souerane lady and regent forsaid"(1).

In 1558, a play was acted in Edinburgh to celebrate the young Queen's marriage, the expenses for painting, workmanship and costumes totalling £56, 4s. 9d. On Sunday, Aug. 31 (the day of John Knox's fulminations against the idolatry of the royal mass), the Council arranged a triumphal entry and banquet. The officers were given coats of "Franche blak", ten distinguished burgesses, attired in coats and gowns of black velvet, crimson satin doublets, and velvet bonnets and hose, bore "the pale aboue the Quenys grace heid", and the total cost was estimated at 4,000 merks. After long discussions and differences of opinion, the common mills had to be fore-mailed to meet the expense. Banquets were frequently given at the capital, to the Danish, English and Dutch ambassadors, to the King himself and his courtiers and visitors, noblemen and privy councillors (2). Perhaps the greatest of these festivities -- it required a tax of £4,000 -- was the triumph given at the young King's entry in September, 1579: a silver cupboard was presented, tragedies acted by the High School children, new black liveries provid-

(1) Aberdeen Recs., I, 284-5.

(2) Edinburgh Recs., III, 26, 119-22, 129-30, 179; IV, 49, 149, 492, 524, 546.

:ed for the town officers, "violeris and sangsteris" and "halbertymen" or extra guards engaged, and a fine of £20 imposed on any burghess who failed to comply with the dress regulations of the Council (1).

In 1600, when the Bishop and the ministry convened at Aberdeen to fill a vacancy, "this disioyne" cost the town 11 merks (2). Each year the Treasurer of St. Andrews gave the Archbishop a half-tun of wine, costing £80-£100, as well as lesser sums for wine and dinners to each visiting minister "quhan he teichit heir" (3). In the course of the financial year 1613/14, the Treasurer of Ayr paid £15 for wine "bestowit vpoun the Minister and sindrie nobillmen", £4, 8s. for wine "gevin to nobill men", £43, 6s. for wine for communion and given to the Marquis of Hamilton, the Earl of Cassilis, and others, and £34, 6s. 8d. for still more wine, presented to "sindrie nobill and gentill men the townis freindis" (4). It was a matter of policy rather than of necessity with the burghs; it was felt that nobles and gentry would make better friends than enemies, and so they were regularly propined and feasted, "nocht of dewty bot of guid will" (5).

Thirdly, conventions, assemblies, courts of just-

(1) Edinburgh Recs., IV, 113-5, 117-8, 124.

(2) Aberdeen Recs., II, 204.

(3) MS. St. Andrews Accts., fol. 7b, 51b, 75b.

(4) MS. Ayr Accts., fol. 126b-127a.

(5) Glasgow Recs., I, 192.

ice and similar meetings were made the occasion for displays of municipal hospitality. In 1539/40, the Treasurer of Ayr paid 8s. for wine to Lord St. Johns when he held his courts in the burgh (1). Burgh commissioners were entertained by the burgh where Convention met. In 1582/83, the Edinburgh Treasurer gave £128, 5s. 9d. for "the disiones of the burrowes" and dinners to the arbitrators who drew up the decret between the merchants and craftsmen of the capital (2). In June, 1596, the Aberdeen Council gave the members of the General Convention a supper, "as hes bene done in conventionis of burrowis . . . in tymes bygane" (3). When the Justice Ayre sat at Peebles in 1629, the Treasurer paid £23, 15s. 4d. for wine and 5s. for candle (4). After the Michaelmas elections, too, the newly chosen council often allowed themselves a dinner,-- the "collation" at Michaelmas cost 13s. 4d. at Ayr (5). A similar practice was observed, among other places, at Peebles and Dumbarton (6).

Fourthly, workmen employed by the burgh were almost invariably allowed "drinksilver" in addition to their wages. In 1537/38, the Treasurer of Ayr paid

(1) MS. Ayr Accts., fol. 24b.

(2) Edinburgh Recs., IV, 571.

(3) Aberdeen Recs., II, 136.

(4) Peebles Charters, I, 416.

(5) MS. Ayr Accts., fol. 31b.

(6) Peebles Charters, I, 415. Dumbarton Recs., 83.

16d. for ale to the measurer who measured the sands at "the finding" of William Cochrane's acre (1). In 1612, timbermen and navvies were engaged at St. Andrews on the "trowis" or spouts leading to the mill-wheel. They got 4s. for drink on Jan. 26, and, later, "mair for the four hours drink, xxij s."; then again, 10s. "for drink to the varkmen at the trowis at sindrie tymis". In the same year, the commissioner to Convention got £6 "for clark and agent fee and drinksilver to his men". In 1613, the Town Clerk's servants received 6s. "of drink-silver of certane writtingis", and a messenger "quha chairgit the bailleis with the taxatioune of Mariage" (that of Princess Elizabeth to the Elector Palatine) had £1 for the same cause (2).

National rejoicings, visits of important persons, conventions of all kinds and heavy manual labour at the common works form the chief occasions which called for feasting and drinking, but a few miscellaneous cases of a different kind must be noted. Sometimes the roving bands of Egyptians, with their national dances, their carpets, baskets, tins, pots and pans, were entertained. In 1540/41, they got two quarts of wine at Ayr, when they "dansit to the bailleis", and in 1612/13, at St. Andrews, £11, 16s. were paid for "entertencing

(1) MS. Ayr Accts., fol. 18b.

(2) MS. St. Andrews Accts., fol. 5b, 6b, 7a, 16a, 18a, 71b.

of the giptianes"(1). Strolling players, too, had a claim on the burghs. In 1540/41, the Treasurer of Ayr gave bread and wine, to the value of 15s. 2d., for the scripture-plays, and, in 1618/19, the same official at St. Andrews paid 33s. 4d. for "David Bellis and his companyes disjoyene"(2). Wapinschaws and archery competitions were also the occasion for revelry at the public expense (3). In 1541/42, when the burgh of Ayr had a representative in Edinburgh engaged in a law-suit with the laird of Greenan, the assize being formed of Edinburgh burgesses, a breakfast, costing 15s., was given to the Provost of the capital (4). The advocates who took the town's part generally expected to be wined and breakfasted at the burgh's expense (5). In 1611/12, at St. Andrews, £5 were paid "for the vyne with the pertinentis that day the archindene was admittit minister at command of the provest and bailzeis being present", and other 24s. for wine "quhan the minister vicar and maister ressaut thair stipendis"(6).

In the course of a single year, the different items which may be grouped under the heading of "festivities" amounted to no mean sum. In 1650/51, at

(1) MS. Ayr Accts., fol. 26b. MS. St. Andrews Accts., fol. 14b. (2) MS. Ayr Accts., loc. cit. ("clerk playis"). (3) Peebles Charters, I, 414-5.

(4) MS. Ayr Accts., fol. 29a.

(5) Cf. Peebles Charters, I, 413.

(6) MS. St. Andrews Accts., fol. 7ab.

Stirling, no less a sum than £495, 9s. 11d. were spent on dinners, wine, aqua vitae, sugar, cinnamon, Hollands water, ale, tobacco and pipes, given at sundry times to the magistrates, minister, schoolmaster, burgh commissioners, English governor and soldiers, officers, workmen and others (1). Admittedly it was an abnormally heavy year, with an English garrison in occupation of the castle and town, but it is in many ways typical of the sort of expenses which were liable to occur in any burgh. At the burgh of Irvine, accounts were regularly presented to the Council by taverners and brewster wives for wine, ale, tobacco, sweetmeats, white bread, sugar and candles used in the burgh's affairs; while the same story is to be told of Dumfries, where wine and "the pertinentis" were required in great quantities at the elections, at the annual roup, on the King's birthday, before going to church, burgh-court or council-house, at the admission of burgesses, at meetings with nobles, lairds and gentlemen, and at the common banquets (2).

(1) Stirling Recs., II, 302-12.

(2) Muniments of Irvine, II, pp. 104, 239 et seq.
McDowall, Hist. of Dumfriesshire, 372-4, 486-8.

PART FOURTH -- EXTRA-THESAURARIAL FINANCES.

CHAPTER XV -- BURGH FERMES.

Strictly, burgh fermes were on the same footing as petty customs. But, being royal rather than municipal revenues, they are in a manner outside the sphere of normal burgh finance, and, accordingly, following the lead of the majority of the records themselves, I have preferred to treat them, not as part of the Common Good, but as a department of extra-thesaurarial finances.

In England, the yearly ferme, whether paid in fee or by lease, was a composition for land- and mill-rents, customs, tolls, stallages, fisheries, amends and "land-gables" (1), but was not essential to a borough proper. Fee-farm status was the ultimate privilege, "not a test or mark of a borough" (2). The criterion was the exist-

(1) Madox, Firma Burgi, ch. XI, sect. iii.

(2) Hemmeon, Burgage Tenure, 154-7.

ence of burgage tenure, of tenements held by quit-rent and freely transferable by sale, gift or bequest. The tenements must be built upon and in good repair (1), and paid small annual rents, such as 1d. in the older, royal boroughs, 12d. in the later, baronial boroughs. In course of time, these sums, compared with real rents, became merely nominal (2). When the borough was let in fee-farm, the elected bailiffs collected these rents, but, when it was not so let, the rents fell to the sheriff or the lord's bailie (3). The desire to exclude these outside officers was so strong as to induce some boroughs to undertake the payment of farms which were beyond their means. The inevitable result was insolvency, and in such a case the King might pursue either the community as a whole or individual burgesses for the debt (4). The conclusion is that the principles of incorporation, delegation of power and civic and magisterial responsibility were much weaker than in Scotland.

A further distinctive feature of the English boroughs was what Maitland called "tenurial heterogeneity". The King's annual rights were of three kinds, gafol, or

(1) Bateson, *Borough Customals*, I, 278-80.

(2) Hemmeon, *Burgage Tenure*, 80 et seq.

(3) Ib., 72-3.

(4) Ib., 156. Tait, *Study of Municipal History in England*, 7. Madox, *Firma Burgi*, 164, 184, 187, 214, 232-42. Maitland, *Domesday Book and Beyond*, 208, 210; *Township and Borough*, 182 n.l.

gable, comprising house-rents (haw-gafol or "high-gable") and land-rents (land-gafol), market-tolls and issues of the borough-court. Now, a group of tenants might hold, not from the King, but from a bishop, abbot, baron or other mesne lord, owing him rent, in some cases toll, and in many sake and soke, either in a petty seignorial court or in one of his manors: in this case they were said to "lie" in such a manor. A group of these burgages formed the "liberty" of the lord (1). The King was thus only one landholder among several, and might let to farm only his own burgage-rents, while it remained for the county magnates to make their own arrangements; even after the sheriff was set aside as an unnecessary middleman feudal liberties formed "oases" lying within the town but without the scope of the Exchequer ferme (2).

To all this, Scotland offers a marked contrast. The spirit of organised feudalism was more rigidly adhered to, and there was little or no room for local arrangements and variations. "Originally each burgher, in virtue of his separate toft or tenement, was a Crown vassal paying a fixed yearly rent; and officers appointed by the Crown gathered these rents, and accounted for them periodically. To the King also belonged the

(1) Maitland, *Domesday Book and Beyond*, 210. *Township and Borough*, 182 n.l.

(2) *Domesday Book and Beyond*, 181-2.

finer awarded in the courts of the royal burghs, and the burghal toll or parva custuma, which were collected by the same Crown officers". This primitive and inconvenient arrangement finally gave way to a more typically feudal system. The burghs first secured short leases of their own mails, paying a yearly ferme to Exchequer, and gradually changed this into a permanent arrangement, substituting perpetual feu-ferme tenure for the short lease. The annual reddendo, though destined in later years to become ludicrously inadequate, did at the time bear some relation to the towns' yearly income. The first two burghs to get charters of feu-ferme were Aberdeen (1319) and Edinburgh (1329) (1).

From the earliest (2) surviving rolls, we can get an idea of the burgh-fermes between 1327 and 1332, before feu-ferming was at all common. It was generally prepositi (3) who answered for the annual dues, per firman dicti burgi, or, less frequently, de exitibus dicti burgi, and often expressly ex assedacione camerarii. Apart from the three normal sources of revenue compounded for, the mill of Inverness was sometimes let separately to a farmer other than the town; Dumbar-

(1) Exch. Rolls, I, Pref., lxxxvi-lxxxvii. A.P.S., I, 478. Edinburgh Charters, 16-7.

(2) Except for a partial roll for 1311/12, during the English occupation, when seven burghs paid their Crown dues to Edward II: few of them, however, can be regarded as normal, since they included castle-wards and escheats for the whole county. Bain, Calendar of Documents, III, 432-4. (3) Here = chief men.

:ton paid additional rents for the islands of Inch-
 :cailloch and Inchfad, on Loch Lomond, and for the
 fishing-coble of the manor of Cardross; the burghs
 visited by the Chamberlain on his Ayre answered for
 sums of money per exitus itineris camerarii; and com-
 :positions were sometimes paid per quasdam terras os-
 :caetas infra burgum (1). Defalcations were occasion-
 :ally claimed by the prepositi and allowed by the lords
 of audit (2), yet, on the whole, the figures show that
 some progress had already been made towards fixity of
 tenure. In 1330, Linlithgow paid £6, 10s. per gressum-
 :am, and, of course, a grassum is sure proof of the ex-
 :istence of a short lease (3). During the period,
 Perth paid £160 per year with unbroken regularity, and
 the same rule holds good for Inverkeithing's £15; while
 nine others (Haddington, Linlithgow, Berwick, Roxburgh,
 Peebles, Stirling, Kintore, Rutherglen and Wigtown)
 paid at a rate which remained the same for three years
 or longer. This probably means that these burghs had
 leased their fermes from the Chamberlain for terms of
 three, five, ten or more years. Other eleven burghs,
 it is only fair to add, made an annual reddendo which
 varied from year to year; and for Dumfries, Fyvie and
 Auchterarder, the data is insufficient to lead to any

(1) Exch. Rolls, I, 59, 268, 354, 165, etc.

(2) Ib., 59, 93, 310-1, 354, 417.

(3) Ib., 94, 301.

conclusion. Aberdeen paid a feu-ferme of £213, 6s. 8d., Edinburgh of £34, 13s. 4d., showing a disproportion which seems to call for explanation. From the great customs returns, it is clear that the bulk of the sea-borne trade was concentrated in Berwick, Edinburgh, Dundee, Perth and Aberdeen, and, compared with Berwick's £266, 13s. 4d. or Perth's £160, Aberdeen's ferme does not appear to be excessive: probably Edinburgh, as the capital and possessing the ear of the court, received preferential treatment.

Coming down to the next period of the rolls (1338-1343), the evidence points towards the checking of the tendency to fixity of tenure, irregularity of payment, and a falling away in the value of the fermes. This must be laid to the account of the devastating warfare between the followers of David II and Edward Balliol. Dundee paid nothing from 1336 to 1339 quia in manibus inimicorum; in 1342, Haddington paid for one term only, et non plus propter destructionem et combustionem dicti burgi per inimicos. In 1341 and 1342, the Perth fermes were not leased as an integral quantity, but split up into fishings, multures and fermes, each accounted for by different persons; once the fermes were collected by a receptor firmarum,-- villa existente in manu regis. This was a throw-back to the old, direct fiscal relations between Crown and burgess, and on this basis the

income dwindled appalingly,-- the receipts for one term were 66s. 5¹/₂d! Berwick was captured by the English, and Roxburgh utterly destroyed. Fyvie dropped out for good, and many others answered at Exchequer only once in these years. The state of the country and the urgent need of money seem to have led the rulers to discharge the burghs on very easy terms (1).

From 1357 onwards, the Exchequer accounts become fuller and more regular. For fifteen terms (1357-1364) Dundee paid at the rate of £13, 6s. 8d. per year, but in 1365 she got a feu-ferme charter fixing the annual reddendo at £20. Montrose had a five-years' lease of the burgh-mails (1360-1364), for £6, 13s. 4d. per year, but her feu-ferme payments, commenced in 1375, were £16. In 1374, too, Inverness was raised, ex assedacione sibi facta in feodo, from £40 to £53, 6s. 8d. Instead of the former £160, Perth fluctuated between £26 and £54, to settle, in 1376, to a feu-ferme payment of £80. Banff, let in feu-ferme in 1372, rose slightly to pay £33, 6s. 8d. (2). In view of the general fall in the burgh returns during the wars of David II, the King and his advisers seem to have driven hard bargains. From now onwards, it should be noted, ballivi, not prepositi, answered for the burghs (3).

(1) Exch. Rolls, I, 473, 484-5, 518, 524.

(2) Ib., II, 154, 204, 391, 491, 495, 540.

(3) Ib., I, 609-10, 618 et seq.

At the time, the policy of feu-ferming offered some advantages to the Crown, for not only were its revenues assured and the onus of collection evaded, but also, since the burghs were prepared to make considerable sacrifices in order to exclude ambiguity and to attain to fiscal autonomy, the returns compared favourably with the then annual value of the revenues feued. The process of transforming short leases into perpetual feus went on rapidly, with here and there a break when the burgh was pillaged or burnt by the "auld enemy", or in some other way incapacitated or impoverished. Selkirk was for some such reason long exempt from yearly fermes, and when, in 1425, it was forced to pay the Crown dues like other burghs, the old burghal assessment was resorted to. For the future, it was ordered to pay 5d. for each of 110 roods of burgh land, i.e. £2, 5s. 10d., plus 5s. 10d. for customs. By 1429, this sum was stated roundly at £3, 6s. 8d., and in 1473, a five years' lease at £5 per year was granted. This was the rate at which Selkirk was assessed by charter of feu-ferme, first mentioned in 1501 (1). Other irregularities are occasionally presented in the Exchequer accounts, -- the leasing of mills apart from the ordinary fermes (2), the paying of fermes, especially

(1) Exch. Rolls, IV, 419, 460, 520; VII, 515; VIII, 206; XI, 383-4. Cf. Leg. Quat. Burg., cap. i.

(2) Ib., IV, 27.

in the case of distant burghs, to ballivi ad extra or other royal deputies, or even to powerful local nobles and lairds (1), and so forth. In two cases -- that of Cupar, in 1428, and of Renfrew, in 1436 and 1453 -- the terms of the feu-ferme were eased by a new charter (2). North Berwick, a much raided burgh, was let off with a very small ferme, -- it paid only £1 ex tolerancia domini regis (3). Still, these irregularities are so few that we are justified in regarding the feu-charters as all belonging to a type, and conferring on the burghs the inalienable right of compounding by a fixed payment for the royal rents, customs and fines.

By 1600, the currency had depreciated to such an extent that it was worth only one-twelfth of what it had once been, and this fact, in conjunction with the great increase in burghal wealth and prosperity, led the Crown, with the support of Parliament, to demand the payment of the burgh-mails in sterling (4). It was unable or unwilling to insist in every case, but the result was that, towards the end of the XVII Century, the Crown revenue from this source more than doubled itself (5). Even then, however, the burgh-

(1) Wigtown and Kirkcudbright, Exch. Rolls, VI, 195, 347; Elgin and Forres, VII, 517; Kintore, XII, 609; Lochmaben, XII, 607.

(2) Exch. Rolls, IV, 426, 487; IV, 427; V, 138 etc.

(3) Ib., IX, 90. (4) A.P.S., III, 561. Muni-ments of Irvine, I, 7. Lanark Recs., 122, 328-30.

(5) Infra, Appendix D.

mails must not be regarded as a clear, face-value royal revenue. Apart from minor irregularities, due to distance, destruction or impoverishment, the system of local appropriations left only a small proportion to be actually paid to Exchequer. Mortifications were made to the church, nobles, lairds, hospitals, towns, the poor and the schools, by royal charter, precept, letter or simply by word of mouth, in perpetuity or for a limited period (1). Burghs owing large fermes, like Aberdeen, Perth and Edinburgh, saw their annual dues being frittered away in grants of this kind (2). Even by 1400, the process was so far advanced at Aberdeen, that, after all deductions, only 13s. 4d. remained for the Deputy Chamberlain (3). On the eve of the Reformation, when the claims of the Dominicans, the provost and prebendaries of Corstorphine, and the abbot of Dunfermline on the revenues of the capital were satisfied, £3 were paid to the Comptroller. Perth shows the principle carried to its logical conclusion: abbots, monks and friars received £69, 5s. 4d., a sum of £10, 14s. 8d. was handed over to the burgh for the upkeep of the Tay bridge, and nothing remained for the Crown. Similarly, Cupar's 26 merks and Ayr's £20 went entire-

(1) Lanark Recs., 310-1. Peebles Charters, I, 16.

(2) Reg. Mag. Sig., I, 299, 648, 762, 820; App., 1740.

(3) Exch. Rolls, III, 554.

ly to the church; on the other hand, we do find a few cases of the whole ferme being paid in to Exchequer, such as that of Nairn (£10), Renfrew (£5, 6s. 8d.), Inverkeithing and Selkirk (each £5), Lauder (£5, 7s 4d.) and Forres (16s. 8d.) (1).

I have prepared tables to illustrate this "ear-marking" of local revenues during the XVI Century. The first of these shows the allocation of the burgh-mails in 1557/58, with the old Catholic economy yet undisturbed; the second (1576/77) applies to a time when the claims of the church were confined to lay commendators of vacant benefices and conforming ecclesiastics; while the third (1598/99) shows the conscious efforts of the Crown towards a higher degree of efficiency and responsibility (2). An analysis of each of these tables yields the following distribution of the burgh mails at the three points of time selected:--

<u>1557/58.</u>	£.	s.	d.	%
The church,	299,	4,	8.	43 $\frac{1}{2}$.
Nobility, laity and officials,	69,	6,	8.	10.
Education,	24,	19,	4.	3 $\frac{1}{2}$.
Hospitals,	104,	6,	8.	15.
Burghal purposes,	10,	14,	8.	1 $\frac{1}{2}$.
Comptroller,	183,	9,	8.	26 $\frac{1}{2}$.
Totals,	£692,	1s.	8d.	100.

(1) Exch. Rolls, XIX, 39-47.

(2) Infra, Appendix H, where the method of compiling the above analyses is explained.

<u>1576/77.</u>	£.	s.	d.	%.
Nobles, laymen and officials,	65,	0,	0.	8 $\frac{1}{2}$.
Lay commendators,	19,	6,	8.	2 $\frac{1}{2}$.
Conforming clergy,	146,	2,	8.	19.
Education,	12,	13,	4.	2.
Burghal purposes,	10,	14,	8.	1 $\frac{1}{2}$.
Hospital,	100,	0,	0.	13.
Comptroller,	391,	5,	0.	51 $\frac{1}{2}$.
Total accounted for,	745,	2,	4.	98.
Unpaid balance,	13,	6,	8.	2.
Total due,	758,	9,	0.	100.

<u>1598/99.</u>	£.	s.	d.	%.
Nobles, laymen and officials,	58,	0,	0.	7 $\frac{3}{4}$.
Clergy,	47,	12,	4.	6 $\frac{1}{2}$.
Education,	45,	19,	4.	6.
Local purposes,	21,	0,	0.	2 $\frac{3}{4}$.
Hospitals and the poor,	196,	2,	0.	26 $\frac{1}{2}$.
The Queen,	5,	0,	0.	$\frac{3}{4}$.
Comptroller,	369,	9,	8.	49 $\frac{3}{4}$.
Total,	743,	3,	4.	100.

The following comparative table will show the successive changes throughout the half-century:--

	1558.	1577.	1597.
	%.	%.	%.
The church, including lay commendators,	43 $\frac{1}{2}$.	21 $\frac{1}{2}$.	6 $\frac{1}{2}$.
Nobles, laymen and officials,	10.	8 $\frac{1}{2}$.	7 $\frac{3}{4}$.
Education,	3 $\frac{1}{2}$.	2.	6.
Hospitals,	15.	13.	26 $\frac{1}{2}$.
Local purposes,	1 $\frac{1}{2}$.	1 $\frac{1}{2}$.	2 $\frac{3}{4}$.
The Queen,	-	-	$\frac{3}{4}$.
(Unpaid balance,	-	2.	-)
The Comptroller,	26 $\frac{1}{2}$.	51 $\frac{1}{2}$.	49 $\frac{3}{4}$.
Total,	100.	100.	100.

The immediate result of the Reformation was to double the revenue actually accruing to the Crown, by

means of drastic cuts in the church's share. It was inevitable that the causes of education and the poor, so closely linked with the activities of the Catholic Church, should suffer from the first impetuous onslaught on the old faith, but, before long, forfeitures enabled the Crown to reduce the leakage to the laity, while the clerical pensioners died off, so that the loss was made good, and, by the end of the century, the sums paid to Universities, schools and hospitals were very nearly doubled. The position in 1600 was that the Comptroller received roughly one-half of his revenues, more than one-third was devoted to utilitarian and humanitarian objects,-- schools, the poor and local administration,-- leaving less than one-sixth to be regarded as vested interests.

The chief importance of the burgh-mails is as a national revenue: from the burghs' point of view, they were neither revenue nor expenditure, for the bailiies simply acted as middlemen between King and burghess. Further, considered either as loss or gain, their value cannot compare with, say, mills or customs, common works or salaries. In this matter of little relative importance, more than in any other, there were wide differences in the methods of collection and administration. Sometimes, when there was a prospect of profit, the burgh-fermes were let by roup as part of the Common

Good, sometimes it was left to the bailies, in practice as in theory, both to collect the dues and to "red the chekker", sometimes the treasurer attended to both sides, and, occasionally, the Crown dues were settled indifferently from the other Common Good receipts. A chronological selection of evidence will illustrate these varying practices.

In Feb., 1478/9, the Edinburgh Council ordained that "the burrow maill be vngadderit of the nichtbouris considering it is payet to the chakker of the common purs, and at it be allowit of ilk land in thair awin handis"(1). Such a remission could occur only when municipal funds were plentiful. At about the same time, the Lanark mails were roused at a loss,-- £6 were required "for reddyn off the chakar", and they were set for a year for only £4 (2). In 1492, the bailies of Aberdeen, supported by the Lord Chancellor, refused to intromit with any burghal monies, and promised to help the new magistrate to be appointed for that duty, the treasurer, "bot thai wald nocht resause" the fermes (3). In later Exchequer rolls, any magistrate or special commissioner answered for the fermes "in name of the bailies", but it is interesting to find the Aberdeen treasurer, as soon as he was appointed, intromitting

(1) Edinburgh Recs., I, 36.

(2) Lanark Recs., 2, 12.

(3) Aberdeen Recs., I, 421.

with the burgh-fermes as well as with the Common Good. St. Andrews, though it paid its ferme to Exchequer in the late XVII Century, owed it in earlier days to the Archbishop as lord-superior. £8 were payable every year to his chamberlain, and the bailies seem to have collected the rents purely as his deputies, for no mention is made of burgh-fermes in the accounts for 1611-1627. An analogy to the King's remission of burgh-mail to a poor burgh is found in 1538, when the whole fermes were forgiven to the bailies, with Cardinal Beaton's personal consent, on account of the great pestilence of that year (1).

The burgh-ferme of Ayr (£20) was mortified to the Blackfriars. The burgh accounts show no such sum, either on the charge or discharge side; instead, there is entered every year, as burgh-mail and as revenue, an item of £3, which is often depending in the hands of the bailies for the year. This must have been a surplus left over to the bailies after gathering the mails and paying the friars, and hence due by them to the common funds (2). At Edinburgh, on the other hand, the burgh-mails were treated as part of the treasurer's revenues, and must appear on both sides of his accounts. The details of allocation must be set down in the "discharge

(1) Rentale Sancti Andree (Scot. Hist. Socy., Second Series, No. 4), 89, 110.

(2) MS. Ayr Accts., fol. 21a, 24b, 27ab, 117a.

ordiner" (fixed salaries and fees), "quhilk hes bene omittit in tymes bygane"; and again, as noted above, the expenses of causeway-repair undertaken by the burghesses were "allowet in thair mailles" (1).

To the burghs the significance of the burgh-mails lay, not in the minor profit or loss to be made therefrom, but in the fiscal autonomy conferred. What the feu-ferme charter conveyed to the burgh was unfettered control of the King's mails, the right to collect, spend and remit them, to serve heirs, give recognitions, and generally to administer all burgage tenements, always, of course, according to the burghal code of laws, and also provided the Crown was satisfied of its dues. "Ische" and "entre" pennies were the only casualties due. Though hereditary, burgages might be let or sold in case of poverty, the nearest heirs being given first preference. The bailies gave sasines and recognised waste lands, and the town clerk kept a register of sasines (2). Further, feu-ferme status comprised control over the whole of the "royalty", fines and customs as well as rents. For failure to compare at Exchequer, the burgh became liable to pay a fine, as well as all arrears (3). As often as not,

(1) Edinburgh Recs., IV, 191, 204. Supra, 238.

(2) Leg. Quat. Burg., cap. lii, xcvi, cxv, cxiv. A.P.S., I, 754; III, 33; VIII, 248. Peebles Charters, I, 117.

(3) e.g., Exch. Rolls, XIX, 42.

the burgh advanced a plea of poverty, fire or destruction, and compounded for its liabilities at a reduced rate. Thus, in 1487, Irvine owed £36, mostly for accumulated fines; £6 were paid in cash to the Comptroller, £15 spent in bibalibus, presumably with the lords of audit, and the remaining £15 remitted (1).

In conclusion, it should be noted that, in early times, the principle of local self-government was occasionally infringed by royal grants of "tofts" or burgages, especially to religious houses. The monks of Scene had a dwelling in each of the five "principal towns",-- Edinburgh, Stirling, Inverkeithing, Perth and Aberdeen (2). Tofts in Elgin were held by several neighbouring clerics and lairds (3), the Bishop of Glasgow had a burgage in each of Montrose, Forfar, Stirling and Dumfries, the Abbot of Arbroath one in each of King William's burghs, while the Abbot of Paisley had three tenements in Glasgow (4). But this was a primitive custom, based, like not a few of the arrangements made by David I and William the Lion, on English practice, and later abandoned, when the Scottish royal burghs evolved their own distinctively national system of fiscal and governmental autonomy.

(1) Exch. Rolls, IX, 550. Cf. ib., XI, 380; XV, 71.

(2) Watt, Hist. of Aberdeen, 28.

(3) Cf. Gordon's edition of Shaw's Moray, III, 67.

(4) Cf. Renwick, Hist. of Glasgow, 75-6.

CHAPTER XVI -- BURGH-COURT UNLAWS.

Since it was the bailiës, in theory (and sometimes in practice), who accounted to the Crown for the burgh-fermes, which covered the issues of the burgh-court, and since it was normally the bailies who presided in that court, it is not unnatural that they should have the collection and disposal of the fines. In civil affairs, the powers of the bailie-court were all along equal to those of the sheriff within the sheriffdom (1), while in criminal matters, all royal burghs were on the same footing as regalities, save when specially promoted to the rank of sheriffdoms (2). The power of jurisdiction was vested, not in the council, but in the magistrates (3). In some particular cases, the law required the provost to preside, but generally the bail-

(1) Cf. Bankton, Institute, II, 580. Erskine, Institute, 83.

(2) Erskine (*op. cit.*, 83-4) thought that their original powers were abridged by later usage, but the records show that all royal burghs, without any special grant, had "pit and gallows", blood-wits, and all other rights of regalities.

(3) Bankton, *op. cit.*, II, 577.

ies undertook the duty in rotation. In civil cases, an appeal lay to the Chamberlain and the Court of the Four Burghs, and, later, to the Convention, provided the "doom" were at once "falsed" (1). A baron might not repledge from the burgh-court anyone accused of forestalling, but burgesses might be repledged, even from the Justice Ayre (2), and Convention saw to it that no individual burgh abrogated any of these privileges (3). The majority of criminal cases within burgh concerned petty thefts and "strublens" or disturbance, with or without blood-shedding; in the former, corporal punishment was inflicted, scourging, branding, mutilation and banishment, while blood-unlaws were based on the seriousness of the offence and the injury done (4). In the last resort, however, the burghs were not afraid to exact the ultimate penalty and the records contain several sinister references to "gibbotts" and sentences against miscreants "to be hangit to the deid" (5). And, for really important and grave offences, the magistrates were empowered, by special commission, to act as justiciarii in hac parte (6).

(1) A.P.S., II, 254. Cf. Bateson, Borough Customs, cxlviii-cxlix.

(2) Hay, Hist. of Arbroath, 144; Recs. Conv. R. B., I, 502. (3) Ib., 340.

(4) Hay, op. cit., 121-2, 144. Irving, Book of Dumbartonshire, II, 34-5. Glasgow Recs., I, 197.

(5) Ib., 162. Hay, op. cit., 149-51. Supra, 270.

(6) Stirling Recs., I, 24, 42, 53, 71. Edinburgh Recs., II, 150-1. Muniments of Irvine, Nos. 27, 31, 36, 38, 40.

The bailie-court might sit on any cause, civil or criminal, at any time during the year, irrespective of whether the Session was sitting or in vacation,-- "ilk day except it be ane halie day" (1). Three head-courts (curiae capitales) were held each year, shortly after Michaelmas, Yule and Easter, to transact the more formal business of the council, such as the yearly passing of the economic regulations of the burgh, or assizes for fixing the prices of grain (2). For criminal cases, a special procedure was followed, including the appointment of a dempster to pronounce the doom (3). There were no pied-poudre or "dusty-feet" courts in connection with the fairs of Scottish burghs, though the Laws of the Four Burghs mention "bailyeis of the fayre" (ballivi nundinarum) and "motis of the fayre" (placita nundinarum) for the recovery of stolen goods, while Glasgow had a special meeting of the burgh-court to proclaim the "peace of the fair" (4). Water-courts and coble-courts were held to adjudicate over cases arising in connection with fishings and harbours (5). A conjoint sitting of burgh-court and kirk session would occasion-

(1) Erskine, Institute, 91. Recs. Conv. R. B., I, 503. (2) Edinburgh Recs., I, 61, 79, 110. Cf. Bateson, Borough Customals, II, cxlv-cxlvii; 50-5.

(3) Edinburgh Recs., II, 150-1. Stirling Recs., I, 24. Peebles Charters, I, 208-9, 416.

(4) Leg. Quat. Burg., cap. lxxxvii. Glasgow Recs., I, 154. Cf. Irving, Book of Dumbartonshire, I, 342.

(5) Glasgow Recs., I, 133. Cf. supra, 81-2.

ally be called for matters of mutual interest, and, once at least, to hear an appeal from the session (1). For the ordinary routine work, however, and the normal administration of justice, the bailie-court was the invariable medium.

Every year, after the Michaelmas elections, the bailie-court declared the prices to be given and taken for bread, ale, candle and other common necessities, and fines for the breaking of these statutes were perhaps the commonest of the casualties of the court. Another important group of unlaws were those exacted from burgesses who absented themselves from courts or meetings where the law demanded their presence. Edinburgh men owed suit in rotation at the water-courts of Leith, and were liable to a fine of 8s. for absence (2), while those who failed to appear at the burgh-court or special assizes and inquests were dealt with in the same way (3). Town councillors who offended in this way at council meetings were everywhere fined (4), and burgesses of Banff absenting themselves without excuse from "buriells and wther publict meitingis" owed heavy unlaws (5).

(1) Hay, Hist. of Arbroath, 129-30.

(2) Edinburgh Recs., I, 59.

(3) *Ib.*, I, 90; II, 50.

(4) Stirling Recs., I, 41. Glasgow Recs., I, 145. Aberdeen Recs., II, 578.

(5) In 1663, 40s.; in 1676, £2. Annals of Banff, I, 147, 156.

Breach of the peace, striking and drawing of weapons were only gradually conceived to be offences against the burgh as well as the party attacked. At Stirling, in 1545, one such offender was ordered "to pay the barbour and ane crouin of wecht to the pairty": damages, plus medical expenses (1). In the following year, however, the Aberdeen bailie-court is found laying down the rule that it was "dotit with priuilege of bluidweik and vnlaw thair of" (2). In 1567, any Edinburgh burgess convicted of drawing blood with swords, "quhingaris", batons, staves and other weapons, should pay a "bludewyte" of £5 to the burgh, "without preiudice of the panis of imprisonment, satisfactioun of the pairtie, or other actis maid anent trubulance of befoir". In 1581, the court of the capital waited to assure itself that a wound inflicted in an affray was not fatal, before imposing a fine of £5 (3). At Lanark, in 1654, a fine of 500 merks was taken from a burgess, who had formerly been obliged to pledge his lands for his good conduct (4). At Arbroath, £10 were due for the effusion of blood, other £5 for drawing a weapon, and 16s. for "troubling the town" (5).

Many other offences were dealt with in the bailie-

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- (1) Stirling Recs., I, 40.
 - (2) Aberdeen Recs., I, 228.
 - (3) Edinburgh Recs., III, 242; IV, 218-9.
 - (4) Lanark Recs., 154.
 - (5) Hay, Hist. of Arbroath, 153.

court,-- defamation, withholding debts, cursing or disobeying the officers, failing to come at once to their assistance in the execution of their duty, speaking aloud in court, building to the detriment of a neighbour (for such offences "nychtbourheid vnlawes" were imposed), purchasing "lordship" or protection from a noble or laird, digging and carrying away turf from the commons, breaking prison, and so ferth (1).

As a rule, most of the unlaws fell to the bailies, who had to answer for their expenditure on worthy objects; unless, indeed, they were expressly devoted to specific works or other purposes (2). In 1553/4, the auditors of the Edinburgh compts found that there were "restand awing be Johne Syme, baillie, in the yeir of God j^m v^c xlviiij yeris, of the ressait of the unlawis of maltmen that yeir xxviiij li. xij s. vj d., as his compt maid thairupon subscrivit with his hande bure". At the same time, it was found, after an examination of the accounts of Herbert Maxwell, baillie in 1546, "anent the ressait of the money quhilk wes the eschete of umquhile George Donaldson, quha wes justifyt to the deid, beand producit hard sene and fund subscrivit be the auditors of comptis in the yeir of God j^m v^c xlix,

(1) Aberdeen Recs., I, 380-2. Kennedy, Annals of Aberdeen, I, 86. Lanark Recs., 242, 251. Edinburgh Recs., III, 77-8; IV, 181.

(2) Aberdeen Recs., I, 96. Edinburgh Recs., II, 188.

that the said Herbert restit unpayit thair of the sowme of xiiij li. xviiij s. x d." A large proportion of the Edinburgh unlaws were spent on causeway-building, though in March, 1580/1, the Treasurer had to pay, for this purpose, £28, 15s., since the fines "ar nocht gottin nor collectit be the baillies" (1). The bailies of Dundee, before demitting office, were expected to render compt of the unlaws, each for his own quarter, and to hand over his receipts to the collector, so that they might be expended on common works: a register of acts and decrees was kept as a tally (2). But surviving records and accounts show that these business-like methods were rather an ideal than a common practice. At Ayr, on April 9, 1605, Bailie Osburne rendered a "compt of the unlawis" for the year 1603/04. The total was £23, 8s., made up of three "blude weddis", one fine for a "cwff" or blow, and two other items,-- the roup-money received for the brig of Doon, and an English merchant's license to sell his wares. Common works at Blackfriars, the bridge, ports and quay left the Bailie "superexpendit" of £4, 16s. 8d., but this was cleared by a grant from the Treasurer (3). Neither at St. Andrews nor at Ayr did the treasurer receive fines, so

(1) Edinburgh Old Accts., I, 13-4. Edinburgh Recs., IV, 161, 201, 207, 236.

(2) Warden, Burgh Laws, 47.

(3) MS. Ayr Accts., fol. 105ab.

that it seems probable that there, as at Edinburgh, the bailies managed them. In one year (1603/04), the four bailies of the capital got no less than £360, 18s. from fines, the individual items ranging from £2 for "hurting ane boy" and £3 for "drawing a dager", up to £20 for "hurting and wounding" and £100 for the maltmen's "unlawfull convocationes" (1). Conciliar control and supervision over the bailies, however, was not dispensed with: in 1641, the Glasgow Council instructed the bailies to "tak na compositione from the fleshours in tyme cuming", but to exact full fines (2).

Sometimes the suspicion that much of the revenue derived from fines was finding its way into the magistrates' private pockets, instead of being devoted, according to law, to the common welfare of the burgh, led to definite appropriations being made. In 1468, the Peebles bailies "oblyssis tham" that all unlaws be "geifin to the bryg, bwt fawuar" (3). In 1577, the bailies of Lanark had to promise that all fines for "bludis, forcementis, dissobediens and wardouris breking" should be received by the treasurer for "the common welth of the toun" (4). Another compromise was struck at Paisley in 1607, all small unlaws, "except

(1) Marwick, High Constables of Edinburgh, App. II, pp. xiv-xv.

(2) Glasgow Recs., I, 433.

(3) Peebles Charters, I, 157.

(4) Lanark Recs., 73.

the unlaws for trublance and bluids allanerlie, quhilk salbe imployit haillilie for the commonweil of this Burgh", being made over for public use to the treasurer, who answered the bailies of one-third thereof, so that they might have £20 between them "for their feall" (1). "Collectouris of the entres syluer, owlkie penneis, vpsetts, and vnlawes" were appointed each year at Edinburgh to assist the bailies, and, as a reward for their diligence, one-third of the unlaws was divided between both classes of officials (2). A collector appears at Glasgow in 1605, and at Lanark in 1652: though in the latter case the office lasted for only a year, "quhatsumevir wnlaw or penultie for bluid, fighting, or drunknes, or ony uther thing that salbe imposed and exactit aff any persone in tyme cumeing" being received by the treasurer, according to the bailies' entries in his book (3). Finally, it should be remembered that fines were sometimes appropriated to objects other than the common works: the burgh's poor, the kirk, and other institutions benefited from this source of revenue (4).

(1) Paisley Documents, 284.

(2) Edinburgh Recs., IV, 265-75, 294, 327. A.P.S., III, 263-4.

(3) Glasgow Recs., I, 239. Lanark Recs., 152-3.

(4) Warden, Burgh Laws, 15, 33. A.P.S., III, 147. Aberdeen Recs., II, 34. Edinburgh Recs., IV, 548.

CHAPTER XVII -- GUILDRY FINANCES.

In the English boroughs the strength of the Crown determined the evolution of the Gild Merchant, since any incorporation erected without its consent was "ad-ulterine", and liable to suppression (1). Now, the interest of the Crown demanded the abolition of rigid sectarian barriers and exclusive privileges, and the opening of the gilds to craftsmen. In this way the gild merchant became the aggregate of the craft gilds, and there was no essential antagonism between the two classes of burgesses. At the same time, the gild had no share of civic government (2), but was rather a little civic group, which was forced to include all the best elements of the burgess-body, irrespective of profession or calling. Trading privileges were thrown open to all, and sectional strife between incorporat-

(1) Madox, Firma Burgi, 26.

(2) At Leicester, indeed, the gild and the municipality were practically identical. Thompson, English Municipal History, 50-2, 71. But this was quite abnormal. Gross, Bibliography of Brit. Municip. Hist., xxviii-xxix.

itions, rendered mutually hostile by tradition and circumstances, was almost non-existent (1).

As noted by Dr Gross, one of the few students of British municipal institutions who interested himself in the Scottish burghs, the weakness of the Scottish Crown and the close political and commercial intercourse with the continent mapped out an entirely different line of development for the guildry and crafts. This view has recently been challenged by Dr Murray, who draws most of his evidence from Glasgow, and who avers that guild- and craft-struggles were concerned with minor differences, had no connection with questions of power and government, and were settled in a "quiet and orderly manner" (2). This theory will not apply to the Scottish burghs as a whole. In the first place, certain of the humbler classes of artisans were excluded from the guildry: a litster, flesher or soutar might not become a brother "bot gif he sal forsuer to do that craft wyth his awin propir handis bot wyth servandis undir hym", and fullers and weavers were excluded from the Perth guildry (3). Later burgh records show how other craftsmen, tailors, surgeons and skimmers, were obliged to renounce their trade before being admitted

(1) Cf. Gross, *Gild Merchant*, ch. V and VII.

(2) *Early Burgh Org.*, ch. XIX.

(3) *Leg. Quat. Burg.*, cap. xciv. Professor Innes thought the two Perth trades were excluded out of envy of their wealth. *Scotland in the Middle Ages*, 163. But it seems more likely that they were "debased crafts".

as guild brethren (1), even if, as at Edinburgh in 1583, the crafts were sometimes able, after long and bitter struggles, to make good their claim of eligibility (2). All along the brethren were expected to conduct themselves as became citizens of the highest class, and must not follow an occupation "that is nocht comely and decent for the rank and honesty of ane gild brother", appear in the street in an apron, wheel a barrow or wear any but a black bonnet (3).

Further, the guildry had some significance from the point of view of municipal government. Without unduly stressing the importance of the Statuta Gilde, it is obvious that the guildry of Berwick, being developed before magistrates and council, yearly accounts and bailie-court had taken definite shape, offered the most convenient channel for the conducting of municipal affairs and the formation of a code of burghal laws (4). An exact parallel is found at Edinburgh in 1403, when the "head-guild" after Michaelmas chose the magistrates, town council and officers for the year (5). In later days the guildry formed the aristocratic core of the burgh, and tacitly assumed that its members were the

(1) Stirling Recs., I, 162. Edinburgh Recs., IV, 57-8. (2) Ib., 271.

(3) Ib., IV, 514-5. Warden, Burgh Laws, 125.

(4) Cf. Scottish Review, II, 63. Murray, op. cit., 462-4, entirely misses the significance of the Statuta, by postulating that they were imposed on the guildry by the town,-- a ridiculous inversion.

(5) Edinburgh Recs., I, 1.

only burgesses fit to bear rule; indeed, some burghs expressly debarred all others from the magistracies (1). When the decree arbitral was drawn up in 1583 between the merchants and craftsmen of Edinburgh, the special commissioners for choosing arbitrators on behalf of the merchants are given as the four bailies, dean of guild, treasurer and ten merchant councillors (2).

Turning now to the proper functions of the guildry, it should be said that Dr Murray concludes from the fact that the dean was chosen by the council along with the other magistrates, that the guild "was a shadow, in so far as regards trade or the commercial interests of the burghs" (3). But the bulk of the councillors were merchants and guild brethren, and the records show that they had a chief say in the government of the burghs and a virtual monopoly of the control of foreign trade. At Dundee, the election of the dean, his "assessors", the collector of the holy blood silver, and the guild officer, lay originally with the guild brethren, but these powers were gradually shared with the council, until, in 1609, all were simply chosen at the yearly Michaelmas elections (4). The fact is that here, as elsewhere (5), the merchants found it just as conven-

(1) Warden, Burgh Laws, 42.

(2) Edinburgh Recs., IV, 265.

(3) Early Burgh Organisation, 468 et seq.

(4) Warden, Burgh Laws, 97, 102.

(5) e.g., at Edinburgh: Recs., IV, 384.

ient to exercise their functions through the council as through the guildry, but their distinctive powers in commercial matters were never affected. By express command of the Convention of 1555, no ship might be freighted, save in presence of the dean of guild (or, if he were not available, a bailie), and he also was responsible for the burgh's weights and measures (1). At Edinburgh, the guild brethren took order anent merchandise, punished offenders in their "courtis of Guildry", raised taxes on wares, and expended them on the upkeep of the kirk and, in Catholic times, of their particular aisle, the Holy Blood. The dean had also an aedilic jurisdiction,-- the cognition of building and repairing to the detriment of the neighbours, and the imposition of "nychtbourheid vnlaws". These and similar matters were discussed and tried in the weekly meetings of the dean's council (2). In addition, the Dundee guildry received first offer of stranger merchandise, gave special guildry instructions to commissioners, and consented or rejected "seals of cause", local taxes, and so forth (3). The Glasgow guildry, erected late (1605), had similar powers (4). There was no appeal from the guild- to the bailie-court: it was

(1) Recs. Conv. R. B., I, 12, 14.

(2) Edinburgh Recs., I, 181-2; IV, 181, 397-8.

(3) Warden, Burgh Laws, 105, 111, 139.

(4) Cf. Murray, op. cit., 476, 494-5.

a separate jurisdiction, subject only to revision by the Court of Session (1).

As a third essential difference between English gild and Scottish guildry, all trade in staple wares within the burgh's monopoly-area was confined to guild-brethren, and "all sic as ar onlie burges and ventaris of wyne walx welwottis sylkis or fyne clathis" must either "mak thame gild or ellis desist fra all selling of sic merchandice" (2). The craftsmen made only to order, leaving the disposal of the surplus to the merchants; at the same time, guild brethren might not lower themselves to deal in hucksters' wares,-- butter, eggs, cheese, onions, apples, milk and oil (3).

The first of the guild-casualties were the entries of newly-made brethren, of which something was said in a previous chapter (4). In 1515, Dundee guild-entries were 6s. 8d., and nothing from freemen's sons; the booth-upset, or start of an actual business, was £2 to strangers, and 6s. 8d. to freemen's sons; while from strangers only, other 6s. 8d. were due for the first venture in overseas trade,-- "first woyage packing and peilling". The guildry might also take a duty from all merchandise arriving at or leaving the port, or, alter-

(1) Cf. Bankton, Institute, 581-3.

(2) Edinburgh Recs., III, 96.

(3) Cf. Murray, op. cit., 472-5, 488-9.

(4) Supra, ch. VIII.

natively, a weekly penny from all merchants. "Later on there is mention of "the wine and wax" due from new brethren, and of a special fee given to the guild officer (1). The dean of guild had thus more than one source of supply to rely upon: indeed, we may classify his revenues in six groups:--

I. Guild entries. These formed a recurring and dependable source of income. At pre-Reformation Ayr, the dean of guild received each year from four to twelve "gild entres", sometimes at 5s. (freemen's sons), sometimes at 5 merks and sometimes, again, at 10 merks (according as the stranger had served his apprenticeship or not). In 1613/14, the dean "onerit" himself with ten entries, all at £20 (2). At Edinburgh, in the middle of the XVI Century, the dean of guild received guild- and burgess-entries, "bayth togidder becaus thai are in the lokkit buik": a stranger paid £5 for burgess-rights, £10 for guild-rights, and £15 for both, a burgess' heir, 6s. 8d., 13s. 4d., or £1, and second sons or sons-in-law, 13s. 4d., £1, or 33s. 4d. (3). These rates were sufficient to supply, in 1552/53, a revenue of £151, 6s. 8d. from thirty-two entrants (4). Further, weekly pennies were always available for the necessary

(1) Warden, Burgh Laws, 93, 123, 143.

(2) MS. Ayr Accts., Dean of Guild's compts, Charge side, passim.

(3) Edinburgh Old Accts., II, 146-50.

(4) Ib., 4-5.

affairs of the guild or burgh, and, instead of treating the brethren to a dinner or wine, the new member was often asked to compound for these casualties by a money payment (1).

II -- Church collections. In Catholic times, each burgess had to take in rotation the duty of going round with the plate during church services, and the proceeds were devoted to the upkeep of the altar specially associated with the fraternity. At Ayr between £5 and £15 were received each year, at Edinburgh, from £50 to over £100, save in the years when the Catholic regime was tottering to its fall and commanded little support among the masses (2). Under Presbyterianism, the old "bread-silver" or plate-silver became merged in weekly taxes and free-will offerings.

III -- Lairs. The dean of guild had charge of the burial-ground and received the fees for lairs or plots. In 1540/41, at Ayr, this magistrate had £2, 0s. 8d. from this source, while at Edinburgh, in 1553/54, the sum of £3, 17s. 4d. was received as payment for eleven adults' "throuchtis" or lairs, at 6s. 8d. each, and two "barnis layeris", at 2s. each, and other 20s. were paid "for the making of ane throuche . . . and the rowme thairof" (3).

(1) Edinburgh Recs., IV, 326-7. Stirling Recs., II, 380. For wine, see Aberdeen Recs., II, 48-9, 171.

(2) MS. Ayr Accts. and Edinburgh Old Accts., II.

(3) Ib., sub loc.

IV -- Freights. By act of Parliament, all ships engaged in foreign trade owed a proportion of the cargo, as freight-duty, both to the home port, and to the nation's representative, conservator or chaplain at the foreign port (1). In accordance with the instructions of Convention, merchants had to possess themselves of tickets subscribed by the dean of guild. The actual freight was settled between skipper and merchants by the charter-party, and receipt acknowledged in the bill of lading, but the mariner must pay for the liberty of freighting, and, moreover, must promise that, on his return, the neighbours should have first claim on his cargo. In 1533, the "Mary" was freighted at Edinburgh, soluto decano x s., while the master of the "Pitty Pansy" paid 8s. to the Dean, "howbeit scho wes nocht frauchtit bot hes laidnit hir with his awin guidis in the samyn" (2). About the middle of the century, there was a fixed charge of 14s. for each freighting: in 1560/61, Dean of Guild Watsoun received 669, 8s. for "the frauchting of the schippis that past furth of Leith this yeire, xiiij s. ilk schipe, as the buk of entery proportis" (3).

V -- Guild-fines. The fines exacted by the dean

(1) A.P.S., II, 87. Edinburgh Recs., I, 66-7.

(2) Ib., II, 60-1.

(3) Edinburgh Old Accts., II, 118.

of guild in the guild-court were concerned especially with offences against the privileges of the merchant-body and with differences arising between merchant and mariner. In May, 1559, the guild-court of Edinburgh was ordered to sit twice weekly "quhill ordour be taik-:in", all "vnfremen occupyaris of merchandice" and un-:free craftsmen being cited before it (1). In 1570, guild brethren of Dundee were liable to the following un- laws: for failing to assist the dean in the execution of his office, £5; for freighting ships when the dean was not present, £5 from the master, £2 from each mer-:chant; selling wool in lofts or houses, instead of in the market, 2s.; selling it on days other than Wednes-:day or Saturday, 2s.; buying overseas gear from unfree-:men, £2; buying wool in the market for unfreemen, £2; and trading overseas without the dean's testimonial, £5. In addition, merchants who employed unfree factors abroad were fined £5, and those who acted as factors for unfreemen, £10. A merchant who refused to pay the Holy-blood dues abroad made it up at home, plus an un-:law of £2, 10s. Hucksters convicted of buying salt "in great" (a guildry privilege) were fined 2s., users of false weights or measures paid 8s. for the first fault, £5 for the second, and lost their freedom for the third, and anyone obstructing the guild-officer

(1) Edinburgh Recs., III, 39.

when pointing was liable to a fine of £5 (1).

Fines sometimes amounted to a considerable sum in the course of a year. In 1539/40, 30s. were taken from six brethren of Ayr who failed to take the plate round when warned, and £5 from "the regratouris of the gild" (2). Several such fines occur each year in the Edinburgh accounts, -- £10 as composition for "ane Eschete of William Brone . . . for certane hydys put in ane schip unfrauchtit", £2 for "bying of malt in the mercat", £1 "for breikin of the act maid for nyctborheid" (3). In 1613, the Dundee fines for keeping booths open in time of preaching (at 6s. 8d. for each conviction) were roused for one year for £20. In 1653, a stranger was fined 50 merks for not offering his goods first to the guildry, and in 1665 an unlaw of £200 was imposed on a merchant for taking a case before the Session instead of the guild-court (4).

VI -- Guildry taxes. The guilds had the power of imposing taxation, direct or indirect, for their own particular objects of interest. At Edinburgh, the dean and council could "raise taxatiouns vpoun the gild brother for the weilfair and mayntenance of thair estate and the help of thair failyeit brether, thair wyffes, children and seruands, and quha refussis to pay

(1) Warden, Burgh Laws, 114-8. (2) MS. Ayr Accts., fol. 23a. (3) Edinburgh Old Accts., II, 7, 54, 92.
 (4) Warden, Burgh Laws, 151, 155, 157.

the said taxt be vnlawet in the sowm of xl s. swa oft as thai faillye; provyding the sam exceid nocht the soum of ane hundreth pund at anes" (1584/5) (1). But indirect taxes were often preferred. At Dundee, "all gudes payand custome sall pay deutie to the Gild pro rata"; these duties were originally intended for the "vphold of the Chaplaine of the halie bluid alter and the ornaments thairof, now to the sustentation of the ministrie", and were permanent. In addition, special duties were imposed from time to time, in the name of guild charity, on goods leaving the port, or even on those arriving in foreign parts from Dundee (2).

Further, there were a number of miscellaneous items of revenue, of local and periodic variation. At Edinburgh, the "feure grete goldin candilstikks" and the silver candlesticks were lent for funerals and private services: for the former, the fee seems to have been either 9s. 6d. or 2s., for the latter, 4d., 8d., 1s. or 1s. 4d., presumably according to the number required. Each year £5-10 were taken for the golden, and 30-40s. for the silver candlesticks. The dean also kept the town's great seal, and charged £2 for affixing it to feu-charters and so forth. There were over twenty shops at the kirk-yard, and these, paying a

(1) Edinburgh Recs., IV, 397-8.

(2) Warden, Burgh Laws, 113, 120, 126-31.

yearly rent of from 20s. to 30s., yielded a revenue of £20-24 (1). At Ayr, the dean occasionally received sums from the treasurer in addition to his own funds. Wills registered in the guild-court paid generally 9s., though sometimes also 6s. or even 2s. 6d., while the hand-bells realised 30s. per year (2). In 1645, the Dundee mortcloth fees, paid to the guildry, amounted to £89, 19s. 8d. (3).

Guild-revenues were expected to be used for the advancement of the welfare of the community as a whole, since the dean of guild was a responsible public magistrate (4). At Ayr the dean of guild was one of the three spending officials, who must account every year for their intromissions: the same applied to the collector of the holy blood silver at Dundee, who relieved the dean of this side of his work (5). Yet the particular interests of the merchant-class were not overlooked. Indeed, the guildry may be regarded from any one of three points of view,-- as a religious cult, as a trading incorporation, or as a benevolent institution,-- and this is reflected in its three corresponding channels of expenditure, on church maintenance and repair, on affairs of merchandise, and on charity and pensions.

(1) Edinburgh Old Accts., II, passim.

(2) MS. Ayr Accts., fol. 21b, 28b, 30a, 31b, 32b.

(3) Warden, Burgh Laws, 153.

(4) A.P.S., II, 252. Murray, op. cit., 469.

(5) Warden, Burgh Laws, 101.

I -- Church maintenance. A guildry, like a craft, was first founded to do honour to a patron saint, and its revenues were devoted to the upkeep of his altar, and that of the church fabric generally. Under the Presbyterian regime, the cults of the Holy Blood, the Holy Rood, the Virgin Mary, and all the saints, were spurned as idolatrous, but the connection between guild and church was continued, and the dean devoted part, at least, of his revenues to the work at the parish kirk. Further, the guildry imposed fines for absence from prayers, opening of booths during service, Sabbath trading, chartering vessels, or drinking, and failing to attend funerals of guild-brethren, and saw to it that new members were of "good religion" (1). The kind of work carried out at the church was precisely the same as that noted under common works,-- candle for the organs, wine for communion, ladders for the lofts, lecterns, timber, glass, iron, lead, nails, stones, thatch and slates for repairs, workmen's wages, "redding" the kirk-yard, oil and ropes for the bells, linen for the high altar, paving for the floors, sewing vestments, and a host of similar items. In this respect the Reformation made little difference. The Ayr accounts of the XVII Century are much the same, as regards church work, as those of the early XVI

(1) See, e.g., Warden, Burgh Laws, 132-6.

Century, save that the cost of labour and materials is considerably higher. At Dundee and Stirling, too, the dean of guild paid part of the minister's stipend (1).

II -- Salaries and wages. As an incorporated merchants' society, with officials and servants, the guildry was responsible for its stipends and fees. At Ayr, the dean retained £2 (in 1613, £5) from his receipts, as his own salary (2), while wages and retaining fees were paid to painters, glaziers, "keiperis of the kirk and knock", bellmen and others. At Edinburgh, in 1552/53, the dean's own fee and his chaplain's amounted to £10, 13s. 4d., a servant got 30s. as his "yeris fe for the dighting of the gutteris" of the kirk, another 40s. "for keeping of the kirk", "Doctor Smyth for his yeris fe", £1, ten officers, £2 each, and another, £5 (3). In 1586, the Dundee guildry allowed the collector 10 merks, provided he used all diligence in his office; in 1645, the dean, the clerk to the guildry, the collector and the officer each got £10 (4). Commissioners' expenses were sometimes defrayed from the guild-box by vote of the council, though here the the whole burgh, not the merchants alone, were interested (5).

(1) Supra, 290-1. (2) MS. Accts., passim.

(3) Edinburgh Old Accts., II, 16.

(4) Warden, Burgh Laws, 124, 154.

(5) Recs. Conv. R. B., I, 527. MS. Ayr Accts., fol. 127b.

III -- Guild charity. Since the guildry funds were contributed to by all brethren, its charity to decayed members partook rather of the nature of insurance or superannuation, than of pure alms. By the terms of the Statuta Gilde, "giff ony of our brether of the gilde in his eyld fall crukyt or pure or in ane vncurabill seyknnes, and he haue nocht of his awin whar of he may be sustenynt, efter the estymacion of the Alderman and of the brether, as the faculte of the gyld askis and may sustene, he salbe releffyt"(1). The spirit of this statute was adhered to in later days. Taxes, as noticed above, were occasionally imposed for the benefit of decayed brethren, and, in 1597, the compositions for the guild-wine at Aberdeen were applied to the maintenance of "honest decayit burgessis of gild", while the dean's "restis" or balance were voted to the upkeep of an indigent ex-Bailie (2). Numerous other grants to aged merchants for support in their "sickness and decrepted age" might be cited. In 1659, the Dundee guildry commenced paying weekly pensions to deserving brethren and their widows (3).

(1) Statuta Gilde, cap. xii.

(2) Aberdeen Recs., II, 155.

(3) Warden, Burgh Laws, 147, 153, 156.

CHAPTER XVIII -- CRAFT FINANCES.

The history of Scottish guilds and crafts is a continual struggle for power and prestige. There is reason to think that, in early times, craftsmanship was no bar to entrance to the guildry, save in the case of "debased" crafts, but the obligation to renounce all manual labour tended to oppose its interests to those of the outside craftsmen, who had to fight for their own welfare and independence. Parliamentary sanction for their meetings must first be secured, the burgh must confirm their status by letters or "seals of cause", and their financial resources had to be organised as a "fighting fund".

In Parliament, the "third estate", whose advice on municipal matters could hardly be disregarded, was composed almost exclusively of merchants, and it was only the necessity for some form of supervision of the work of the crafts that induced the legislature to tolerate any craft-organisation. By an act of 1424/5, confirmed and extended in 1427, deacons or "prisers" were to be

chosen by each craft, to examine and set a price on the brethren's work, and to impose fines for infringements, one-half of which went to the common works, the other to the deacon (1). James IV ordered the abolition of their jurisdiction, and left them the bare power of overseeing work (2). This was confirmed by an act of 1555, which gave the councils the right of appointing visitors, to take the place of the deacons (3). But it is more than doubtful if these acts had any effect in the burghs, where the crafts would be able to appeal to long-established custom. Perth, at least, got a special dispensation (4), and subsequent legislation shows that Parliament accepted the existence of crafts organised under deacons (5).

In the face of numbers of discontented and potentially troublesome craftsmen, the burgh councils found it advisable to concede rights by seal of cause or letters of deaconry, and each town accordingly supported a number of incorporated trades. Edinburgh had fourteen in 1584, Dundee had its "Nine Trades", and Dumfries boasted of seven flourishing crafts and four others, either defunct or absorbed among the rest (6). A subsidiary share of municipal government had also to be

(1) A.P.S., II, 8, 15. (2) *Ib.*, II, 234.

(3) *Ib.*, II, 497-8.

(4) Perth Hammermen Book, x-xii.

(5) e.g., A.P.S., III, 33, 361 *et seq.*

(6) A.P.S., III, 362; IX, 509. Maxwell, Dumfriesshire and Galloway, 237-8.

granted to the crafts. All deacons had a right to vote at elections, and to approve measures affecting the Common Good, several of them acted every year as councillors, and two "simple craftsmen" were often added to their number (1): in some burghs, a "trades bailie" must be chosen. Further, the whole power of the town council was behind the crafts when their privileges were menaced from outside. Unfreemen in Edinburgh or the suburbs were fined £2 for doing tailors' work, and the waulkers and weavers were similarly protected from suburban competition (1584) (2). An Act of Parliament of 1592 authorised all burgh magistrates to seize any craftsman's work done in the suburbs (3).

Craft funds were contributed to and expended in much the same way as were those of the guildry, except that the merchants had more wealth and a wider degree of independence. Revenue was derived from entries, periodic levies, taxes and fines, and spent on religious objects, the fees of officials and the maintenance of decayed brethren. I shall illustrate these processes from the records of five royal burghs,-- Edinburgh, Dundee, Stirling, Lanark and Dumbarton.

Each master-skinner of Edinburgh (1474) paid a "Monday penny" to the altar of St. Christopher, and

(1) *Supra*, ch. II.

(2) *Edinburgh Recs.*, IV, 365 *et seq.*, 374.

(3) *A.P.S.*, III, 579.

the deacon imposed fines in wax on those who failed to appear before him when summoned or who worked on Sundays (1). The wrights and masons had a committee of "searchers" to supervise their work (1475). An apprentice, when articulated, paid 6s. 8d., and became a master for other 6s. 8d., while a stranger was admitted for 13s. 4d.: all duties went to the upkeep of St. John's altar (2). For admission to the weavers (1475/6), two merks were payable by strangers (plus 2 lb. of wax), half-a-merk by freemen's sons. If he booked an apprentice, a master paid 5s. All masters paid their weekly penny, and feed servants 4d. per year, and the priest of St. Severian's altar got his meat in turn among the freemen (3). The surgeons and barbers (1505) had a kirkmaster instead of a deacon. They had then the monopoly of selling whisky, and the craft got one condemned man's corpse each year from the town. £5 must be paid for admission, plus a dinner, but burgesses' sons were entered for the dinner alone (4). Of course, the Reformation put a stop to saint-worship and altars. In 1560, the tailors wished to build a seat in their old altar of St. Ann, but were reminded that "in respect of the godlie ordour now taikin in religioun all title and clame to altaris and sic vther superstitious pre-

(1) Edinburgh Recs., I, 28-9. (2) Ib., 30-2.

(3) Ib., 33-4. (4) Ib., 101-4.

:tenssis ar and sould be abolischit"; for the future, all burgesses should sit together "as loving brether and freindis" (1).

The Dundee baxters' poor fund (1573) was collected weekly, masters paying 3d. in baking weeks, 1d. in non-baking weeks, "in name of St. Cobartis pennys". The deacon and his council of twelve administered the fund for the benefit of decayed brethren, and submitted quarterly compts of their dealings. All master-bakers must be freemen and guild-brethren (1610), and a dinner with wine must be given when an apprentice was enrolled or a freeman admitted. Fines ranging from 6s. 8d. up to £50 were imposed for wearing "whingers" in the bake-house, irreverence to the deacon, slander of other baxters, fornication, disobedience, "baiking of bunnes, semills, oat lowes, kaikis, and bappes" for taverners and brewers, employing an unfree boy, selling wheat to strangers, making ship's biscuits for sailors, and baking on Sundays. Apprentices selling tailors' coats, and "tulzeors and bragars" at craft-meetings were amongst those who were fined by the cordiners: unlaws and other casualties were not to be drunk by the deacon, but put into the craft-box for the purposes of charity (1598). The search of the hide and skin market

(1) Edinburgh Recs., III, 28-9.

was a craft monopoly, and was roused in 1700 for £5, 6s. 8d. A craft-stent was imposed in 1634, to buy a mort-cloth, and another in 1660 to build church-seats and repair the damage done by Montrose in 1645: on the first occasion, £281, 3s. was realised from among 50 members, on the second, £224, 4s. from 58. Annual craft-suppers, defrayed from the funds, were held at Michaelmas. Each member of the weavers who "gevis nocht the prest of the altar his meit in the zer as the leif dois, sall pay ilk welk in the zer to the altar a penny. And to be gaderit be the dekyn wolkly" (1512). These weekly pennies were put in St. Severian's box, and the chaplain drew therefrom £6 yearly, "alse lang as he makkis gwyd service, quhill he mak ane notable falt" (1530). The Hilltown weavers were kept at arm's length, and made to pay heavy fines for admission. Each individual craft of Dundee contributed 1s. in the £ to the Nine Trades Incorporation, to form a central fund for poor craftsmen. Other unincorporated trades were sometimes formed into "pendicles of the guildry", with a visitor instead of a deacon, and owing a degree of obedience to the guildry (1).

Maltmen formed one of the Dundee pendicles. This class was considered throughout Scotland to be in a pec-

(1) Warden, Burgh Laws, sub loc.

ular position. Strictly, they did not form a craft, and meetings of maltmen were more than once declared by act of Parliament to be illegal, and the appointment of deacons forbidden (1). Yet at Stirling, for example, they were incorporated in some manner. A burgess on admission must be simple, guild, craft, or maltman, and the groups that contributed to the minister's salary were the guildry, crafts, maltmen, mechanics and "omnigatherum" (2). For watching in time of plague, the dean convened the guild-brethren, the deacon convened the crafts, and the visitor the maltmen: the omnigatherum had no official head (3). The maltmen's entries at Stirling were £24 from strangers, £8 from maltmen's heirs, £16 from other sons or from sons-in-law, and £13, 6s. from merchants or craftsmen using the trade. One-third of these sums went to the trade, two-thirds to the Common Good (4). At Dundee, too, in 1657, the maltmen contributed to the minister's stipend, as a class distinct from merchants and craftsmen (5). Malt-making and brewing seem to have been regarded as an occupation lower than merchandise or a craft, but higher than the calling of unfree labourers and mechanics.

The Perth Hammermen Book shows us the workings of

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- (1) A.P.S., III, 33-4; VII, 574. (2) Supra, 214, 290-1. (3) Stirling Recs., I, 192.
 (4) Ib., 131.
 (5) Supra, 291.

that ancient craft in the XVI Century. Under the deacon was a boxmaster (in earlier times, a "compositour"), who accounted for the funds. "Sanct Eloyis geir", as these funds were called, comprised apprentices', servants' and masters' fees, weekly pennies (halfpennies from paid servants), "gait pennies" for market-stances, both at Perth and at unfree fairs in the neighbourhood, and exacted from sellers of iron-, pewter- and metal-ware, church-collections, especially on saints' days, money taken at the exhibition of St. Eloy's relics, and fines, paid in wax. Expenses included the Corpus Christi play, clerk's wages, fees, wine, breakfasts, and incidental charges of lawyers, candles for the altar, and craft-charity to aged and infirm members, and their widows and orphans. Sometimes, too, the craft's liabilities in national taxes were met from the box: £30 were voted for this purpose in 1590, as well as one-half of the weekly pennies (1).

The distinctive feature of the Lanark crafts was the calsay-penny, owed by strangers to the appropriate craft "for what work is made and brought in to be sold on fair dayes within the burgh". In 1672, the waulkers exacted "as ane calsay pennie off ilk strainger that brings in any inlandish walkit cleath to be sold at the mercat place of the said burgh on fair dayes the soume

(1) Perth Hammermen Book, xxxvii-xlv, and passim.

of aucht pennies Scots money, provydit the wob of the said cloth be above sex elne". Strangers exhibiting cordiner-work paid the deacon of that craft 4d. if it were a market-day, and 8d. if it were a fair-day, while anyone selling hides paid 2s. These dues were called box-pennies, but were precisely the same as calsay-pennies. This craft was given the general power of making statutes and imposing fines, not exceeding 8s., provided they were not contrary to the national or burghal laws. The tailors exacted from "ilk persone strainger the sume of four pennies money as ane calsay penny", and the weavers did the same. The smiths, and the wrights and masons, like the cordiners, took 4d. as calsay penny on "the weik day", and 8d. "ilk pro-
:clai mit fair day"(1).

(1) Lanark Recs., 129-35, 174-6, 180, 190-1, 194-8.

PART FIFTH -- EXTRAORDINARY FINANCE.

CHAPTER XIX -- LOANS.

Loans by private persons to the burgh treasuries were by no means uncommon. Sometimes they were floated just before an expected portion of the burgh revenue -- stents, half-yearly rents, and so forth -- was due, and the money was borrowed in anticipation of that revenue, which was offered as security. Again, it was sometimes done simply because, in the urgency of the moment, it seemed the most obvious thing to do, little regard being paid to the burden of debt with which the town was to be saddled. During the XVI and early XVII Centuries, when money was scarce, the rate of interest was generally 10%, and, though it dropped later to 5 or 6%, extensive and careless borrowing meant that an appreciable part of the annual income was consumed in paying the "annual-rent" on previous loans.

As early as 1480, we find the burgh of Peebles indebted to one of its chaplains for the sum of 20 merks.

The bailies, on behalf of the whole community, gave seisin, to him and his successors, of a merk of annual in perpetuity from the Common Good; the mills, multures and all other revenues were bound over as security (1). An unconditional alienation of this kind represents the most absurd of all methods of borrowing and repaying. A more reasonable plan was adopted at Aberdeen in April, 1495, when forty-five burgesses advanced, mostly in sums of £1 or £2, £62, 5s. 4d. to pay for timber-work for the choir. Loans from persons who should take tacks from the town at the next assedation were to be allowed "in thar gersomis" (here simply "tack-duties"), while those not having such tacks were promised repayment on St. Andrew's day (Nov. 30) (2). A similar procedure was adopted in 1498, when eighteen burgesses advanced the sum of £4, 3s., to meet the expenses of a "commoun act-ioun": repayment was vouchsafed at "the nixt aff taxt" (3).

In March, 1580/1, the Edinburgh Council agreed to lend 10,000 merks to the King "vpoun guid security". This sum was borrowed in turn from the neighbours, the bailies collecting from their quarters according to a roll drawn up by the Council, and having power to poind or ward for the sums due. If the loan were not repaid before Whitsunday next, the lenders were to be infett

(1) Peebles Charters, I, 186.

(2) Aberdeen Recs., I, 56-7.

(3) Ib., 66.

in annualrents from the mills or Common Good, at the rate of 5 merks for every 100 advanced, "vnder reuersioun contendant the principall soum lent, with payment of the haill byrun annuellis that sall happin to be restand awand the tyme of the redemptioun"(1).

St. Andrews indulged in borrowing on an extensive scale. In 1611/12, the total income was £1,990, 3s. 4d., of which no less than 1,000 merks had been borrowed that year. Interest for one term appears in the discharge side, £33, 6s. 8d., or 10%. In 1618, 2,000 merks were borrowed from Jhone Carstairis of Laedernnye. The common mills were frequently used as security for loans and the interest thereon. In Feb.-March, 1614, 200 merks were paid as "proffeytt" on a loan of 2,000 merks, and other sums of 50, 250, and 30 merks, as interest on loans of 500, 2,500 and 300 merks, whereof, in each case, the lender "hes infestment vpon the commonne myllns of the said citie"(2). All loans, of course, were subject to redemption at the Council's pleasure, and examples of the repayment of principal sums and the redemption of annualrents secured on the mills, "according to the resignatioun" or "renunciatioun" of the creditor, are not at all uncommon (3), but even when repayment was made within a year or two,

(1) Edinburgh Recs., IV, 200-2.

(2) MS. St. Andrews Accts., fol. 3a, 7b, 18ab, 37a, 44a.

(3) Ib., fol. 16b, 19a, 72b, 73a.

the high rate of interest made the whole practice most wasteful and uneconomic. In 1618/19, no less than 680 merks (£453, 6s. 8d.) were paid out as interest on former loans (1). In addition to private loans, the burgh for long borrowed large sums from the poor's money, in the keeping of the kirk session. During the period of the accounts, the treasurer of the city paid £80 each year, as interest on £800, to the treasurer of the session (2). In 1691, the position was that the Common Good paid £266, 13s. 4d. each year to the kirk, as "annual rent of the poors money, conform to infestment, the principall being 8000 merks" (3).

As a rule, loans were only taken when any unusual expenditure was called for. On the occasion of James VI's visit to Scotland in 1617, the Treasurer of Stirling was authorised to borrow £100, and, to repay the lenders, he, instead of the bailies, was to uplift "the haille fynes and unlaues of courte that salhappin to fall and vaik within the burgh", until all claims were settled (4). In 1675, the Lanark Council, having bought the lands of Crosslaw and Bankhead, for 6,000 merks, floated a loan of 1,000 merks, for which they gave a "band", with interest of £40 yearly, or 6%.

(1) Infra, App. C.

(2) MS. St. Andrews Accts., fol. 16a, 23b, 44a, 74b, 78a.

(3) Burgh Recs. Socy. Miscell., 70.

(4) Stirling Recs., I, 147.

More money was required in 1694, for repairing the manse, and searching out a coal-field, and, the Common Good being exhausted, 300 merks were borrowed, at 5% interest. In 1703, again, in order to advance the work at the church, steeple and elsewhere, a loan like that of St. Andrews from the poor's box was made,-- 400 merks were borrowed, at interest, from the Carmichael mortification for bursars at the grammar-school (1).

The reports on the Common Good of all burghs, sent in to Convention in 1691, show how accumulated interest on debts became a really heavy charge on their funds. Perth's annual income was given as £8,307, 7s. 4d., and £3,274, 0s. 6d. had to be paid as interest (at 6%), on 81,862 merks, owing to the town's creditors. At Dundee the figures are even more alarming,-- £3,351, 2s. and £2,295, 3s. 8d. respectively,-- while Aberdeen's debts (£6,765, 6s. 6d.) greatly surmounted the total value of its Common Good. These may be extreme examples, and some exaggeration, to make things look worse than they actually were, must be discounted, but there is no doubt that the burghs indulged in excessive borrowing. Nor was the practice confined to the greater burghs. The burgesses of Dysart complained that they "came to decay by the intestine and unnaturall war against Montross where the most part of the skippers and traff-

(1) Lanark Recs., 199, 249, 268.

:iquers were killed and destroyed, and by their build-
 :ing and edifieing of ane harbour pertaineing to the
 said burgh they did borrow the soume of 15,000 marks
 at sewerall tymes from sewerall persons towards the
 building of the forsaid harbour and for payment of
 their publict cess, they paying ane considerable pairt
 of the stent roll beyond ther ability, and for defending
 and maintaineing of the touns propertie against the Lord
 Sinclair and Sir James Cockburne, which is all yeit
 resting and eight or ten years annual rent thereof, who
 for ther unability and want of magistrats for ane con-
 :siderable tyme has rendered the wholl comon good per-
 :taineing to the said toune useless". The summary of
 the burgh's position is poignantly brief:-- "Debtis,
 10,000 lib.; comon good 200 lib.; cess and minister
 stipend payed by tax; no trade at all". In the same
 way, the burgesses of Jedburgh reported that they owed
 £20,000, "in pairt whereof ther three corne milnes and
 a walk milne are sett to the creditors for ten years
 for payment of 10,000 lib. of the forsaid debt, and
 that the remander of there comon good will not defray
 the annualrents of the rest of ther debts and pay the
 publict burdens, by fyve hundreth pounds yearly, which
 they will be obliged to berrow" (1). And so the vicious
 circle of loans, interest, deficit and fresh loans was
 continued.

(1) Burgh Recs. Socy. Miscell., 58-65, 82-3, 105.

CHAPTER XX -- NATIONAL TAXATION.

Of very early taxes in Scotland little record survives. The burgesses are not mentioned in a tax of 1190, to pay King William's ransom, but Bower says that, at a Great Council held at Stirling in 1211, the barons promised 10,000 merks, the burgesses 6,000, towards the same monarch's expenses (1). For really authentic information, we must come down to the year 1326, and the famous Cambuskenneth Parliament, when an indenture drawn up between King Robert and his barons, burgesses and freeholders promised the King the tenth penny of all lands and rents. Based, not on the burgh-fermes, but on the Old Extent (dating to Alexander III and even earlier), the decimus denarius was a land-tax granted for the King's lifetime, and would not hit the burghs heavily, as being small landholders (2). The Contributio pro Pace (1328-1331) was a second tenth penny, ex-

(1) Exch. Rolls, I, xc. A.P.S., I, 66. Bower, *Scotichronicon* (ed. 1759), viii, 73.

(2) A.P.S., I, 475-6. Exch. Rolls, lxxxv, lxxxix-xci; and rolls for 1327-1329.

acted by the Crown to enable it to meet its liabilities to England under the Treaty of Northampton. The burgh prepositi answered for two identical sums in 1328, one per decimum denarium, the other per contributionem pro pace. The burghs' share was 500 merks per year, or £1,000 for the three years of the tax, out of a total of £20,000 (1).

In order to pay for David II's ransom, alienated Crown lands were resumed, the great custom was doubled (1357), trebled (1358/9), and finally (1369) quadrupled, and a tax laid on all lands according to a new valuation. The only complete surviving roll is that of 1360/61, when eighteen royal burghs paid £337, 16s. 9½d., the sheriffs, answering for sheriffdoms, wards, quarters, bailleries, constabularies and one barony (Renfrew), paid in £2,220, 19s. 4d., while the church, through its bishoprics and deaneries, contributed £609, 12s. 10½d. A rough approximation shows that the burghs paid 1/10, the barons and freeholders, 7/10, and the church, 1/5. We know that the clergy paid one-tenth of their assessed wealth; the burghs' shares correspond to some extent with their fermes, and so represent the annual value of their rents, or one-tenth of their capital value; thus, the whole tax seems to have been based on some such definite proportion. The permissive

(1) Exch. Rolls, I, cvi-cx; 85-94, 113, 206.

clause enabling each tax-payer to state quantum sponte conferre voluerit ad redemptionem domini regis quolibet anne would not prevent such an assessment being adopted. The yield of these early taxes shows that the barons were then by far the wealthiest "estate" in lands (1).

In 1364/5, a tax of 6d. in the £ was expected to yield 2,000 merks (2). In 1366, a stent of 8,000 merks was imposed, but the sum of 2,000 merks, being urgently required, was borrowed, on the security of the tax, in definite proportions from each estate,-- 1,000 from the barons, 600 from the clergy, 400 from the burghs (3). For James I's "costage" while in England, a general tax of 1s. in the £ was imposed in 1424, the clerical unit of assessment and collection being the deanery, the baronial the sheriffdom, while in each burgh the magistrates must convene the burgesses for the election of "taxatouris". 50,000 merks were required, in five annual instalments, but again the Crown felt the need of funds so urgently, that a loan was asked,-- this time from the burghs alone, in return for a prohibition to be issued to foreign merchants trading with any but burgesses. The plan fell through, and the burghs simply paid their share as an estate. The rolls show that the greater part of the tax was frittered away on objects

(1) A.P.S., I, 491, 517. Exch. Rolls, II, xxxvii-xl, xlii, xliii, lxxii, lxxxiii; 73-6, 109, 171.

(2) A.P.S., I, 496. (3) Ib., 498.

other than those intended, and also that the other two estates were at least much slower in paying than the burghs, whose contributions formed the bulk of the money that actually found its way to England (1). The chief significance of the tax, however, as we shall see, lies in the proof it affords of some system of burghal assessment.

For the tax of 1467, to defray the expenses of an embassy to Denmark, a receiver for each estate was appointed, which means that the estate was now treated as the definite unit for taxation. Each actually paid £1,000 (2). The same proportion held good in 1471 (3), but in the following year, the clergy paid two-fifths, the barons two-fifths, and the burghs, one-fifth: this rate was maintained for taxes in 1478, 1481, 1485, 1487, 1488, 1492, and 1493, and was only departed from during this period for two very small taxes (£300 in 1489, and £270 in 1491), when each estate was again responsible for one-third (4). For forty-two years the records are strangely silent on the subject of taxation, and when next we hear of it, another change has been wrought. Two taxes were granted in 1535, to which the three estates contributed "after the auld vse and

(1) A.P.S., II, 4-6. Exch. Rolls, IV, cxxx-cxxxiv; 639-71. Rotuli Scotiae, II, 246.

(2) A.P.S., II, 90. (3) Ib., 99.

(4) Ib., 102, 122, 134, 170, 182, 207, 230, 234.

consuetude", which now means that the clergy pay one-half, the barons one-third, and the burghs one-sixth: "off the quhilk (sc. £20,000) the Clergy payis x^m li., the Barrouns x^m merks and the Burrowes v^m merks" (1). This fixed ratio held good for the reigns of James V and Mary, and the early years of James VI (2).

The clergy used Bagemond's Roll as the basis of taxation, the burghs assessed themselves in Convention, the barons paid sums varying from 3d. (in 1368/9) to 30s. (in 1621) per £ of Old Extent, according to the amount required. Sometimes, however, instead of fixing the total required from the tax, the rate per £ of temporal lands was alone specified, and the other estates ordered to pay pro rata,-- the burghs half as much, the clergy half as much again (3). In 1578, indeed, a different ratio was adopted for two minor taxes, one of 10,000 merks towards the support of the bridge at Perth, the other of £12,000 for the defence of the borders. In each case, the clergy paid 4/11, the barons 4/11, the burghs 2/11, and the feuars, tenants and occupiers of Crown lands, 1/11 (4). But the Crown lands were again exempted in 1581, and thereafter the old rate was adhered to, with the proviso that benefices erected

(1) A.P.S., II, 342. Recs. Conv. R. B., I, 514-5.

(2) A.P.S., II, 460, 608. Recs. Conv. R. B., I, 518, 524; II, 487-8. Reg. Privy Coun., II, 468.

(3) A.P.S., I, 507; IV, 289, 598. Cf. Rait, Parliaments of Scotland, 494.

(4) A.P.S., III, 108. Reg. Privy Coun., III, 46, 121.

into temporal lordships were stented along with the clerical estate (1).

Burgesses were automatically summoned to all Parliaments, and, according to law, their presence was also necessary at all conventions of estates to discuss peace, war or a general tax. In the XVI Century, however, the Privy Council developed a habit of co-opting a few outsiders, calling itself a convention of estates, and imposing a tax on the whole kingdom. Against such a tax, imposed in Nov., 1578, by eight councillors, two lords and three bishops, the burghs protested, affirming that "fyve or sex of the principallis provest eldermen and bailleis of burrowis" ought to be summoned to all such meetings. The Council promised that "the present necessitie" should not be made a precedent, and after 1580 Privy Council and Convention of Estates may be distinguished by the presence or absence of burgess-members (2).

In 1621, for the first time, an attempt was made to tax personal as well as real property, by means of taking the twentieth penny of all annualrents, whether secured on land for debts, or simply on personal bonds.

(1) A.P.S., III, 189, 424-5, 498-9, 523-4; IV, 143, 292. Reg. Privy Coun., IV, 344-5. Rait, *op. cit.*, 493.

(2) A.P.S., II, 252, 543. Reg. Privy Coun., III, 38, 45-6, 56-7. Recs. Conv. R. B., II, 495-500. Mackie and Pryde, *Estate of the Burgesses, etc.*, 14-5.

The example was followed in 1625, 1630 and later years (1). In 1643, taxation, hitherto regarded as abnormal, became regular and periodic. The clerical estate had been obliterated in 1638, and the new units for the "monthly maintenance" were the thirty-one shires, paying five-sixths of the total, and the fifty-seven royal burghs, paying one-sixth (2). The first tax imposed after the Restoration involved a departure from precedent. The King was given an annuity of £480,000, to last for his life-time, £96,000 from the customs on imports, £384,000 in definite proportions from the shires, including the royal burghs situated in them, out of the recently introduced preferential excise on malt, beer and whisky; if this did not suffice, the deficit must be made good by the fiscal unit in question. Commissioners of excise, including the magistrates of the burghs, were appointed for each shire. Henceforth, excise is complementary to the land-tax (3). The principle of the monthly maintenance was returned to for a tax of £140,000 in June, 1661, to provide salaries for the Lords of Session (4), and this was observed as the regular method of taxation for the remainder of the life of the Scots Parliament, save that

(1) A.P.S., IV, 599. Rait, op. cit.; 494.

(2) A.P.S., VI, i, 18, 27, 35, 701; ii, 811, 837.

(3) A.P.S., VII, 88; X, 13. Cf. Rait, op. cit., 498-9.

(4) A.P.S., VII, 250.

in 1665, the three estates reappeared for the last time as fiscal units, temporal lands paying £2 per £ of Old Extent, and the others pro rata (1). During the reigns of Charles II, James II, William and Anne, the monthly cess of £72,000 (£60,000 from the shires, £12,000 from the burghs) was the unit of all Parliamentary grants, the amount of the yield being made to conform to the needs by voting only as many months' cess as sufficed for the year or number of years concerned (2). Various attempts were made to put a levy on personal wealth, by ordering the retention of the sixth or eighth penny, by poll-tax and once (1690) by hearth-money, but from this point of view Scottish national taxation was undoubtedly a failure, and all along the Crown relied almost exclusively on land and excise (3).

As to the mode of assessing the amounts due from each burgh, it is doubtful if, in early times, when stents were abnormal, any definite system was in use. Possibly, as Cosmo Innes suggested, the Court of the Four Burghs anticipated the control of the later Convention (4), or perhaps the burgh-fermes were used as a rough guide to the relative wealth of the burghs.

(1) Net 50s., as stated in Rait, op. cit., 499. A.P.S., VII, 530, 540 et seq.

(2) A.P.S., VIII, 354; IX, 134, 253.

(3) Cf. Rait, op. cit., 501-4.

(4) A.P.S., I, 13.

In 1424, at least, when the burghs had to find, as an estate, 20,000 nobles (10,000 merks), towards James' tax, the quota of each burgh must have been assessed according to their wealth, since the sums due vary from 40 nobles from Rutherglen and 50 from North Berwick, up to 2,850 from Dundee and Aberdeen each, and 5,000 from Edinburgh (1),-- all in round numbers. Our first definite record dates back to 1483, when £132, 7s. 10d. were due from seventeen burghs north of the Forth. More than half of the total was found by the three great towns, Dundee and Aberdeen (£26, 13s. 4d. each) and Perth (£22, 4s. 6d.) (2). The northern burghs again appear as a stenting-group in 1495, when a sum of £873, 6s. 8d. was due from nine burghs:--

Aberdeen,	£200.	Forfar,	£13, 6s. 8d.
Montrose,	£50.	Arbroath,	£30.
Dundee,	£250.	Perth,	£150.
Brechin,	£30.	Cupar,	£50.
	St. Andrews,	£100.	(3).

In 1555, we have the first general stent-roll of Convention, for the burghs' share (5,000 merks) of a national tax of £20,000: there is no mention of any subdivision for its assessment (4). But an entry in the Black Book of St. Andrews, dated Jan. 25, 1536/7, "concernyng the Extentis and Taxacionis commonlie rasit upon the burrowis within this realm" shows that, out of

(1) Recs. Conv. R. B., I, 502. (2) Ib., 543.
 (3) Aberdeen Recs., I, 55-6.
 (4) Recs. Conv. R. B., I, 514-5.

a tax of £500 from all the burghs, £250 were paid by those on the north side of the Forth, £250 by those on the south (1). The last occasion on which this subdivision seems to have been adopted was in 1556, when a stent of £833, 6s. 8d. was raised in two roughly equal shares, -- £419, 2s. 7d. from twenty burghs north of Forth, £422, 6s. 4d. from twenty-two to the south: this was done in Convention, "conforme to the auld rollis" (2). Thereafter all burghs were assessed together indiscriminately, Convention doing its utmost to keep the tax-roll up to date by frequent revisions: for a century and a half (1556-1707), no fewer than 24 stent-rolls have survived (3).

The Convention based its assessment on information regarding all possible sources of burghal revenue, lands, mills, fishings, customs and endowments. This is proved by a special roll drawn up in 1587 to meet the deficit in the receipts of the great customs, which had been farmed to the burghs. The "inlaik of customes stent" was "sett vpoun euery burgh according to the tred of merchandise vsitt within the same be the inhabitantis thair of alanerlie" and shows considerable differences from the roll used for general purposes. Edinburgh, the commercial entrepot of the country, paid £38, 2s.

(1) I am indebted to Dr Hay Fleming for this note.

(2) Recs. Conv. R. B., II, 488.

(3) Ib., Index volume, sub voc. Tax Roll.

sd. by the trade-roll, instead of £28. 15s., which was her share of £100 due by the general roll. This increase gave relief to the lesser burghs. All that may be considered "dry" burghs, with the single exception of Elgin, were rated lower, and generally much lower, while some sea-ports were also eased,-- Dundee, Aberdeen, St. Andrews, Glasgow, Arbroath, Wigtown, Kirkcudbright, Dumbarton, Irvine, Rothesay, North Berwick, Nairn and Cullen. Dunbar and Inverkeithing paid the same by each roll, but the group of Fife sea-ports on the Firth of Forth were all rated higher,-- Crail, Anstruther Easter, Pittenweem, Dysart, Kirkcaldy, Kinghorn and Burntisland,-- and the same remark applies to Perth, Ayr, Montrose, Inverness and Banff (1).

The Convention's duty of assessment did not end with Parliamentary taxes. It had frequently to impose taxes on all the burghs by way of composition for military service (2). An analogous position arose in 1604, when commissioners from each estate were instructed to proceed to England about the projected treaty of union: the others intended to pay their own expenses, and recommended to the burgesses to do likewise, but Convention knew better, and imposed a general burghal stent of 16,000 merks to defray costs (3). Besides

(1) Recs. Conv. R. B., I, 207, 246-7, 253-4.

(2) Ib., 392-3.

(3) Ib., II, 182-4. A.P.S., IV, 263-4.

national and semi-national stents, Convention often raised taxes from all the burghs for special expenses which concerned them all, such as the cost of embassies sent to foreign countries with the object of securing a reduction of tariffs or for other commercial ends,-- "the doungetting of the xij d. and new impositioun maid in France thair of upon ilk frank", "for the effairis of merchandis and vtheris besynes hir Hienes (sc. Queen Mary) hes ado with the said King (of Denmark)", to obtain the repeal of the French edict prohibiting trade by Scots merchants unless they bore the Dowager Queen's writs, for "doungetting of the ten solz of the tvn of wyne in Burdealx", as a composition for the silver bullion demanded by the Crown in 1574, to seek redress for the pillaging of ships by the English, to "outred" a ship "for staying of pirates", and so forth (1).

Parliament having voted and Convention assessed a tax, it behoved the Crown officers to collect the dues. Letters of charge were directed to messengers or specially appointed "sheriffs in that part", who called upon the magistrates to make thankful payment of their share, authorised them, for their relief, to impose local stents, denounced the pains of forfeiture and rebellion against refusers, and noted the burghs which

(1) Edinburgh Recs., II, 105, 108. Recs. Conv. R. B., I, 16-9, 27-9, 31-2, 37, 42-9, 50, 82, 91-6, 261, 522-3, 527-31.

had been visited, as an endorsement to the letters (1). After payment, a formal receipt was sent by the collector of the tax, discharging the burgh thereof for all time to come (2). That delays occurred in the settlement of taxes is clear from an act of 1489, ordering all magistrates who failed to come forward with their dues to be warded in Blackness Castle (3). The burghs were not so dilatory as the other estates, but they were chary of paying unless absolutely convinced of the necessity. An entry in the Lanark records of the year 1581 is highly typical. The burgh had been assessed by Convention at £8, 6s. 8d., but the Council, instead of giving their commissioner this sum, instructed him "to seik furth gef uther burrowis peyis the saming, and thairfor gef sua beis hes ordanit the said William pey the saming", promising reimbursement on his return (4).

As regards procedure within the burghs, a certain amount of legislation exists, but for the most part they were left to make their own arrangements. One of the questions asked by the Chamberlain in his ayre was whether taxes were imposed equitably on rich and poor, according to their means (5). The act of 1424 ordered the appointment of "taxatouris" in the burghs, and the

(1) Muniments of Irvine, I, 54-6, 77.

(2) Peebles Charters, I, 49. Aberdeen Recs., I, 296-7. (3) A.P.S., II, 218. (4) Lanark Recs., 78.

(5) Art. Inq. in Itin. Cam., A.P.S., I, 681.

Aberdeen Convention of 1596 ordained that "na maner of burgh tak vpoun thame to deburse ony pairt or portioun of thair commoun rent vpoun the payment of taxatiouns . . . bot the saidis taxatiouns to be payit be commoun contributioun amangis the nichtbouris of the burgh"(1). Some burghs, however, indulged in the forbidden practice. At Ayr the dilatory methods of collecting revenue were open to abuse. In 1536/37, indeed, all was fair and above board: the Treasurer got £6, 12s. for the Burghfield's part of the "stent send to the Kingis grace in France", and £49, 10s. for the "townis part", and paid exactly £56, 2s. to "Maister Johnne Chesolme collector"(2). But in the following year £3 had to be given from the Common Good to make up a deficit, "to complete the ungathered taxation"(3). In 1587/88, the ordinary revenue of Lanark had to supply two sums to meet the burgh's share of Convention stents,-- £9, 18s. for the King's wine (for the great customs tack-duty), and £10, 0s. 7d. for the anti-pirate tax; and in 1588/89, the Common Good, amounting to £183, 13s. 4d., furnished £50 for the stent for the King's marriage, and £13, 6s. 8d. for his wine (4). In 1612, Robert Tailzour, commissioner for St. Andrews at the burgh convention,

(1) Recs. Conv. R. B., I, 475.

(2) MS. Ayr Accts., fol. 12a, 14a: infra, App. B.

(3) MS. Ayr Accts., fol. 18b.

(4) Lanark Recs., 92, 99, 100.

was entrusted with £90 "for the towns part of the taxation", out of the treasurer's revenues. But the tax in question was one of £240,000, in four annual instalments of £60,000, of which the burghs owed £10,000. St. Andrews, then paying £2, 13s. 4d. per £100, would be due £266, 13s. 4d., so that the grant from the Common Good would be merely a part-payment of the tax, and the rest may have been got by stenting. The same criticism probably applies to the entry of July 21, 1614, to the effect that £106, 13s. 4d. were paid "for this cities part of the voluntar offer anent Stracovius". The burghs' share in the expenses of the Stracovius case was £7,200, and of this sum St. Andrews would owe £192 (1). But whether the tax was paid in full or in part from the Common Good, it was illegal.

On the whole, however, Convention's ruling was obeyed. After public proclamation, all the burgesses convened to hear the reasons for the tax expounded, and to elect stenters (2), who undertook, on oath, to draw up a just and impartial stent-roll within a certain period. The magistrates were empowered, both by act of Parliament and by local practice, "to pas incontinent compel and distreyne all and syndre the personis

(1) MS. St. Andrews Accts., fol. 7a, 20a. Recs. Conv. R. B., II, 434, 567. Reg. Privy Coun., IX, 540.

(2) Cf. Murray, Early Burgh Organisation, 278.

that ar extentit . . . for thair pairtis thairof" (1).

For convenience, the burgesses were generally divided into classes, according to wealth, profession or residence. In 1530/1, when £6 were required from the burgh of Selkirk, ten burgesses paid 4s. each, thirty-two 2s., twenty-seven 1s., and twenty 6d. (2). Merchants, when treated as a stenting-group, paid the largest share of taxes, and any indweller of Edinburgh who exercised their rights, no matter what was his rank, "men of law scribe or other priueliegit persoun", must stent with them. The merchants paid four-fifths of all taxes imposed on the capital, the crafts one-fifth, but ultimately this was felt to be an invidious distinction, and was abrogated by the decree arbitral of 1583, which declared that all should be rated "overheid according to thair habilitie and substance" (3). At Stirling the guildry and crafts paid equal proportions, and the dean of guild and deacon convener each convened their brethren for the appointment of their own stenters (4). Lands outside the burgh walls contributed their share. In 1601, £372, 1s. were required at Ayr, and of this sum the "Townis stent" was £295, 7s. 8d., Alloway (at 1 merk per merkland) paid £50, and the

(1) A.P.S., III, 42; IV, 51. Edinburgh Recs., I, 95.

(2) Craig-Brown, Hist. of Selkirkshire, II, 36.

(3) Edinburgh Recs., III, 18; IV, 272. A.P.S., III, 363.

(4) Stirling Recs., I, 87, 112.

Burgh-field (at the same rate), £26, 13s. 4d.: the surplus was allowed to the officers for their pains in collecting the tax. A "compt of the stent" for 1622 is more detailed, though it does not appear to be complete, as no mention is made of the merchants. The various crafts paid their quota through one of their members,-- the squaremen, £9, 2s., the skinners, £10, 8s., the waulkers, £5, 16s. 8d., the cordiners, £9, 10s., the hammermen, £13, 16s., the weavers, £3, 16s., the tailors, £17, 13s. 4d., and the coopers, £22, 2s. 8d. Alloway, through its own officer, paid £74, 15s. 4d., while the burgesses dwelling in the Newtoun of Ayr answered for £7, 12s.,-- giving a grand total of £174, 12s. (1).

At Martinmas, 1627, Dumbarton had to find the sum of £155, 11s. as her share of the national stent of 1625. The twelve stenters chosen by the Council on Oct. 9 divided the burgesses into classes according to their means. Those of the first class (sixty in number) were ordered to pay 21s., the second (fifty-one), 14s., and the third (thirty-two), 7s. each. This gave £109, 18s. Other £10, 18s. were found by the stallingers, and £65, 5s. by the landward heritors, who were rated at 33s. 4d. per pound-land. The surplus of £30, 10s. was allowed as collector's expenses. A stent-roll

(1) MS. Ayr Accts., fol. 98a, 137b.

of 1651, for the quartering of dragoons in the town, shows very similar proportions. Out of £1,103, 5s. 8d., the indwellers again paid just under 60% -- £632, 6s.,-- the stallingers, £25, 4s. 4d., and lands, within and without the parish, £445, 15s. 4d. (1). In 1625, we read of a stent at Banff "for the King's taxation and expenses of ane harbourie. Collected at four terms at 428 lib. 14s. termely on heretage and trade". Since Banff's share of the tax of 1625 was £400, very little would be left for the harbour. Heritors of burgh lands paid, in 1683, one-half of the tax, merchants, craftsmen and other inhabitants, the other half (2). Gone now is the insistence on residence, and the purely landward burgesses are roughly equal in wealth to the indwellers. In 1693, the Lanark Treasurer was appointed collector of the stent owed by landward heritors (3).

The introduction of the excise complicated the system of national stents, since it was left to the towns and shires to make their own arrangements, and to tax only if the excise-revenue fell short of the sum owed to the Crown. The farming of this revenue added one more to the investments of the day (4), and

(1) The totals given in the records are hopelessly wrong. I give those arrived at by actual summation of the items. Dumbarton Recs., 23, 65-7. Cf. Irving, Book of Dumbartonshire, II, 57-61.

(2) Annals of Banff, I, 162, 274.

(3) Lanark Recs., 244.

(4) Stirling Recs., I, 219, 221.

sometimes, at least, the tacksman paid his duty directly to the collector of excise, and cleared the burgh of all liability to the Crown (1). The monthly maintenance, too, called for local adjustment, each burgh having to decide how many months' cess would be required to meet the demands of the central authority. Thus, in 1661, the Lanark Council ordered six months' maintenance "to be cassin be the stentouris", one for the Session tax, one for the deficit on the excise, and four for arrears of taxation granted in 1650 during Charles II's brief spell of power (2).

(1) Annals of Banff, I, 155, 160, 162. In 1674, 1681, and 1683, the tack-duty was £572 per year, and this sum (one-eighth of the shire total of £4,645, 16s.) satisfied the collector, leaving the tacksman to make what profit he could.

(2) Lanark Recs., 186. A.P.S., VII, 521-4.

CHAPTER XXI -- LOCAL TAXATION.

In the matter of local taxation, England and Scotland again present a striking contrast. "Owing to the highly centralized government which prevailed in this country, the English borough community had very little, if any, power of habitually raising by way of direct rates or taxes a revenue that was to be expended according to the votes of the communal assembly or the ruling magistrates. The 'meaner sort' are off to Westminster at once if the potentiores impose tallages, unless indeed the money is wanted for the discharge of some debt that is due to the king" (1). In Scotland the burghs' right to raise special taxes was never disputed. Taxation, of course, was not popular, and was adopted only as a last resort, -- "becaus thair wes na money to be gottin of the commoun gude, becaus the samyn wes analiit for tua yeris to cum" (2). At Elgin, indeed, a head-court was necessary before a stent could

(1) Maitland, Township and Borough, 204.

(2) Edinburgh Recs., III, 140.

be imposed (1). But in most burghs such a meeting would be rather a point of courtesy than of law, and the right of the council to raise revenue for local purposes by way of a stent was tacitly allowed.

The phrase "local purposes" covered any object which called for heavy or unforeseen expenditure. In 1513/4, a stent of £500 was laid on all the indwellers of Edinburgh, to build the city walls and furnish artillery against the invasion expected after Flodden. Another, of 2,000 merks, was required in 1559, to equip a military force to assist the Lords of the Congregation, and, in the following year, £1,600 were granted towards the siege of Leith (2). When the burghs owed military service, but preferred "to remane and bide at hame fra this hoist and armie", they frequently raised the money required for the composition by way of a stent: at Aberdeen, a tax of £200 was imposed for this purpose in 1546, and again in 1547, and one of £240 in 1548, while at Edinburgh, in 1568 and 1577, the amount required was £1,000 (3). In 1584, when the rebels Mar and Glamis were occupying Stirling Castle, the Edinburgh Council determined that the military obligation should be discharged by the burgesses in person, but the experiment seems to have been a costly one, since a tax of

(1) Shaw, Hist. of Moray (ed. 1882), I, 357-8.

(2) Edinburgh Recs., I, 146; III, 58-9, 63.

(3) Aberdeen Recs., I, 243, 251-2, 262. Edinburgh Recs., III, 198, 201; IV, 60.

£5,000 was laid on the town, and of this sum £3,000 were handed over to the bailies, who had led the expedition to Stirling, for distribution among the men (1).

Taxes were often raised in order to "propine" great persons who visited the burghs. In 1556, the Aberdeen Council imposed a stent of £200, in order to provide, on the occasion of the forthcoming Justice Ayre, two tuns of wine and £20 worth of spices to the Queen Mother, half-a-tun of wine, a dozen torches and two dozen boxes of sweetmeats ("bustis of scorchetti") to M. d'Oysel, a tun of wine to the Lords Compositors, and a puncheon of wine to the Lord Justice Clerk. In May, 1580, the Provost convened the "hail toun" and explained that the King was about to make his first visit to the burgh, and that the "maist honorabill burrowis" were wont to mark the occasion with "fasceis, playeis, historeis, antikis", and to give him a propine of gold, wax and spices. Thereupon the community unan-:imeously agreed to uphold the tradition and to stent themselves for the sum of 3,000 merks (2). In 1567, when the parish kirk was in a ruinous condition, the Council chose nine stenters to consult with workmen, determine the amount required, and assess accordingly. On the following day, the stenters, after advising

(1) Edinburgh Recs., IV, 335, 338.

(2) Aberdeen Recs., I, 298-300; II, 37-8.

with masens, wrights, slaters and other tradesmen, found that 1,100 merks would be required. Some months later, they produced a "buik of taxatioune", subscribed by their hands, and amounting to 1,160 merks, and the community then chose two "collectouris of the said taxatioun, and debursaris thairof, be advise of the said maister of the kirk wark" (1). Kennedy, the annalist of the burgh, compiled lists of all stents laid on the burgesses, for national taxation, propines, military expenses, repayment of loans, the poor, public works and other local purposes. Between 1408 and 1558, there were 56 stents, totalling £9,076, 5s. 5d.; from 1559 to 1633, there were 28, amounting to £32,408, 17s. 2³/₄d.; while from 1634 till 1707, the sum raised from 47 taxes was no less than £363,510, 16s. 5d. (2).

In 1555, when the Lanark common lands were being threatened by two local lairds, it was determined that the legal expenses to be incurred in opposing them should come from the Common Good, and, when it was exhausted, from a special tax. The cost of putting down the thieves, "ryderis and cariage men", who infested the highways, was the occasion for a stent of 1573. A weekly stent of £12 was imposed in this burgh in 1699, for the use of the poor (3). In 1589, the Glasgow

(1) Aberdeen Recs., I, 363-6.

(2) Kennedy, Annals of Aberdeen, I, 104-5, 189-90, 277-8.

(3) Lanark Recs., 30, 69, 263.

Council promised to raise 600 merks by taxation, for the repair of the choir of the Metropolitan Kirk, provided "the perrochin without burgh and personage" gave other 900 (1). In three successive years, 1599, 1600 and 1601, the burgh of Ayr had to raise taxes of £687, 8s. 8d., £506, 10s. 4d., and £490, 3s. 4d., the first "for defence of thair pley aganis Mayboill and for the support to the bigging of the key", the second "for helping of thair deokayit key and bigging vp thairof", and the third "ffor the releif of thair commoun clerkschip, and helping of thair commoun workis". In the first year, £347, 10s. 8d. were spent on commissioners' and messengers' expenses, letters, executions and suspensions in the law-suit, and £271, 11s. 10d. for work at the quay. In the following year, £43, 8s. went to burgh commissioners' expenses, £26, 13s. 4d. to the minister, and £9 to the master of the song-school, but much the greater part to wages and materials for the quay-work. In 1601, £458, 10s. 4d. were disbursed as part-payment of a loan formerly made to the town by ex-Provost Fergushill, almost certainly in connection with the office of common clerk (2).

In 1603, the burgh of Stirling had to impose a tax of 800 merks for the repair of the shore and the

(1) Glasgow Recs., I, 140-1.

(2) MS. Ayr Accts., fol. 97ab, 101a.

building of a pier and bulwark, while the sum of £2,000, required in 1607 to defray the heavy expenses incurred during the recent "pest", was raised by taxation, the Council "knawing na bettir nor uther meane how to re-:leif and defray the saidis grite chargis and expenssis nor be uplifting ane stent" (1). The same sum was got by tax at Dundee in 1613 to repay the town's debts (2). In the second half of the XVII Century, many stents were imposed at Banff,-- for the Tolbooth (1653), as "Calsae-money" (1654), to provide a house for the meal-market (1671), the minister's manse (1672), a new ferry-boat on the Deveron (1686), and often for commissioners' expenses (3).

When money was urgently required, a loan would be raised on the security of the tax. In 1565, when a tax of £1,000 was due to come in shortly at Edinburgh, the Council decided that each councillor should advance £20, the mill fermes should be collected, the crafts pay their fifth (£200), and the clerk lend £286, 13s. 4d., in return for an annual rent of 40 merks from the mills (4). In 1600, special commissioners were sent from Glasgow to Stirling, to oppose Dumbarton's suit for a special impost. A stent was to be uplifted, but

(1) Stirling Recs., I, 105, 118.

(2) Warden, Burgh Laws, 57.

(3) Annals of Banff, I, 274.

(4) Edinburgh Recs., III, 202, 207.

meanwhile the Treasurer was ordered to advance £100, to be repaid within 20 days, with £10 of interest, "of the first end of the taxatioun" (1). In Aug., 1588, there was a great scare at Edinburgh on account of the nearness of the Spanish Armada, a stent was ordered, and anyone advancing sums upon reversion was promised infeftment of "x of the j^c". The year saw a great accumulation of liabilities, for exemption from a raid, the entertainment, at the King's request, of the Duke of Lennox's two sisters, the Armada preparations, and the city's share of the tack-duty of the great customs, and a special stent of £5,008, 6s. 8d. had to be imposed (2).

It was usual to stent for a little more than was actually required. There were always some defaulters who failed to pay their share, and the accounts often show items of money on the discharge side "dependand vnpayit in desperat handis" or scored off "for the inlaik of licht gold" (3). Further, stenters' and collectors' expenses, including dinner, drink, candle and oil, were generally allowed from the receipts, or paid from the Common Good (4). At Edinburgh, the four bailies, who collected the stents, were exempted from paying their share, in consideration of "thair labouris

(1) Glasgow Recs., I, 212-3. (2) Edinburgh Recs., IV, 520, 524, 527, 536. (3) MS. Ayr Accts., fol. 97ab, 101a, 137b. (4) Ib., fol. 101a. MS. St. Andrews Accts., fol. 76b. Edinburgh Recs., III, 226.

done for ingadding" the money (1). At Glasgow, this practice had been extended to cover past as well as present magistrates, but in 1630 it was decided that this was "aganst all reason and equitie", and was ordered to be discontinued (2). Occasional complaints were made of the stenters' partiality. The Town Council fixed the sums due by the stenters at Edinburgh, and at Stirling, the guildry appointed five stenters to tax the brethren, and three others to stent them (3).

When a national tax had to be collected, it was often "eikit" to provide funds for local purposes. In 1580/1, Edinburgh owed 2,800 merks as her share of a general tax of £40,000, but £324, 8s. 4d. had been spent in convoying the Earl of Morton as a prisoner to Dumbarton, so that a total tax of 3,500 merks was imposed, in order to clear this debt. In 1583, a stent of 3,000 merks was used to pay the city's share of the national tax of £20,000 (now 1,500 merks), and to enable the town to proceed with the erection of a College at Kirk o' Field. The capital in particular provides many examples of these combined national and local stents (4). In March, 1601, the Glasgow Council decreed that a stent of 800 merks be uplifted, partly

(1) Edinburgh Recs., II, 259.

(2) Glasgow Recs., I, 375.

(3) Stirling Recs., II, 378. Edinburgh Recs., IV, 25.

(4) Ib., 196, 200, 281, 318, 329, 402-3, 474.

to pay the burgh's share of the "j^cm merkis set dovne at the last conventioun at parliament" (this, at the rate of £3 out of the burghs' £100, would amount to 500 merks), partly for its share of the "j^m merkis sett dovne vpon the burrois for directing to Flanderis and vtheris" (which would be 30 merks), and partly for the repair of the grammar school (for which purpose 270 merks would be left) (1).

Sometimes a voluntary contribution was substituted for a fixed tax according to the stenters' roll. In 1611, when Glasgow was involved in heavy expenses in a suit with Dumbarton, the guildry and crafts voted, as "ane willing contributioun and taxatioun", the sum of £200 each, and more if it were required for the successful prosecution of the case (2). In 1629, to relieve and assist some of the burghal lands, a voluntary collection was taken up throughout the burgh and parish of Dumbarton, the minister helping on the work by exhortations from the pulpit (3). Another variant on the usual stent was the poll-tax, which was exacted at Peebles during the Civil Wars, every inhabitant being ordered to pay sums of £1, 24s., 50s. and so forth, in order to defray the military expenses (4). Much the

(1) Glasgow Recs., I, 218.

(2) *Ib.*, 320-1.

(3) Dumbarton Recs., 30.

(4) Peebles Charters, I, 382-3, 385, 390.

same procedure was adopted at Edinburgh in 1563, when each "fyre hous" had to pay 4s. yearly, towards church salaries, according to the bailies' roll of "housholders and fyr kendlers" in each quarter (1). This primitive form of tax, however, was very unusual.

Occasionally lands and rents were taken as the basis of the queta due from each burghess. In 1557/8, the burghesses of Peebles were called upon to pay, as a tax for the feeing of two watchmen, the same as they owed as burgh-mail (2), and, about the same time, the Edinburgh Council ordered a levy on all lands and annualrents, at the rate of 12d. per £ of mail, to defray the cost of repairing the walls (3). Finally, sectional stents were imposed when the object of the expenditure was not of general interest. In 1568, the causeway from the Over Tron to the Castlehill at Edinburgh was rebuilt, the heritors of the adjoining lands paying, towards the cost, 1s. per £ of mail (4), while in 1676, a stent of £40 was laid on the kirk-heritors of Banff, for the repairing of the kirk-yard "dykes" (5). A levy of 12d. per year was ordered to be taken from "euery browstare and dry topstare" of Edinburgh in 1494, for the repair of the common wells, so necessary

(1) Edinburgh Recs., III, 174.

(2) Peebles Charters, I, 243-4.

(3) Edinburgh Recs., III, 15. (4) *Ib.*, 258.

(5) Annals of Banff, I, 156. Non-heritors, however, had to carry stones and clay.

to the community in general, and to brewers and tapsters in particular (1). In 1539, the merchants and others using merchandise were called upon for the sum of 100 merks for the hunting down of "certane rubbaris of thair schippis" (2).

(1) Edinburgh Recs., I, 67.

(2) Ib., II, 95.

CHAPTER XXII -- MISCELLANEOUS REVENUE.

In this and the following chapters I shall attempt to indicate some of the miscellaneous items, both of revenue and expenditure, which cannot be considered as falling under any of the heads which have been adopted. Free-will offerings were occasionally taken throughout the kingdom, or in the churches, on behalf of a burgh or its public works. In 1557/8, the Magdalen bridge, outside Edinburgh, on the road to Musselburgh, had fallen into a state of disrepair, and the Town Council of the capital acceded to the petition of two masons who "desyrit ane day throw the town for obtening of almous and guid ded of honest men", provided the sum realised were entrusted to them for the necessary work of repair (1). In 1664 the old wooden bridge over the Ness at Inverness collapsed, and the Privy Council sanctioned a voluntary collection throughout the province of Moray, to erect a new one. Sums of £800, £500 and £400 were received from the clergy, and the

(1) Edinburgh Recs., III, 16.

result was a handsome new stone bridge of seven arches at Inverness (1). The erection of Edinburgh College, under the aegis of the Town Council, created a minor municipal revenue, in the shape of "chalmer-maills" paid by the students. Strangers paid £2 per year if "thai be twa in ilk bed", and £4 if "ane will haif ane bed be him selff": in return, the town supplied beds, boards and shelves. "Burgis bairnis" paid no fees, but supplied their own furnishings (2). In 1668, after the old bridge at Irvine had been repaired, a quantity of surplus timber was roused in twelve lots, including a "broken halff sheaff", a "sawen trie", and a "meikle mast", for £77, 3s. 8d. (3).

Of much more general importance than any of these items were the communal purchases and the profits of re-selling. A merchant stranger bringing his wares to a burgh ought to offer it first either to the council or the guildry, according to local custom, and these bodies afterwards disposed of it among the burgesses or guild brethren, to the greatest advantage (4). The privilege was exercised by the English as well as the Scottish towns (5). In Scotland, it was sometimes done simply to prevent unfair marketing, and to ensure

(1) Shaw, *Hist. of Moray* (ed. 1882), II, 323.

(2) *Edinburgh Recs.*, IV, 302.

(3) *Muniments of Irvine*, II, 252-3.

(4) *Cf.* Gross, *Gild Merchant*, 208 n.7.

(5) *Ib.*, 135-8. Bateson, *Borough Customals*, II, 167 n.2.

to everyone an adequate supply of the necessities and conveniences of life, but oftener with the express intention of making a profit for the town. In 1436, all victual arriving at Leith was to be bought by the Edinburgh Council and given out by two "distributaris" to the "commouns", and, three years later, though private persons were permitted to buy, special "searchers" saw to it that no one bought more than was required for his household,-- "thai sall nocht sell agane for wyning". In 1480, the prevest was authorised to buy victual on behalf of the neighbours, and only failing agreement with the merchant was the individual burghess permitted to "haif his pairt thairof to his awin houshold and be-huif vpoun the samyn price as it is maid with the merchant and na darrer, swa that it sall nocht be regrat-it nor derthit vpoun the nychtbouris"(1). All such regulations clearly aimed at preventing a private dealer making a "corner" in essential foods.

The profit-making aspect is more evident in a transaction of 1515. The Council had determined to buy a quantity of wool from Lord Berthwick for "the commoun proffitt", but were forestalled by one James Maccalzeane, who bought it for himself. The Council then ordered Maccalzeane to sell the wool and hand over the "excreescence" to the town, but, still defiant, he

(1) Edinburgh Recs., I, 4, 6, 37.

sold it for his own profit. He was fined 120 merks, this sum being an estimate of the "excrecence", based on the price offered by "dyuers nychtbouris" (1). Mac:calzeane's action had robbed the town of a chance of a good bargain. The range of commodities available for public purchase was a wide one, extending from a parcel of tobacco to a whole ship. In 1528, the "Pertingall Bark, pertenant to the toune" was roused, and in 1547 a supply of Bordeaux wine, bought by the town, was distributed to the guild brethren, at £26 per tun. In the same year, a commission of four was instructed to price strangers' goods arriving at Leith, present an inventory to the Council, buy the goods, and rouse them to the highest bidder, the surplus to accrue to the town: the first notice of this statute taking effect is the mention of a profit of 40 crowns of the sun from a Low Countries ship (2). In the same way, the magistrates of Aberdeen might buy strangers' ships arriving at the harbour for sale, and each guild brother, under pain of loss of freedom, must take his share "baith of guid and evill proffeit and disproffeit, efferand to his estait" (3). Inter-burghal pre-emptions were, however, not tolerated; that is to say, the councils had first preference of goods belonging to

(1) Edinburgh Recs., I, 154-5.

(2) Ib., II, 1, 126, 129-30.

(3) Aberdeen Recs., I, 220-1.

strangers and unfreemen, but not of the wares brought by burgesses of other burghs (1).

There are several references in the Ayr accounts to the profits made on public purchases. In 1592/93, the treasurer charged himself with £10 received "fra Hew Girven of od adaventure salt", and in 1594 a collector of stent credited himself with the price of "ten bellis of od salt of ane aventure schip in the same zeir in September 1594". In 1614, Bailie Williame Cuninghame was partly responsible for the work of repairing the bridge, and his receipts were made up largely of two sums of money received for timber bought by the town and sold to himself and others:--

"Item ressavit . . . fra George Masoun notar furth of the siluir of the Townis od daillis in Julij 1614, of siluir, xxj li. x s.
 Plus for the prices of xlviiij daillis awand be the said William, xxvj li. viij s."(2)

At Dundee the first offer of stranger merchandise must be made to the guildry, and the guild-compts show that the privilege was a profitable one. In 1649/50, £40 were made out of the sale of a parcel of tobacco, and in 1658/59, the profits on gross purchases, along with which were reckoned fines for forestalling and for refusing a legal offer for merchandise, amounted to £209, 13s. 4d. Among other articles bought are

(1) Cf. Rees. Conv. R. B., I, 111.

(2) MS. Ayr Accts., fol. 84a, 89a, 128a.

mentioned iron, almends and dates, and lint from Konigsberg (1). A purchase of timber at Dumbarton, in 1627, from two Glasgow merchants, shows how considerable the profits on such transactions might be. 2,200 daills were bought for the price of 2,000, and the usual petty custom, one daill per 100, was thrown in. Not only so, but six score were reckoned to the hundred, and 21 to the score. The price was £3, 16s. per 100, or £45, 12s. Scots,-- £912 Scots for the whole. Some, at least, of these "comoun daillis belonging the toun" were roused and sold for £9, 10s. the score, and taking this price as the basis of the calculation, and allowing 21 to the score to the buyer, it would appear that the "hundred" of six score would realise £57, and twenty-two of these hundreds, £1,254, showing a gross profit to the town of £342 (2).

Analogous in principle to communal purchases and sales were the burghs' investments in the ill-fated African Company of 1696. Almost all the royal burghs were deeply involved, the sums invested representing subscriptions by all the burgesses, or grants from the burgh and corporation funds (3). In this case, the investment was disastrous, and the compensation received from the "equivalent" of 1707 was slight consolation (4).

(1) Warden, Burgh Laws, 105, 154-5, 160, 162.

(2) Dumbarton Recs., 16, 19. (3) Lanark Recs., 259, 275. Stirling Recs., II, 79-80. MacDowall, Hist. of Dumfries, 533. (4) Recs. Conv. R. B., IV, 422.

CHAPTER XXIII -- MISCELLANEOUS EXPENDITURE.

Perhaps the commonest of the municipal expenses which cannot conveniently be classified among any of the main groups were those of a legal or quasi-legal nature. The magistrates of Ayr were constantly taking instruments as evidence of their proceedings; in pre-Reformation times this was done at an uniform charge of 4d.,-- "Item to tak ane Instrument quhar Johnne Myllar come souirte for his broderis garsum, iij d." Other instruments were required, for example, when John Muir delivered six oxen to the treasurer in payment of a debt owed by him, when the letters anent chapmen selling at landward kirks were proclaimed, when a bailie attended the sheriff-court anent the Ayr fishings, and when, in 1543, peace with England was proclaimed, and the act enjoining the use of the "scripture in Inglis" read out (1). Coming down to the following century, we find that the cost of instruments, like everything else, is much higher,-- "Item to Alexander Pinvyance

(1) MS. Ayr Accts., fol. 13a, 18ab, 28a, 30ab. Cf. infra, App. B.

netar for twa instrumentis concerning the Frenchemen, xxiiij s."(1). Other legal expenses were incurred on court-days, at the Michaelmas elections, at the yearly "compt-making", and in law-suits with lairds or other burghs. In 1536/37, the treasurer paid out 5d. "for walx to seill the commissioun with at the Mychaelmas in the zeir of god J^m V^c xxxvj zeiris", 6d. for "ane quair of papir" for the compt, and 3s. 4d. for "Lombard papir to the townis bukis". In the following year, 4d. were spent on wax to seal the commission for Parliament, 2s. upon a writ to summon three men to the sheriff-court at the town's instance, 16d. for a bill to the King anent chapmen at landward kirks (a sore point at Ayr), 2s. for a copy of the royal letter about merchants import-:ing bullion, and £1 to Cuthbert George "for the sute of Alloway restand of the iustice air befor Flowdown". In 1541/42, the burgh was involved in two expensive law-suits. £2, 4s. were paid to Master Thomas Marjeri-:banks, procurator for the town against the Blackfriars, 6s. 8d. to Rankine for running to Edinburgh with the town's documents, £2, 4s. to a man for riding to the capital, and 18s. 4d. for raising letters and copying out Exchequer rolls. In the other case, 8s. were spent in raising letters against the laird of Greenan, 2s. for an act of caution thereon, 4s. 8d. were given to a

(1) MS. Ayr Accts., fol. 126b.

boy that brought the letters from Edinburgh, 4d. for an instrument at their proclamation, £1, 18s. 8d. to hire horses and summon the assize, 14s. for a clerk's expenses, £8 to Hutcheon Wallace for riding to Edinburgh and raising letters, 5s. to summon the Edinburgh men to the assize, 3s. for endorsing the letters thereon, and 10s. for incidental expenses. In the same account, 4s. were required for entering the bailies' compt in Exchequer, and 8s. for the printed acts of Parliament. In 1542/43, £2 were required when the town's seal was taken to Edinburgh to be affixed to the Governor's acts. In 1613/14, £6, 13s. 4d. were paid to "Hew Dunbar for aduising the commissioun anent William Mure and rasing of letteris of hurning aganis George Angus", £13, 6s. 8d. to the minister for "aduising anent William Mure and Besse Bell adulterouris in Marche 1614", £7, 11s. 8d. "for ane angell send to Maister Alexander King for aduising of sum the Townis effairis and to twa boyis that ryd to Edinburch", and £2, 0s. 8d. for "perchements and walz to the wryting of ane renouatioun of Maister William Birnie Minister of his rycht of the Townis freiris landis and of ane priorie of resignatioun thaireof" (1).

▲ Edinburgh was often engaged in litigation with claimants of the burgh lands, unfree sailors, and

(1) MS. Ayr Accts., fol. 13a, 18ab, 29a, 30b, 126b-127a. Cf. infra, App. B.

others, and the records contain many references to payments for raising letters, proclamations, and lawyer's fees. Further, in Nov., 1581, £6, 6s. 8d. were paid for making out three bills for presentation to the Lords of the Articles; in 1583, "twa privie seillis" for the charters of erection of the College and the provostry of the Kirk o' Field cost £11; and, a few weeks later, £12 were given for two extracts in parchment of the decree arbitral of that year (1). In 1598, the treasurer of Stirling was authorised to buy Skene's printed Acts of Parliament, costing £8 (2).

In 1611/12, the treasurer of St Andrews paid 24s. for "the buk of reattis and bill of burrowis",-- the new customs-list of 1612, and (probably) the Convention missive (3). In the next year, Mr Andre Aytoun received £6, 13s. 4d. for "compeiring aganes Sanctlennardis the first tym", and £8, 13s. 4d. "the secund tym". The common clerk got 26s. 8d. for two seals, and 13s. 4d. for making out a commission, and Thomas Lenton £6, 13s. 4d. for "raising letters in the tounis favouris". In 1613/14, Mr Williame Wemys was paid £3, 16s. for "registratioune of the contract and horneing anent the quitt custome of the wyne", Mr Magnus Arthour, clerk of the crafts (4), £1 for "the extracting of the invent-

(1) Edinburgh Recs., IV, 294, 304, 562.

(2) Stirling Recs., I, 88.

(3) Cf. Reg. Privy Coun., IX, lxxvii; 199-200. Recs. Genv. R. B., II, 329, 332, 340. (4) A.P.S., IV, 519.

:ure of all schipis enterit in James Watsone his buik-
 :is", and 26s. 8d. for "writting over the outwert and
 inwert roll of impositis", Johhne Guidfallow £1 for
 "the inventar writting of the annuellis of this citie",
 and Thomas Fentoune £2 for "writting ower this thesaur-
 :er compt twyis". Commissions to represent the burgh
 at Conventions, Parliaments, and elsewhere, cost each
 13s. 4d., while the same sum had to be paid for ex-
 :tracting decrees, acts, or minutes. In 1618/19, 40
 merks were paid for purchasing "laweborrowes annent the
 vnyverssitye". In 1619/20, when a charter of new in-
 :feftment was granted to the city, the purchase of the
 "signatur", the showing of the town's writs, subscrib-
 :ing the charter, and other expenses cost the town in
 all £62, 3s. 4d., while one Hew Skrimsgor was given the
 sum of £66, 13s. 4d. "for his pains in onvating att
 curtt to gett the tune new erectitt and breuch regall".
 In 1622/23, David Skinner was allowed, on five occas-
 :ions, 12s. for subscribing documents "for thes of the
 counsall that can not writ". The common clerk was paid
 £4 for making out "ane procuratiene for requyring of
 Maister Vylame Cranstoune to recaue his principall
 sounne at Vitsonday nixt and for ryding to him and mak-
 :ing requisitiene"(1).

In 1703, the Lanark Council voted £29 to William

(1) MS. St. Andrews Accts., passim. Cf. infra, App. C.

Carmichael, advocate, for procuring an Act of Parliament granting the burgh a special bridge-impost, and two years later, Walter Taylor, writer, presented an account of £76, 18s. 4d. for his costs in pursuing for the rents gifted to the burgh as a relief for its bridge-building (1).

Apart from regular burgh-fermes and taxes, the burghs might become liable to the Crown for extraordinary payments. For offences such as treason on the part of the town council, the harbouring of State criminals, or engaging with the enemy or with rebels, the whole community was punishable by fine or suspension of privileges (2). In 1529/30, the payment of a composition of £33, 6s. 8d., as arranged by four "Lords Compositors", cleared the burgh of Irvine from the faults of remaining at home from a border raid, harbouring Neil Montgomery and other felonious rebels, and any other offence committed prior to the date of the composition (3). In 1547, the community of Peebles had been guilty of treason by siding with the English (eum veteribus Anglie inimicis) during Hertford's invasion and the Pinkie campaign; five years later, the crime was pardoned for a composition of £200 (4). In 1574, after the quelling of the Marian party, the Regent

(1) Lanark Recs., 269, 271.

(2) Cf. Bankton, Institute, II, 578.

(3) Muniments of Irvine, I, 37-8.

(4) Peebles Charters, I; lxiii-lxiv; 65-6.

Morton forced the burgh of Aberdeen, which had often taken Huntly's part against the government, to engage to uphold the Protestant form of worship, oppose all rebels, and pay a composition of 4,000 merks (1).

Occasionally the burghs are found making grants towards general and humanitarian causes. In 1579, 100 merks were given by Aberdeen to the relief of the Turkish prisoners in Morocco; in 1624, £1,600 went to the burgh of Dunfermline, badly damaged by a recent fire; and, a few years later, 1,000 merks were handed over to the burgesses of Ayr, to enable them to ransom certain of their fellow-townsmen, made captive by the Moors (2). Bridges on main roads were of the first importance to the general public. In 1623, the Glasgow Council gave £200 towards the help of Catheart bridge; in 1636, £40 for the repair of the decayed brig of Denny; and, in 1638, £100 to repair two bridges at Kilsyth (3).

In times of conflict and civil strife, the need for taking extraordinary measures of security arose. On April 26, 1520, just after the "Cleanse the Causeway" encounter, the Edinburgh Council ordered four men "to pas with my lord provest with halbertis for stanching of inconuenientis that may happin within this toun this troublis tyme" and arranged that each of the four

(1) Aberdeen Recs., II, 12 et seq.

(2) Kennedy, Annals of Aberdeen, I, 175-6.

(3) Glasgow Recs., I, 341, 378, 389.

should have 16d. per day till Michaelmas. On Oct. 6, the newly elected provost was voted the sum of 100 merks for "the sustentatioun of iij seruandis till beir halbertis with him for this yier tocum, becaus the world is brukle and trublus": the vote, however, "sall mak na preparatiue in tyme cumming", and should not be repeated, "without the toun haue inyemetie of outland lerdis, and haif sic trublis as is now instant". In 1559, for the preservation of St. Giles from the rioters, the Council engaged sixty "men of weyr", who were to be paid 30d. per day as long as "thay sall serue and walk for keiping of the said kirk and stallis" (1).

(1) Edinburgh Recs., I, 196, 201; III, 45.

CHAPTER XXIV -- AUDITTING. 9

We must not expect to find modern ideas and methods controlling the auditing of the old burgh accounts. A great deal of inaccuracy and inconsistency is to be recorded. Orders were given to enforce payments, but they were supported by threats rather than by action; decisions were liable to be reversed in a few months' or a few years' time; and the simplest exercise in arithmetic seems to have offered difficulties even to those who have some claim to be considered as the financial experts of the day,-- treasurers, clerks and auditors. Of course, it must be remembered that trained accountants were unknown, and the council itself or a committee of its members had to undertake duties properly belonging to a highly technical profession. Moreover, it was not entirely the auditors' fault that slackness appears to be the rule rather than the exception. Some of the burgesses who had tacks or feus of common property were constantly dying insolvent or leaving the town without having met their liabilities,

and it was apparently felt that in justice the treasurer ought to be allowed time to make the nominal "rental", with which he charged himself as a matter of course, actually forthcoming in hard cash.

In early times spasmodic attempts were made by the Crown to exercise some control over burgh finances. A letter of James III to the burgesses of Aberdeen, dated June 30, 1487, directed, among other things, that the treasurer should compare before the Bishop of Aberdeen and other lords at the forthcoming Justice Ayre, and there account for the Common Good, and explain in whose hands it was, so that any faults might be detected and remedied (1). An Act of Parliament of 1535 ordered the magistrates of all royal burghs to bring their Common Good compts to the yearly Exchequer audit, so that it might be discovered whether it had been used for the common profit; fifteen days previously all interested should be warned to come then and challenge any objectionable item (2). In Dec., 1556, the Edinburgh Council were directed to bring their accounts for the past two years to Exchequer (3). In Dec., 1567, the question of whether the Exchequer should control the disposal of the Common Good of all burghs was referred to the Lords of the Articles for decision, but nothing

(1) Aberdeen Recs., I, 415.

(2) A.P.S., II, 349.

(3) Edinburgh Recs., II, 258-9.

further is heard of this "article" (1). Thereafter such attempts seem to have been dropped, the existing legislation on the subject became a dead letter, and the burghs were left in full charge of their own finances, save in the case of notorious maladministration. Some such fault must have been attributed to the burgh of Stirling during the reign of Charles II, for, in Aug., 1684, its representatives were asked to compear before the Lord High Treasurer in the following November "to count for the common good frae the yeir 1660". The Town Council appointed a committee to examine the accounts, "double the samin", and transmit them to Edinburgh (2). Nothing further is recorded of the transaction, so that it probably reached a satisfactory conclusion.

In a few cases, burgh finances were conducted along business-like lines. The treasurer of Edinburgh divided his discharge into three sections,-- the "discharge ordinar", comprising salaries, fees, pensions and annuals, which were a fixed charge on the common purse, the "discharge be preceptis", payments made in accordance with the council's instructions, for which only the date of the precept need be cited, and the "discharge extraordinar", all other expenses, for common works, repairs, street-cleaning, payments to messengers

(1) A.P.S., III, 43. Cf. supra, 98

(2) Stirling Recs., II, 43.

and heralds, drinksilver, entertainments, plays, alms and so forth (1). At Irvine, items of expenditure based on warrants of the council were entered in the accounts with a 'w' written after them, and no explanation of their nature given (2). A warrant, like a precept, was a formal order to make a specific payment, with a promise that it shall be "allowed":--

"Niniane Ros lait thesaurer and who is not as yet absolvit of your compts yea sall nocht fail to mak payment to Hew Cunynghame of the soume of thrie pund for tua pund and ane half of confectiones whilk wes gottin fra him the tyme when the Laird of Arkinlas wes maid burges. And the samen sall be allowit be us to yow in your acompts keipand thir presents to be your warand. Be thir presentis subscriyvit with my hand the first day of March 1648.

A. Dunlop, Bailie
R. Broun, Clerk". (3).

Further, expenditure, especially if not according to a warrant, should be vouched for by a discharge:--

"I Henrie Chrystie quartermaster to the Marques of Argyllis Regiment doe heirby confes and declair that I haif receawit ffyve hundreth and fortie pundis money Scotis fra the Collectour of the burgh of Irwing in name of the Magistrats of the said burgh of Irwing conforme to my severall receipts given thairupoun of this date. Quhilk sowme is as compleit payment of the maintenance of the said burgh for the monethes of December 1649 Januarij and February 1650 quhairof exoneres the saidis Magistrats and of all monethes preceeding allocat to the said Regiment. Be thir presentis written and subscriyveit at Irwing the tuentie thrid day of Apryll 1650.

Hen. Chrystie, Quartermaster". (4)

On the whole, however, the burgh accounts and

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- (1) Edinburgh Old Accts., I, passim.
 (2) Muniments of Irvine, II, 239-40.
 (3) Ib., 73.
 (4) Ib., 74.

records belie these promises of methodical compts and regular audits. Even at Edinburgh there was a difference between theory and practice. The treasurer's accounts, indeed, were kept with scrupulous carefulness. The audit was strictly annual, a committee of magistrates and councillors, chosen by the council, meeting sometime between the January and July following the account to be considered (1). Each year, after the balance, debit or credit, had been stated, a note by the clerk showed that the old treasurer had paid over his "restis" to his successor in office, or received the amount of his "superexpenditure". The dean of guild's compts were very nearly as well-kept, but slackness and delays appear in the case of the bailies, who were each responsible for their own quarter's share of all local and national stents. Not till 1552 were the bailies of 1540 ordered to "gif in thair compt of the Gallowis raid maid in that yeir" (2). The accounts of the bailies for 1549/50 of a stent collected by quarters were audited on March 14, 1553/4, when it was found that three of the four owed small balances. These, however, were stated to be arrears owing by individual burgesses, and the auditors accordingly found that they "aucht to be collekit be the officers now

(1) Edinburgh Recs., II, -69. Edinburgh Old Accts., I, passim.

(2) Edinburgh Recs., II, 165.

for the tyme", and ordered the four ex-bailles to "pass and confer with thame in the uplifting thairof" (1). At the same audit, the bailles of 1551/52 submitted their compts of another stent. One of them, Johne Prestoun, was found to be owing £21, 4s.; on Jan. 3, 1562/3, his account was re-considered, £11 were ordered to be paid to a serjeant, "and the superplus dischargit be the saids auditors" (2). Other compts which had been "futtit of befoir and subscrivit" were "of new red and sene be the provest, baillies and auditors of comptis", and these included accounts of bailles who had been in office in the years 1544-1548, and of the dean of guild for 1541! Even at that distance of time, sums of £14, £33 and £50 were "resting vnpayit" (3).

At Ayr the audit was generally held early in the year (often in the January) following the close of the accounts; though the accounts for 1541/42, 1542/43 and 1543/44 were all held over for one audit, which sat on July 18, 1544, in the middle of the third of these years (4), while on Jan. 7, 1538/9, the treasurer's, dean of guild's and master of work's compts were postponed till June 27 following (5). The audit very much resembled a normal council meeting; indeed, the compt for the year 1613/14 was made coram preposito, balliu-

(1) Edinburgh Old Accts., I, 7.

(2) Ib., 11.

(3) Ib., 12-4.

(4) MS. Ayr Accts., fol. 29a.

(5) Ib., fol. 17b.

:is, consilio et civitate dicti burghi auditoribus eius-
:dem (1). The word "compt" was used at Ayr in a spec-
 :ialised sense, to cover the whole proceedings of the
 auditors in checking the accounts laid before them. Up
 to and including the year 1538/39, each tacksman of
 part of the Common Good came forward at the compt to
 explain how his liabilities to the burgh stood, and to
 make himself quit (equē) with it, or be noted as still
 owing (restat) his tack-duties. From 1539/40 onwards,
 only the three spending magistrates were called upon to
 account for their intronmissions. The auditors' finding
 generally took the form of stating any debit balance
 appearing in the accounts, which the compt was said
 to owe de claro, and then adding items which were "vn
 maid compt of" by him, and carrying them forward as
memoranda for future reference (2). A large proportion
 of the paper balance invariably consisted of dependentia,
 or dues still to be collected, and many of these had to
 be written off on account of poverty, death or depart-
 :ure from the burgh: in 1540/41, the nominal balance
 was £126, 5s. 1d., of which £121, 0s. 2d. were depend-
:entia, so that the treasurer owed only £5, 4s. 11d. (3).
 Some of the unpaid rents remained as arrears for years,
 and often for ever. In 1542/43, both the treasurer and

(1) MS. Ayr Accts., fol. 126a.

(2) Ib.; infra, App. B.

(3) Ib., fol. 27ab.

the dean of guild expressly stated that "they did not charge themselves with" the balances (£118, 10s. 6d. and £43, 16s. 4d. respectively) owed by their predecessors in office, and the only reply of the auditors is an entry in the margin, to the effect that each of the ex-magistrates is charged therewith (onerandus est) (1). The decision of the audit on the treasurer's account for 1543/44 shows that the prospects of recovering the dependentia were none too bright. That magistrate was "superexpendit" to the extent of £3, 10s. 3½d., and this sum was ordered to be refunded to him. In addition, the arrears amounted to £40, 14s.: these were "to be fre to him self. And quhair he can nocht get payment of the samyn the toun to tak the tinsale thair of gif diligence beis maid for inbringing of the saidis dependentis as efferis, as salbe considerit at the nixt Compt" (2). The whole impression conveyed by the accounts and the audit is one of slackness, due partly at least to the dilatory payment of debts owed to the town.

An entry in the Lanark records of 1553 is very characteristic. Ten auditors, "sworn and admittit tharto be the toun to alow that sould be allouit, defas that sould be defassit, fand that the rentell in the said Patrykis yeir of rentmastyrschip extendit to xx. lii. vj s. viij d., and the soum of his defasans

(1) MS. Ayr Accts., fol. 3lab. (2) Ib., fol. 32a.

extendit to xxj li. viij s. iiij d., sa restit the toun awand to the said Patryk Makmoran xxij s. iiij d., and vj s. viij d. that the audyturis dranc; and sa the said Patryk syk eque wyth the toun in his yeir of rentmaster-:schip. Memorandum, apone the said day abone wrytting, the audyturis hard the fut of Robert Youngis count, James Hetoun count, and Watte Wikkitschawis count, and fand the saidis personis syk eque wyth the toun in thair yeris of rentmasterschip, sa that James Hetoun had payit to the lard of Blakwod viij pundis quhylk the toun was awand to hym and allouyt in the said James count be the said audyturis, he getant the toun ane dyscharge at the lard of Blakwod of the said soum, and sa syk eque" (1). The slip in arithmetic (22s. 4d. in-:stead of 21s. 8d.) is typical, and so is the auditors' allowance for drink to themselves; the accumulation of four years' accounts for one audit, or at least for re-:consideration at the one audit, is anything but un-:usual; while the insistence on the production of "dis-:charges" was one of the few checks on fraudulence and embezzlement.

At Stirling, William Bell had been treasurer for the year 1546/47, and owed the town a considerable bal-:ance. On Dec. 19, 1554, the burgh-court sat "anent the summondis persewit" by the then treasurer against

(1) Lanark Recs., 21.

Bell. His compts had already been examined by a specially appointed audit, and the balance owing found to be £359, 19s. 10d., so "the saidis provest and bailleis decernis, decretis and ordanis, the said William to content and pay to the said James Watsone, thesaurar forsaid, the said soum". Later, however, another case between Bell and the town, over the ownership of certain lands, having gone against the ex-treasurer, he was discharged "of the said rest of the futt of his comptis" (1).

As illustrations of the difficulty of realising the nominal rental of the old burghs and transforming a paper balance into hard cash, the St. Andrews accounts stand out pre-eminently. Many of the debts owing to the town had to be written off, because the debtor "diet ane begger", or "wes wardit and demittit as ane begger", or "being wardit thairfoir and non soluendo brak waird and wes fugitive fra this citie sensyne". In addition, the compter, by waiting for several years, was able to jog his memory and recall items of expenditure omitted from his compt, and also to deduct sums for expenses incurred by him in the town's service since his year of office as treasurer (2).

The auditors sometimes comprised a committee of magistrates, -- provost, dean of guild, two or more bailies, sometimes the treasurer, and two or three

(1) Stirling Recs., I, 61, 63.

(2) MS. St. Andrews Accts., e.g., fol. 66b-67b.

deacons of crafts,-- and sometimes, again, the council itself acted as a board of audit (1). Their meetings seem to have been particularly ineffective, for the whole position had generally to be reconsidered after a few years by another audit, and the process was often repeated two or three times. Thus, the accounts for 1611/12 were audited on Nov. 8, 1615, checked again on Jan. 10, 1621, and yet again on Nov. 17, 1624. The first audit found Treasurer Nairne owing the town £98, 3s. 4d.; the second wrote off £40 as "bad debts", allowed an item of £12 paid "for the curing of Johnne Grayis brokin leg brokin in the tounes wark the said zeir", and ordered him to pay in the balance of £46, 3s. 4d. to the then treasurer; while the third allowed other £20 for unpaid arrears, and concluded, with characteristic arithmetic,-- "swa thair restis be the said George Nairne xxix lib. x s. quhilk he is ordanit to pay in to the thesaurar betuix this and Candilmes nixt" (2). Treasurer Methven (1612/13) owed a balance of £126, 0s. 6d., but, on Feb. 3, 1619, he explained how he had spent £68, 12s. 4d., either on items omitted from his compt, or since then, "conforme to ane act of counsall". £57, 8s. 2d. were still owing, "to be payit betuix this and the first day of Marche nixt". But the

(1) MS. St. Andrews Accts., fol. 1a, 68b. Infra, App. C.

(2) MS. St. Andrews Accts., fol. 9a.

ex-treasurer was not to be hustled in this way. On Nov. 17, 1624, he persuaded the council to "defass" £16, 10s. for items of revenue not received, and was now found to owe £40, 18s., "quhilk the counsall ordanis him to pay or ellis to gif in his comptis". Finally, on Oct. 18, 1626, Methven, now dean of guild, compeared before the council and produced his accounts, "together with certan decreittis obtenit at his instance aganis diueris persones in this citie" (insolvent debtors), in consideration of which "the counsall findis him onlie awand as the recess of his said comptis the sowme of ten pundis money. Quhilk he presentlie payit to William Geddie present thesaurer and thairfor thai dischargit him of his saidis comptis" (1).

In 1613/14, the small balance (£3, 18s.) was paid over at once to the new treasurer, in 1615/16, there was a "superexpenditure" of £253, 6s. 6d., which was ordered to be refunded "in the first end of thir next zeiris comptis" (2), but in 1618/19 there was a return to the methods of the first two years. On Jan. 24, 1621, Treasurer Stevenson was found to be owing £88, 11s. 8d., "quhilk the counsall ordanis him to gif in to the present thesaurer betuix this and the fyftein day of Marche nixt". On April 15, 1629, he was again

(1) MS. St. Andrews Accts., fol. 15a.

(2) Ib., fol. 22b, 32a.

"requyrit . . . to gif in . . . the recess or superplus of his comptis". He explained that he had handed over £40 to the burgh, and that £28, 5s. 8d. were bad debts, to recover which he had used all diligence, but without effect. These items being allowed, Stevenson paid in other £20, 7s. 4d. (1), "swa that the counsall findis the said recess and superplus to be payit and satisfiet be the said Johnne Stewinsone and dischaarges him thair-:of for ever exceptand xxiiij s. viij d. quhilk he de-:clairis to be awand of annuall rent . . . furth of ane tenement . . . ffor the quhilk the counsall ordanit the said Johnne to vse farther diligence . . ." (2). The whole transaction is typical of the difficulties exper-:ienced by the magistrates in the matter of collecting rents, and of the obstacles in the way of satisfactory auditing of their accounts.

(1) This is actually 1s. 4d. too much.

(2) Infra, App. C.

APPENDICES.

APPENDIX A.

(Brit. Mus. MSS., Cottonian, Caligula B IV, fol. 223-4).

The Estate of Scotland, Anno 1589, Januar 7^o.

Shires and Borroughes.

- Orknay. Orknaye is gouerned by foldes, that is, in euery ysland a seuerall iustice, who are all obediente to the Erle of Orknay.
- Argile and Lorne. Argile and Lorne gouerned by stewardes deputed by the Erle and are obediente vnto hym.
- Hebrides. Hebrides are certayne yslands gouerned by diuers parsons and appertayne to the kings proprietie whereof the Erle of Argile is accomptable.
- Innerness. In the Sherifdom of Innerness that lyethe to the northe theyre are noblemen the Erles of Catnes, of Sotherland, Lord Louet, all supposed to be papists and ffriendes to the Erle of Huntly.
The townes in this shire are poore and of no greate force. There is one porte lyenge in Murraye ffrithe called Cromartye thoughte one of the beste portes in this yslande.
- Murraye. In the Sherifdom of Murray no good townes and fewe noblemen besyde the Erle of Murray who is a papiste and ffriende to the Erle of Huntly and the Erle of Mortons base sonnes.
- Bouchan. In the Sherifdom of Bouchan no greate townes but one called Bamfe.
Noblemen, the Erle of Bouchan who is vnder age, Erle of Arroll, Abbot of Deere named Keythe, papists and ffriendes to the Erle of Huntlye. So is all the shire whiche is very populous.
- Aberdin. In the Sherifdom of Aberdin two townes bothe named Aberdin, and Noblemen, the Erle

- of Huntlye, Lord Forbesse, Lord Elphinston and many gentlemen. Moste of them obaye the Erle of Huntly sauinge the Lord Forbesse who is well affected.
- Marnesse.** In the Sherifdom of Marnesse that lyethe be-
:twene the Northe and Angus no good townes. Noblemen, the Erle Marshall and the Erle of Glanbaruies landes now pertayninge to the Erle of Angus. Theyse bothe are ennimies to Huntly and the gentlemen of the counrye supposed to be good protestants.
- Angus.** In the Sherifdom of Angus good townes, Don-
:dee, Forfar, Arbrothe, Montrosse, Brichen, a Bishops sea, the Coopar. The inhabitantes of the townes for the moste protestants. Noblemen, Erle of Crayford, Lord Glammes, Lord Graye, Lord Ogleby, Lord Innermethe, papist and yll deuoted all sauinge the Lord Glammes. In this shire are intertayned for the moste parte all the Jesuites latelye come into Scotlande beyng here borne. This contrie is best peopled of anye towarde the Northe and the Erle of Angus thoughte he beare this title hathe no commandemente but that moste of the gentlemen holde theyre landes of hym.
- Perthe.** In the Sherifdom of Perthe no greate townes but Sanct Johnston, and Noblemen the Erle of Gowry, Erle of Atholl, Lord Drumont, all protestants and well affected.
- Fife.** In the Sherifdom of Fyfe, whiche standethe moste of townes lyenge on the Coste inhabit-
:ed by marryners, are the townes of Sanct Andrewes, Carrell, Sanct Monans, Anstruither, Petwim, Kirkaudy, Dyzert, Kinghorne, the Borntysland, etc. This shire is able to make a greate number of men and marriners. The noblemen are Erle of Morton, Erle of Rothes, Lord Lyndzaye, Lord Sanct Clare all well affected and the gentlemen of the counrye who were wonted to obaye the Bishops and Priors of Sanct Andrewes do nowe follow theyse noblemen.
- Sterlinge.** In the Sherifdom of Sterlinge, whiche is not greate, are the townes of Dumblayne, Culrosse, Sterlinge, and Noblemen the Erle of Marre, Lord Elphinston, Lord Leuiston, Lord Flemm-
:inge: moste parte of the gentlemen of the northe of this shire depende on the Erle of Marre who is well affected, the reste de-
:pende vpon the other lords who are not

- well affected.
- Monteithe and Straherne. In the Sherifdom of Montithe and Stewardry of Stratherne no good townes. Noblemen the Erle of Montrosse, Erle of Montithe, Lord Drumond. The gentlemen depende vpon theyse Lordes. The twoo Erles are yll affected.
- Dombreton. In the Sherifdome of Dombreton alias Lennox, townes Dombreton, Glascowe, Romfrowe. Moste of the gentlemen holde theyre landes of the Duke of Lennox and are reasonabley well affected.
- Clidsdale. In the Sherifdome of Clidsdale, whiche is deuided into twoo wardes, the neyther warde possessed wholly by the Hamiltons, the other warde called Douglasdale, beyng for the moste parte the proper landes of the Erle of Angus, are many gentlemen and howses pertayninge to Abbayes possessed by gentlemen who are followers of the Hamiltons and Douglasses and well affected. The chiefe towne is Lanarke.
- Romfrowe. In the Sherifdom of Romfrowe no greate townes but Irowin on the weste sea. Noblemen, Lord Rosse, Lord Semple, bothe yll affected. The gentlemen of the shire be theyre followers.
- Are. In the Sherifdom of Are, noblemen the Erle of Cassels, the Erle of Eglonton, bothe yonge and theyre followers yll affected, Erle of Glencarne yll affected, the Lord Boyd and the Sherif of Are reasonabley affected.
- Wigton. In the Sherifdom of Wigton townes Wigton, Sanct Ninians, Kirchoubrik, and noblemen, Lord Herry's, Layrd of Lohenwarr named Gordon, Lord of Garlys named Stewert, Laird of Burgeny named Kennedy all yll affected.
- Nethisdale. In the Sherifdome of Nethisdale townes Domesfrize, Duresdere, and noblemen, Lord Maxwell, Lord Creychton, alias Sanquar, Laird of Dumlanrike named Douglas, Laird of Johnston named Johnston. The sowthe parte of this shire lyenge neere the weste borders of Englande is full of broken men supposed to be yll affected and followers of the Lord Maxwell and Laird of Johnston. The northe parte hath followers of the Lord Creichton and Layrd of Dumlanrik who are well affected.
- Lithkoo. In the Sherifdom of Lithkoo, no townes but Lithkoo. The gentlemen are followers of the Lord Hamilton who is well affected, and the

- Lords Leuiston and Fleminge who are yll affected.
- Louthien. In the Sherifdom of Louthien townes Edim-
:burge, Liethe, Haddington. Noblemen, Erle
of Bothwell who is Sherife, Erle of Angus,
Erle of Morton, Lord Seaton, Lord Hays of
Yester, Lord Newbottle, the Erles well, the
Lords but indifferently affected. All
theyse noblemen haue theyre particular foll-
:owers, but moste of the inferiors followe
the Erle of Bothwell as Sherife.
- Mers. In the Sherifdom of Mers lienge towarde Eng-
:lande no good towne. This shire is deuided
in two partes, the Weste gouerned by the
Lord Hume and hys followers, and the Easte
gouerned by the Prior of Coldingham, who is
nowe the Erle of Bothwell, and followe hym.
Both thoughte to be well affected.
- Tievioddale. In the Shire of Tievioddale, whereof one
Douglas is Sherife by inheritance, the con-
:trie is deuided betwene the Scottes and
the Carres, whereof the Lairds of Boclughe
and Sefforde are chiefe and they depende
bothe on the Erle of Bothwell, Boclughe as
hys sonne in lawe and Sefford for that he
holdethe of the Abbye of Kelsogh whiche is
nowe possessed by Bothwell.
- Liddisdale. Liddisdale is the Erle of Bothwells inher-
:itance but the people be very vnruely beyng
all borderers.

All the Boroughe and townes in Scotlande
are inhabited by Protestants, but so wounded
with the infinite pyracies committed on them
and theyre goods that they crie oute that
more then the thirde parte of theyre goods
is possessed by Pirates of England.

APPENDIX B.

(MS. Common Good Accounts of Ayr, fol. 8a-14a).

(8a)

The commoun compt of the burgh of Air haldin in the Tolbuth of the samyn the vij day of Januare the zeir of god J^m V^c xxxvij zeiris before thir auditouris of compt vnd-:irwrittin that is to say Ritchard Bannatyne provest George Wallace Alexander Lokart baillies Johnne Craufurd of the Dronghane Thomas Broun thesaurar Charlis Tait Johnne Kennedy Johnne Dalrimple Andro Willok eldir Williame Neisbit Thomas Schankis Thomas Stenesoun Williame Mychele Alane Boyman Robert Neill Johnne Martene Johnne Gilleis Mathow Ard Williame Ker Johnne McQuhale Andro Cochrane Johnne Herroun Quintyne Cuninghame and Donald Campbell.

Oneratio Johannis Dalrimple.

In primis that he restit awand at the compt maid the xvij day of Aprile the zeir of god J^m V^c xxxvij zeiris de claro, xlij s. ix d. obolus. Item plus for the maill of his medow besyde Sanct Leonardis of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, x s. Item for his part of the fyschyng of the Wattir of Air the samyn termes, xx s. Item for the maill of his buthe vndir the Tolbuthe the samyn termes, xvj s. Item that he restit vndeliuerit to the thesaurar of the stent send in to France to the kingis grace quhen he resaut the townis part of the samyn de claro, iij li. v s. iiij d. Summa totalis onerationis dicti Johannis, vij li. xiiij s. j d. obolus. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque and the said Thomas to be chargit thairwith at his nixt compt.

Oneratio Jonete Clerik.

In primis that scho restit awand at the compt maid the xvij day of Aprile the zeir of god J^m V^c xxxvij

zeiris de claro, xxxiiij s. ij d. Item for the few of the Litill Moss at the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, xxx s. Item for hir part of the fysching of the Wattir of Doune the samyn termes, xxxiiij s. iiij d. Item for the few of the land before hir zett of the samyn termes, xxx d. Summa totalis dicte onerationis dicte Jonete, fyve li.

Off the quhilk scho payit to Thomas Broun thesaurar at the Witsoneday court last bypast, xxxij s. viij d. Item plus that scho deliuerit to the said Thomas at this present compt, xl s. And sa the said Jonete restis aw-

:and at this present compt de claro, xxvij s. iiij d. And the said Thomas Broun thesaurar to be chargit wyth the saidis xl s. at the nixt compt becaus he hes maid na compt therof at this present compt.

Oneratio Johannis Mwr.

In primis that he restit awand at the compt maid the xvij day of Aprile the zeir of god J^m V^c xxxvij zeiris de claro, v li. xij s. vj d. Item for the few of his fald of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, x s.

Summa dicte onerationis, vj li. ij s. vj d. for the quhilk he gaif vj oxin to Thomas Broun thesaurar on this conditioun that gif he failzeit to pay the said rest betuix and Witsounday nixt tocum the said Thomas suld broke the saidis oxin as his avne propir gudis for the samyn. And the said Johnne sic eque.

Oneratio Ade Dunbar.

Item in primis that he restit awand at the compt maid the xvij day of Aprile the zeir if god abouewritt-:in for the annuell of his place, xx s. Item plus for the annuell of the said place of the termes of Witsone-:day and Mertymes in the zeir of god J^m V^c xxxvij zeiris, xl s. Item for the few of his land besyde the Litill Moss of thir thre termes last bypast, xij d. Summa dicte onerationis, thre li. xij d. Et sic restat.

(8b)

Oneratio relicte quondam Thome Ker.

In primis for hir part of the small custum of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, v merkis ij d. The quhilk scho payit to Thomas Broun thesaurar and maid hir sic eque and compt maid therof.

Oneratio Willelmi Ker.

In primis for his part of the small custum of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, v merkis ij d. Item that he rest-:it awand de claro at the compt maid the xvij day of

Aprile the samyn zeir, vj s. ix d.

Summa dicte onerationis, thre li. xiiij s. vij d. the quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And compt maid therof.

Oneratio Johannis Kennedy pellionis.

In primis that he restit awand at the compt maid the xviiij day of Aprile in the zeir of god J^m V^c xxxvij zeiris de claro, v merkis ij d. Item for his part of the small custum of the termes of Witsoneday and Mertymes the samyn zeir, x merkis iiiij d.

Summa totalis onerationis, x li. vj d. Off the quhilk he payit to Thomas Broun thesaurar v li. xiiij s. And sa the said Johnne restis awand at this present compt de claro, iiiij li. vj s. vj d.

Oneratio Johannis Martene.

ffor the few of the Dogland Schankis of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, xij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque and compt maid therof.

Oneratio Willelmi Neisbit.

In primis that he restit awand at the compt maid the xviiij day of Aprile the zeir of god J^m V^c xxxvij zeiris de claro, iij li. xvij s. iiiij d. Item for the few of his tenement in the Sey Wennell of the ald, xij d. Item plus for the few of the said tenement restand at the said compt, vj d. Item for the few of the said tenement of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, vj d. Item for his part of the small custum the samyn termes, vij li. xvij s. iiiij d.

Summa totius onerationis dicti Willelmi, xj li. xvj s. viij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit with vij li. xix s. iiiij d. at the commoun compt of the samyn nixt heireftir following becaus he maid na compt of the samyn at this present compt.

Oneratio Johannis McWatte.

In primis for his part of the small custum of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, viij li. iiiij d. The quhilk he payit to Thomas Broun and maid him sic eque and compt maid therof.

Oneratio Johannis Kennedy maioris.

In primis for the maill of his place of the terme of Martimes last bypast, xxxv s. Et sic restat.

(9a.)

Oneratio Leonardi Clerik.

In primis for the first annuell of his place of the Martymes terme in the zeir of god J^m V^c xxxvj zeiris, xxx s. Item for the few of the Sowthroun Holme the samyn terme, iij s. vj d. Item for the few of Sanct Mychaellis hous for the samyn terme, xv s. Item plus for the annuell of his said place of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, thre li. Item for the few of the said Southroun Holme of the samyn termes, vij s. Item the few of Sanct Mychaellis hous the samyn termes, xxx s. Item plus for the last annuell of his said place of the Martymes terme last bypast, xxij s. ij d.

Summa totalis onerationis dicte (sic) Leonardi Clerik, viij li. viij s. viij d.

Exoneratio dicti Leonardi.

In primis to Schir Johnne Fayr chaplane for the said few of Sanct Mychaellis hous, xlv s. Item to Thomas Broun thesaurar for the few of the Southroun Holme of the Martymes terme in the zeir of god J^m V^c xxxvij zeiris, iij s. vj d.

Summa dicte exonerationis, xlviij s. vj d. And sa the said Leonard restit awand at this present compt de claro, vj li. ij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt commoun compt becaus he hes maid na compt therof at this present compt.

Oneratio Roberti Gluvar.

In primis that he restit awand at the compt maid the xvij day of Aprile the zeir of god J^m V^c xxxvij zeiris de claro, vj s. viij d. Item for the maill of Our Lady land besyde the Duphole burne (1) of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, xx s. Summa, xxvj s. viij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he hes maid na compt therof at this present compt.

Oneratio Johannis Cunynghame

In primis for his part of the small custum of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, ij markis. Item for the bellis of the termes of Mertymes in the zeir of god J^m V^c xxxvj zeiris Witsoneday and Mertymes in xxxvij zeiris, xlv s.

Summa dicte onerationis, thre li. xj s. viij d. Off the quhilk he payit to Thomas Broun thesaurar for his part of the said small custum, xxvj s. viij d.

(1) The Dippol burn flows into the Lugar water, a tributary of the Ayr, some 10 miles E. of Ayr.

And sa the said Johnne restis awand at this present compt de claro for the maill of the saidis hand bellis, xlv s.

Oneratio Nicholai Blair.

In primis for his part of the small custum of the termes of Witsoneday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, ij markis. The quhilk he payit to Thomas Broun and maid him sic eque.

Oneratio Andree Willok junioris.

In primis that he restit awand at the compt maid the xvij day of Aprile the zeir of god J^m V^c xxxvij zeiris for the pirche penney de claro, xij s. iiij d. Item for the samyn of the termes of Witsoneday and Mertymes in the zeir of god foirsaid, xij s. iiij d.

Summa dicte exonerationis (sic), xxvj s. viij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he hes maid na compt therof at this present compt.

(9b)

Oneratio Caroli Taitt.

In primis for the few of Our Lady land besyde Clon:gall of the termes of Witsounday and Mertymes in the zeir of god J^m V^c xxxvij zeiris, xij s. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit with vj s. of the samyn at the nixt compt.

Oneratio Roberti Legate.

In primis for the annuell of Johnne Wattis place of the Martymes (sic) in the zeir of god J^m V^c xxxvj zeiris Witsoneday and Martymes in xxxvij zeiris, xxv s. vj d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt.

Oneratio Constantini Kyd.

In primis for the annuell of Ritche Lylis place of the saidis thre last termes, x s. Et sic restat.

Oneratio Logane in Quarelhole.

In primis for the annuell of the Quarelhole of the samyn thre termes last bypast, xv s. Of the quhilk he payit to Thomas Broun thesaurar x s. And sa the said Logane restis awand at this present compt de claro, v s. Restat.

Oneratio Jacobi Kennedy.

In primis that he restit awand at the compt maid the xviiij day of Aprile the zeir of god J^m V^c xxxviij zeiris de claro, xvj s. viij d. Item for the few of the Broun Ryg of the termes of Witsoneday and Martymes in the samyn zeir, xiiij s. iiiij d.

Summa dicte onerationis, xxx s. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he maid na compt therof at this present compt.

Oneratio Thome Dalrimple.

In primis that he restit awand at the compt maid the xviiij day of Aprile the zeir of god abouewrittin de claro, ij s. Item for the few of the Garrotrodding of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxviij zeiris, iiiij s.

Summa, vj s. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he maid na compt therof at this present compt.

Oneratio Thome Athiller.

In primis that he restit awand at the compt maid the xviiij day of Aprile the zeir of god J^m V^c xxxviij zeiris de claro, xx s. Item for the buthe maill vndir the Tolbuthe stair inhabit be him of the termes of Witsoneday and Martymes in the zeir of god forsaide, xiiij s. iiiij d.

Summa dicte onerationis, xxxiiij s. iiiij d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he maid na compt therof at this present compt.

Oneratio Petri Makcluny et Willelmi
Cuninghame de Lagland.

In primis that thai restit awand at the compt maid the xviiij day of Aprile the zeir of god forsaide de claro, xxxj s. Item for the few of the landis of Killlauch of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxviij zeiris, vj s. viij d. The quhilk thai payit to Thomas Broun thesaurar and maid thaim sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he maid na compt therof at this present compt.

Oneratio Ricardi Bannatyne prepositi.

ffor the male of his part of the Sklaitbog of the termes of Witsoneday and Martymes in the zeir of god

J^m V^c xxxvij zeiris, xxx s. The quhilk he payit to George Gude in part of payment of his pensiou of the samyn termes and maid him sic eque.

(10a)

Oneratio Alexandri Lokart balliui.

In primis for the maill of the walk myll of Alloway of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, xl s. Item for the male of Our Lady landis and vtheris landis annext therto, conforme to the sett of the samyn of the saidis termes, v markis. Item for the few of the Strangmannis Thorn of the samyn termes, v s. Item for the maill of the Skaitbog (sic) the samyn termes, xxx s. Item the male of his part of the fyscheing of the wattir of Air the samyn termes, xx s. Item for the few of the Freir ley of the Marty-
:mes terme in the zeir of god J^m V^c xxxvij zeiris, ix d. Summa dicti onerationis, viij li. ij s. v d.

Exoneratio dicti Alexandri.

In primis to George Gude in part of payment of his pensiou of this last zeir, xxx s. Item for the coll-
:atioun making at the seling of the commissioun at Mych-
:aelmes last wes, xiiij s. iiij d.

Summa dicte exonerationis, xliij s. iiij d. And sa the said Alexander restit awand at this present compt de claro, v li. xix s. j d. The quhilk he payit to Thomas Broun thesaurar and maid him sic eque. And the said Thomas to be chargit therwith at the nixt compt becaus he hes maid na compt therof.

Oneratio Hugonis Wallace de Newtoun.

In primis that he restit awand at the compt maid the xviiij day of Aprile the zeir of god J^m V^c xxxvij zeiris for his part of the fysching of the wattir of Air de claro, ix s. v d. Item for the samyn of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, x s. Summa dicte onerationis, xix s. v d.

Oneratio Jonete Maxwell relicte quondam

Ade Wallace de Newtoun.

In primis for hir part of the fysching of the watt-
:ir of Air of the termes of Witsoneday and Martymes in the zeir of god J^m V^c xxxvij zeiris, x s. et sic restat.

Oneratio prioris et conventus fratrum

predicatorum Sancte Katherine.

In primis that thai restit awand at the compt mayd the xviiij day of Aprile the zeir of god J^m V^c xxxvij zeiris for the few of thar myll sumtyme ane walk myll, v s. and for the few of the Freir Ley, xviiij d. Item for the few of the said myll of the termes of Witsone-

:day and Martymes in the zeir of god forsaid, v s.
 Item for the few of the Freir Ley of the Witsoneday
 terme in the zeir of god forsaid, ix d. Summa dicte
 onerationis, xij s. ix d.

Oneratio Michaelis Stirling.

In primis that he restit awand at the compt maid
 the zeir of god J^m V^c xxxvij zeiris for the medow of
 the Twa Stane Corss de claro, x s. Item for the samyn
 of the termes of Witsoneday and Martymes in the said
 zeir of god, x s.

Summa, xx s. et sic restat.

Oneratio Johannis Reid.

In primis that he restit awand at the compt maid
 the xvij day of Aprile the zeir of god J^m V^c xxxvij
 zeiris for the few of his akerris in the Croftis de
 claro, xvj d. Item plus for the samyn of the termes
 of Witsoneday and Martymes in the said zeir of god,
 viij d.

Summa dicte onerationis, ij s. The quhilk he
 payit to Thomas Broun thesaurar and maid him sic eque.
 And the said Thomas to be chargit therwith at his nixt
 compt.

(10b)

Oneratio Thome Wilsoun.

In primis that he restit awand at the compt maid
 the xvij day of Aprile the zeir of god J^m V^c xxxvij
 zeiris for his aker in the Croftis de claro, xij d.
 Item the few of the samyn of the last Witsoneday and
 Martymes in the zeir of god forsaid, iijj d.

Summa dicte onerationis, xvj d. et sic restat.

Oneratio Andree Johnesoun.

In primis for the few of the Quarelhole restand
 awand at the compt maid the xvij day of Aprile the
 zeir of god J^m V^c xxxvij zeiris de claro, xij d. Item
 for the few of the samyn of the termes of Witsoneday
 and Martymes last bypast in the said zeir of god, xij d.

Summa, ij s. et sic restat.

Memorandum Johnne Broun bouckmakar
 restis awand of the ald for the few of
 the Quarelhole the tyme he occupijt the
 samyn de claro, iijj s.

Oneratio Stephani Prestoun.

ffor the male of his part of the fysching of the
 wattir of Air of the termes of Witsoneday and Martymes
 in the zeir of god J^m V^c xxxvij zeiris, xx s. The
 quhilk he is ordanit to hald to gude compt in part of
 payment of instrumentis evidentis and vtheris vritingis

maid vnpayit and to be maid to the said toun.

Oneratio Johannis Myllar firmorarii
molendini de Alloway.

In primis that he restis of his ald rest de claro,
vj li. Item plus that he restis of his last Martymes
male of the myll of Alloway, x markis.

Summa, xix markis.

Oneratio Patricij McBirney.

The rasate of the taxt taxit on the Borrowfeild to
send to our Souerane lord into Franss, extending to
vj li. xij s. quhilk he rasauit and tuke wp. The quhilk
vj li. xij s. Thomas Broun thesaurar grantit him to haif
rasauit fra the said Patrik and sa he is sic eque.

Oneratio magistri Johannis Dunbar.

In primis that he restit awand at the compt de
claro the xviiij day of Aprile the zeir of god J^m V^c
xxxvij zeiris for the annuell of his place vmquhile
being George Inglis, x s. vj d. Item for the annuell
of the samyn of the termes of Witsounday and Martymes
in the said zeir of god, x s. vj d.

Summa dicte onerationis, xxj s. Off the quhilk
Johnne Gylleiss payit to Thomas Broun thesaurar, x s.
vj d. And Cumyn payit, v s. iij d. The quhilk the
said Thomas is to be chargit with at the nixt compt.
And sa the said maister Johnne restis awand at this
present compt for the annuell of his said place de claro,
v s. iij d.

Oneratio Ade Hammyltoun in Duphole.

In primis that he restit awand at the compt maid
the xviiij day of Aprile the zeir of god J^m V^c xxxvij
zeiris for the male of the Sowthroun Holme occupijt be
him, x s. Item that he restit at the said compt for
his part of the stent to Myddilburgh in Flandres, vj s.
Item for the male of the said Sowthroun Holme of the
termes of Witsoneday and Martymes last bypast in the
said zeir of god, v s.

Summa dicte onerationis, xxj s.

Exoneratio dicti Ade.

In primis deliuerit to Thomas Broun thesaurar for
the male of the said Southroun Holme, xv s. Item
payit siclik of the said vj s. of stent, xxviiij d. to
the said Thomas and the remanent therof that is iij s.
iiij d. to be tane of the occupiaris of the land. And
sa the said Adam is sic eque. And the said Thomas
Broun to be chargit with v s. of the said male and the
saidis xxviiij d. of the said stent at his nixt compt

(11a)

because he hes maid na compt therof at this present compt.

The names of thame that are awand thar stent send to Myddilburgh in Flanderss restand on the Bourrowfeild are in the compt precedan except thir personis vnderwrittin quhilkis restis awand for the landis of Duphole that is to say

(Blank)

The restis awand of the ald to the toun of the annuellis and malis pertening to the Haly Blude and Sanct Mychaellis altaris.

In primis Thomas Hakett, v s. viij d. Relicta Steill, thre li. xij d. Item vmquhile Issobell Wilsoun, xxiiij s. Item Donald Campbell leche for the annuell of his place, thre li. iiij s. Item Lorence Bollokis place, ij li. xvij s. Item the Witsoneday in the zeir of god J^m V^c xxxvij zeiris, ix s. Summa, thre li. vij s. payitt to Thomas Broun thesaurar. And he to be chargit therwith at his nixt compt becaus he hes maid na compt therof. Item James Wallace place quhar Jok Esdale duellis, viij s. Item Besse Broun, vj s. Memorandum, Johnne Dickeis place in the Newtoun, xx s. pait to Thomas Broun thesaurar and compt maid therof. Memorandum that xiiij s. iiij d. aucht quhar vmquhile Andro Kennedy duelt ar distrenzeit and poundit for and the poundis ar in the thesauraris keeping.

The restis of the garsummis the said compt.

In primis Johnne Fayr of the Townheid of Alloway for the rest of his garsum, vij markis iiij s. v d.

Item Robene Myllar for the garsum of Thome Fayreis maling, x markis.

Item Robene Patersoun for the garsum of his faderis maling, xxxiiij s. iiij d.

Memorandum that the four seriandis ar to be chargit at the nixt compt with 6 li. of the fewis of the Bourrowfeild of the terme of Witsounday in the zeir of god J^m V^c xxxvj zeiris. The quhilk thair

haif intromettit with and tane wp
 togidder with the bourrow male of
 this instant zeir.

(11b)

Oneratio Willelmi Mychele magistri
 communis operis.

In primis for the male of his buthe vndir the Tol-
 :buth of the termes of Witsounday and Martymes in the
 zeir of god J^m V^c xxxvij zeiris, xvij s. Item for the
 few of the Twa Stane Corss of the samyn termes, xij s.
 Item deliuerit to him be Thomas Broun thesaurar to the
 townis werkis, vij li. xiiij s. viij d.

Summa totius onerationis dicti Willelmi, x li.
 xij s. viij d.

Exoneratio dicti Willelmi.

In primis that the towne restit awand to him at the
 compt maid the xvij day of Aprile the zeir of god J^m
 V^c xxxvij zeiris that he superexpendit mair na his
 charge on the townis werkis de claro, ij li. iiij s.
 Item giffin to Adam Mychele for vpputting of the trone,
 ij s. Item to twa werkmen that wrocht with him, xvj d.
 Item for ane tre to the trone, ij s. Item for irn
 making to the trone, xij d. Item for redding of the
 calsay to xiiij horsis, xvij d. Item the next day for
 the samyn, iiij d. Item gevin to Jok Esdale for
 spredene of the powder on the hillis, viij d. Item
 gevin for xxj horsis to leid torvis to the buttis, ij s.
 Item the next day for vtheris torvis leding to viij
 horsis, xij d. Item gevin for xiiij horsis and ane
 quart of aill to the men to leid turfis the next day to
 the buttis, twa s. Item to vij men that kest turfis
 to the buttis, vij s. Item for xiiij horsis ij dais
 to leid turfis, iiij s. Item to twa men for bering of
 wattir v dais to the buttis, vj s. Item to ane boy
 for warning of the seriand and dychting of the buttis,
 vj d. Item for ij horsis to leid turfis, vj d. Item
 for iiij horsis to leid turfis, viij d. Item to ane
 boy for warning of the seriand, ij d. Item gevin to
 Wille Arthur for laying of turfis to the buttis iiij
 dais and ane half, iiij s. vj d. Item gevin for sett-
 :ing of twa pernellis and wyndling of the ryss to the
 bulwerk to ij men every man viij d. on the day. Summa
 thre dayis, iiij s. Item to Jok Hunter quarecur for
 breking of the stanis in the wattir, xvj d. Item for
 bering of thame once, iiij d. Item to Johnne Gray for
 mending of the calsay v days, v s. iiij d. Item to
 the fostar of Dalrimpill Wod for cutting of the ryss
 and for fostar fee, iiij s. viij d. Item for xxxvj
 horsis to bring hayme the ryss, vj s. Item to iiij men
 that boir stanis out of the wattir vj dais every man

on the day, vij d. Summa, xiiij s. Item to twa men for setting of stakis and ryss ij dais, xxviij d. Item to iiij men that bure wrak ij dais, iiij s. Item to twa wemen that bur wrak ij dais, ij s. Item to ane man that fillit on the wrak to thame, xiiij d. Item plus for his fee inlowit to him, xl s.

Summa totius exonerationis dicti Willelmi, ix li. ix s. xj d. (1). And sa the said Williame restis awand to the towne at this present compt de claro, xxiiij s. ix d. The quhilk he is to be chargit with at his nixt compt.

Oneratio Thome Broun senioris decani
gilde de anno procedente (sic).

In primis the offerand to Sanct Johnnis werk this instant zeir, v li. xj d. Item rasauit fra Johnne McCarell for his gild entre, v s. Item fra Thomas Kennedy for his gyld entre, v s. Item fra Johnne Gylleiss of his gild entre, v markis. Item fra Will-:lame Mc Quhale for his gild entre, v markis. Item fra Thomas Schankis for the lair of James Woddis son in Machlene, v s. Item fra Johnne Martene for the lair of his sister, v s.

Summa dicte onerationis, xij li. xiiij s. iij d.

Exoneratio dicti Thome Broun.

In primis deliuerit for candill to the organis in wynter at the evinsangis, xvij d. Item for ane quart-:er and half ane li. of irn to the organis, xvj d. Item for the working of the samyn to Johnne McRay, xij d. Item for ane burd to the organe loft, xij d. Item to Jame Mychele for the making of ane lettrown to the organe loft, xvj d. Item for the small ledder, j d. Item for the grete ladir, iiij d. Item to Johnne Seane smyth for irne wirking to the glassin windokis, iiij s. Item for lyme to the wyndoys, viij d. Item for sand, ij d. Item to the glasin wricht, xj s. Item for ane quart of aill to Johnne Seane, iiij d. Item to Alexander Bollok for putting of the irnis and slipponis in the wyndokis, xvj d. Item for laying of the graisse in the Zoil wolk, xvj d. Item for bering of the maistis out of the kirk on Zole Eyn, ix d. Item for iiij faddum of chymmene cordis to the bellis, iiij d. Item to Johnne Seyane for bandis to the kirk, viij d. Item to George Blair for ryngin of the bellis quhen the kingis grace come out of France, ij s. Item for ane half thowsand sklait to the kirk, xij s. iiij d. Item for ane meill (2) of lyme to the kirk, xl d.

(12a)

(1) Should be £9, 9s. 4d.

(2) Mail, a weight, = 7½ stone Dutch (Jamieson).

Item for bringin of the sklait fra the wattir, xij d.
 Item for reddene of the calsay on Corpus Christys Eyn
 for hous of the sacrament, viij d. Item for ane cord
 to scheine the greit bell with, x d. Item to Johnne
 Bailze for iiij laid of sand to the kirk, iiij d.
 Item to ane man to mak seruice, vj d. Item to the
 glaisnair for his Witsounday fee, x s. Item to iiij
 men for bering of the greit ladir to the kirk, iiij d.
 Item to beir the small ledder to the kirk, j d. Item
 for v faddum of chymmyng cordis to the small bell, xvj d.
 Item for thre glaisin bandis, xvj d. Item for cylze
 to the bellis, viij d. Item for lynning to the hie
 altar, xij d. Item to James Wod for sewin of it,
 iiij d. Item to George Blair for cylze to the bellis,
 viij d.

Summa totius exonerationis dicti Thome, thre li.
 iiij s. jd. (1) And sa the said Thomas restit awand of
 the kirkgair at this present compt de claro, ix li.
 x s. ij d. The quhilk he payit to Thomas Broun thes-
 :aurar and maid him sic eque. And the said Thomas
 thesaurar forsaid to be chargit tharwith at his nixt
 compt becaus he hes maid na compt therof at this present
 compt.

Oneratio Thome Broun thesaurar a
 festo Sancti Mychaelis in anno domini
 M^o V^o xxxvj vsque ad septimum diem
 mensis Januarij in anno domini
 M^o V^o xxxvij.

In primis that he restit awand to the toun at the
 compt maid the xvij day of Aprile the zeir of god j^m
 v^o xxxvij zeiris de claro, xx li. vj s. ix d.

Thir ar the restis rasaut be the said
 Thomas at the said compt.

In primis rasaut fra William Mychele for his rest
 of the sandis quhen he wes quartermaister, ij s.

Item fra Thomas Schankis of his rest of the kirk-
 :gair quhen he wes dene of the gyld, ij li. x s. iiij d.

Item fra Alexander Lokart bailze for his garsum
 of Our Lady landis, iiij markis.

Item fra the said Alexander of his rest the said
 compt, iiij li. xliij s.

Item fra Johnne McWatte for the custum of the
 firlottis of the Martymes terme in the zeir of god
 j^m v^o xxxvj zeiris, iiij li. ij d.

Item fra the relict of vmquhile Thome Kar for hir
 part of the small custum the said terme, xxxij s. iiij d.

Item fra Williame Ker elder of his mail the said

(1) Should be £3, 4s. 11d.

terme, xxvj s. viij d.

Item fra Mychele of Blair and Johnne Cuninghame belman for thar part of the small custum the said terme, xxvj s. viij d.

Item fra the said Johnne Cunynghame for the maill of the hand bellis of the termis of Martymes in the zeir of god J^m V^c xxxv zeiris and of Witsounday in xxxvj zeiris, xxx s.

Item fra Johnne Martene for his rest of the Dogland schankis and of the sandis, xxxij d.

Item fra Matho Ard for his rest of the sandis quhen he wes ane quartermaister thairto, xj s.

Item fra Johnne Mar for the Witsounday maill of his fald in the zeir of god J^m V^c xxxvj zeiris, iij s. iiij d.

Item fra Charlis Tait for the maill of Our Lady land besyde Clongall of the termes of Martymes in the zeir of god J^m V^c xxxv zeiris and of Witsounday in xxxvj zeiris, ix s.

Item fra Robert Gluvar for the male of Our Lady land besyde the Duphole burne of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxv zeiris, xiiij s. iiij d.

Heireftir followis the restis rasaut be the said Thomas at this present compt of aldus.

In primis fra Johnne Dalrimple of the townis part of the stent send to the kingis grace in France quhen he gaderit in the samyn, xlix li. x s.

Item fra Patrik McBirney of the Bourrowfeildis part of the said stent quhen he gaderit the samyn, vj li. xij s.

Item fra the said Johnne Dalrimple of his rest at this present compt, vij li. xiiij s. j d. obolus.

(12b)

Item rasaut fra Jonete Clerk at the Witsounday cort last bypast in part of payment of hir rest, xxxj s.

Item fra the relict of vmquhile Thome Ker for hir part of the small custum of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvij zeiris, v markis ij d.

Item fra William Kar eldar for his part of the small custum the said termes and of his rest the last compt, iij li. xiiij s. vij d.

Item fra Johnne Kennedy gluvar in part of payment of his rest for his part of the small custum, v li. xiiij s.

Item fra Johnne Martene for the few of the Dogland schankis of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvij zeiris, xij d.

Item fra William Neisbit of his Martymes maill in the zeir of god J^m V^c xxxvj zeiris, iij li. xvij s. iiij d.

Item fra Johnne McWatte for his part of the small custum of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvij zeiris, viij li. iij d.

Item fra Leonard Clerk for the few of the South:roun Holme of the terme of Martymes in the zeir of god J^m V^c xxxvij zeiris, ij s. vj d.

Item fra Johnne Cunynghame belman and Mychele of Blair for their part of the small custum of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvij zeiris, iij markis.

Item fra Charlis Tait for the few of Our Lady landis besyde Clongall of the terme of Witsounday in the zeir of god J^m V^c xxxvij zeiris, vj s.

Item fra Logane in the Quarehole for the annuell of the samyn of the termes of Martymes in the zeir of god J^m V^c xxxv zeiris and of Witsounday in xxxvj zeiris, x s.

Item fra Adam Hammyltoun for his rest of the South:roun Holme of the ald, x s.

Item fra the relict of vmquhile Adam Wallace of the Newtown for hir part of the fysching of the wattir of Air of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvj zeiris, ix s. v d.

Item for the annuell rent of the landis of Le and Cartland of the samyn termes, x markis.

Item rasaut of the mail of the barony of Alloway of the termes of Martymes in the zeir of god J^m V^c xxxvj zeiris and Witsounday in xxxvij zeiris, xlviij li.

Item the Martymes mail of the said barony in the zeir of god J^m V^c xxxvij zeiris, xx li. viij s.

Item fra Johnne Myllar for the maill of the myll of Alloway for the termes of Martymes in the zeir of god J^m V^c xxxvj zeiris and of Witsounday in xxxvij zeiris, xl li.

Item plus, for the maill of the said myll of this last Martymes terme, xx markis in part of payment thair of.

Item rasaut fra the said Johnne Myllar for the garsum of twa rentellingis that ane of vmquhile Johnne of Lawis maling in Cortcloy and that vthir of Haly Handis maling in Cortoun, xvij li. xv s. vj d.

Item fra Johnne Dycke in the Newtown for the byrun annuell of his place, xx s.

Item fra Johnne Broun merchant for his burgess entre, ij markis.

Item fra Johnne Korssane flescheour for his burgess entre, ij markis.

Item fra Andro Dalzell for his burgess entre, ij markis.

Item fra William Downis for his burges entre, ij markis

Item fra Johnne Huntare gluvar for his burges

entre, ij markis.

Item fra Robert Myrre for his burges entre, ij markis.

Item fra Alexander Rankene for his burges entre, ij markis.

Item the said Thome Broun for the maill of his part of the fysching of the wattir of Done of the termes of Witsounday and Martymes in the zeir of god J^m V^c xxxvij zeiris, xxxiiij s. iiiij d.

(13a)

Item for the maill of his sellar vndir the Tolbuth the samyn termes, xvj s.

Item the few of his akeris in the Croftis the samyn termes, viij d.

Summa dicte onerationis, xiiij^{xx} li. xiiij li. xv s. x d. obolus.

Exoneratio dicti Thome Broun.

In primis for walx to seill the commissioun with at the Mychaelmes in the zeir of god J^m V^c xxxvj zeiris, v d. Item to George Wallace bailze for the collatioun making the said tyme, xiiij s. iiiij d. Item to William Mychele maister of the townis werk at syndry tymes to big the samyn with, vij li. xiiij s. viij d. Item to Robert Wilsoun for ledyng of treis to the townis werk, xvj d. Item to Johnne Karsane for ane horsse to the bailze, ij s. Item for candillis, ij d. Item to George Blair to ryng the bellis on Salmes Eyn (1), v s. Item to ane pursevant at command of the provest and baillies, ij s. Item to the prouest to tak ane instrument, iiiij d. Item for candillis, ij d. Item to ane boy to gang to Alloway for the seriand, ij d. Item to Cuthbert George at command of the prouest and baillies, iiiij s. Item, Patrik Lunnyng, ij s. ij d. at command of Alexander Lokart bailze. Item to the tynklar for making of v score of lyddin taknyngis to the pure folk, ij s. Item to the prouest to tak instrumentis with, viij d. Item to ane boy that com fra the cancellare, viij d. Item to the prouest at the last compt to tak instrumentis with, viij d. Item for ane quair of papir at the said compt, vj d. Item to James Johnesoun for vyne to the Gray Freris at command of the prouest bailzeis and communitie, xlviij s. Item inlowit to the said Thomas for his expensis to Edinburg with the taxatioun, xl s. Item to Jok Wilsoun for keping of the hillis, ij s. Item to tak ane instrument quhar Johnne Myllar come souirte for his broderis garsum, iiiij d. Item to Quintin Cuninghame for ane powder plait of his that wes tynt in the kingis grace serulce the last tyme he wes in this toun, iiiij s.

(1) "Salmes Eyn",-- All Souls' Eve (Nov. 1).

Item to Symine Lokart for keping of the hillis, vj s. viij d. Item to James Johnesoun for wyne to the schiref at command of Alexander Lokart bailze, vj s. Item for colis to be ane fyre quhen the kingis grace com furth of France, xxx d. Item for ane ter barrrell to the samyn, xvij d. Item for stykkis to the samyn, ij d. Item for ail that samyn tyme, ij s. ij d. Item for ane hogheid of vyne, vj li. Item beryng of it to the townis sellar, iij d. Item to the prouest for Lombard papir to the townis bukis, ij s. viij d. Item to Huntar the quareour for keping of the hillis at Mydsomer, ij s. Item to Johnne Kessane to geif at the Chekar, vj s. Item to arl ane schip of salt, iij d. Item for taking of the townis pailzeoun to the Greenan to keip the salt, viij d. Item to ane boy that ran to Edinburgh with Stene Prestoun, ij s. Item to Hew Legate at command of the prouest bailzeis and counsell, xx s. Item to Murdoch to mend the kirk zard dyke, xij d. Item to Johnne Syme for ane horss to Stene Prestoun to ryde to Edinburgh the townis erandis, x s. Item to the said Stene to ryde to Edinburgh and ane boy with him, xliij s. Item to Cuthbert George messinger at command of the prouest and bailzeis, xx s. Item to Ritche McCheske, vj s. viij d. at command of the communitie. Item to Alexander Lokart for tymmir to the myll, vj li. Item to Johnne Dalrimple to big the well to ane gud compt, vij li. xij s. j d. obolus. The quhilk the said Johnne is to be chargit with at his nixt compt.

Heireftir followis the feis and annu-
:uellis aucht be the toun to the
preistis and vtheris thair serwandis
and annuellaris deliuerit be the said
Thomas Broun.

(13b) In primis to Alexander Mortoun deliuerit for keping of the knok of Martymes in the zeir of god J^m V^c xxxvj zeiris and of Witsounday in xxxvij zeiris, xl s.

Item to Schir Alexander Kar chaplane of his fee for keping of the revestrie and bukis of the kirk the samyn termes, xl s.

Item deliuerit to the lard of Drongane for annuell aucht out of Alloway to the Cruvis of Cre the samyn termes, viij li. xix s.

Item to Stene Prestoun for his fee of the samyn termes, iij li.

Item to the Blak Freris for thair almoiss of the Martymes terme in the zeir of god J^m V^c xxxvj zeiris, ij li. xv s. j d.

Item deliuerit to Schir Johnne Bollok chaplane for his fee of the termes of Martymes in the zeir of god

J^m V^c xxxvj zeiris and of Witsounday in xxxvij zeiris,
x li.

Item to Maister Gavin Ross chaplane for his fe the samyn termes, x li.

Item to Maister Petir Broun chaplane for his fee the samyn termes, v li. vj s. viij d.

Item to Schir Thomas Andro chaplane of his fee the samyn termes, iij li.

Item to Schir Williame Reid chaplane for his fe the samyn termes, xiiij li. xiiij s. iij d.

Item to Schir Thomas Quyntene chaplane for his fe the samyn termes, xl s.

Item to Robert Patersoun sangistar for his fee the samyn termes, xiiij li. vj s. viij d.

Item to Thomas Rait sangstair for his fe the samyn termes, xl s.

Item plus gevin to Johnne Bard for the Freris Predicaturis, xiiij li. vj s. viij d.

Item plus gevin to Maister Johnne Chesolme collector of our Souerane lordis taxt send to his grace in to France for the townis part of the samyn, lvj li. ij s.

Item gevin for tymmer, vj li.

Item gevin to Schir Johnne Fair chaplane for the agmentatioun of his fee of the Witsounday terme in the zeir of god J^m V^c xxxvij zeiris, xvij s. vj d.

Item to Schir Alexander Kar chaplane in agmentatioun of his Witsounday fe the said terme, xxix s. vj d.

Summa dicte exonerationis dicti Thome Broun thesaurarij, ix^{xx} of li. xix li. xiiij s. x d. obolus.

And sa the said Thomas restis awand to the toun of his charge befoir writtin at this present compt de claro, iij^{xx} xv li. ij s. The quhilk he is to be chargit with at his nixt compt.

Item the said Thomas is to be chargit at his nixt compt with xiiij s. vj d. for v vnce of sewin silk.

Item siclik he is to be chargit with ane hogheid of vyne that the toun coft to the kingis grace the quhilk he disponit vpoun.

Item plus with v li. that he allegeit he gaif to deyn Thomas Broun monk of Kylwinnyng that maid the townis organis. The quhilk the said deyn Thomas denyit the gettin of it.

And siclik the said Thomas is to be chargit at the nixt compt with the resate of the townis restis that he rasaut at this present compt.

Memorandum that the communitie and counsale hes dischargit the saidis five li. allegeit gevin to the said monk becauss as thai belevit the said Thomas pait the same to him and als the said Thomas maid faith thairupoun.

(14a)

Memorandum that the said Thomas Broun hes his deliuerance of this last Martymes terme of the zeir of

god J^m V^c xxxvij zeiris to defaiss him with of his rest
 aboue writtin.

Memorandum the annuell of the landis of the Le and
 Cartland of the termes of Witsounday and Martymes in
 the zeir of god J^m V^c xxxvij zeiris restis awand de claro,
 x markis.

Memorandum restis at this present compt of the mail
 of the barony of Alloway of the termes of Martymes in
 the zeir of god J^m V^c xxxvj zeiris and of Witsounday in
 xxxvij zeiris vn maid compt of be the thesaurar, vj li.

Item siclik restis of the Martymes maill last
 bypast of the said barony, vj li. ij s.

Memorandum restis of the myll maill of Alloway vn
 maid compt of of the said last Martymes terme, x markis.

Memorandum at vther restand dettis of the aid ar
 contenit in the comptis precedand.

ffinis est prescripti computi per me
 Henricum Prestoun de mandato scripti
 teste manu propria.

H. P.

APPENDIX C.

(MS. Treasurer's Accounts of St. Andrews, fol. 36a-45b).

- (36a) The pertycular compt of the patrymonye of Sanct-
:androis frome Mychelmis 1618 zeiris to Mychelmis 1619
zeiris.

17 Januarij 1621.

Ther comptis producit be Johnne Stewinson wer
publickly red in presens of the counsall quha ordanit
the dean of gild the magistrattis the thesaurer Robert
Talzoir Thomas Robertsons Jon Bryde or ony fyve of thame
And Alexander Fairfull Patrik Maluill Johnn Mylis James
Peyt or ony thrie of thame to be auditoris to the said
comptis And to report this day aucht dayis.

Thomas Blak

- (37a) The onnorations of the thre compptis of the mowtter
maltt begining att Mychelmis 1618 zeiris to Mytchelmis
1619 zeiris vithe the compt of 2,000 merkis quhilk I
resaiffit frome Jhon Carstairs of Laedernye Suth, the
compt of the small customis laidil towste and ankoryche
of the schoire

Item the 8 of November resaiffit frome Jhone Car-
:stairs merchant 608 li. 10s. for 7 chalderis of
mowtter malt rowppitt to 8 merkis 2s. the boll.

The 12 of Februarij resaiffit frome Jhone Carstairs
merchant 880 li. for tene chalderis of mowtter maltt
rowppit to 5 li. 10s. the boll.

The 28 of Mail resaiffit from Jhone Carstairs
merchant 880 li. for tene chalderis of mowtter malt
rowppit to 5 li. 10s. the boll.

Summa of the hail 27 chalderis of mowtter malt is
2368 li. 10s.

Item the 27 of October resaiffit frome Jhone Car-
:stairs of Laedernye, 2000 merkis.

Item the small customis laiddill towste and anker-
:yche of the schoir rowppit to 347 li. 6s. 8d.

Summa latterris, 4049 li. 3s. 4d.
Tenet.

(38a)

My onnorations of fermes of the Sowthe Hawche Northe Hawche and Pilmuire quhilk is 158 bollis 13 peckis ane leippyie vithe the fremene and firlottis burninge Towboothe meallis boothe mealis at the port Freiris Zaird maill the laird of Sanctmynance 40s. vithe the anvellis of the towne and ane of the townis treis sauld to ane landvart mane.

Item resaiffit frome the tennentis of the Sowthe Hawche 40 bollis 5 peckis ane leippyie of beare at 5 li. the bolle. Summa, 201 li. 12s. 9d.

Item resaiffit frome the tennentis of the Northe Hawche and Pilmuire 118 bollis and ane halffe of beare at 5 li. the bolle. Summa, 592 li. 10s.

Summa of the haill is 794 li. 2s. 9d.

Item the fremen enterrit frome Mychelmis 1618 zeiris to Mychelmis 1619 zeiris is 102 li. 3s. 4d.

Item 9 firlottis burning, 9 li.

Item the 8 syd buithes of the Toweboothe at 35s. the peice is 14 li.

Item the 2 foir bootes vnder the stair is 8 li.

Item the twa bootes at the portt is 8 li.

Item the laird of Sanctmynance, 40s.

Item Valter Tarvite for the Freiris Zaird at the merkit gaitt portt, 33 li. 6s. 8d.

Item the anvellis zeirlye of this towne is 151 li. 19s. 6d.

Item the last of Maii 1619 zeiris for ane of the townis treis sauld to ane landvartte mane, 5 li. 13s. 4d.

Summa latterris, 1128 li. 5s. 7d.

Summa of my haill onnorations is 5177 li. 8s. 11d.
Tenet.

(39a)

The partycular compt off my exhonnerations beging at Mychelmis 1618 zeiris to Mychelmis 1619 zeiris.

Item the secund of November to ane drummer of Pearthe at command of the bailze Thomas Robertsons, 4 merkis.

Item the sext of November vpone ane act off the counsell to Jhone Mare to helpe his fingeris hurtt at the schoir, 4 li.

Item the same day to Thomas Pittilloke for playing on the drume, 8s.

Item the 6 of November to Mr Dawid Barklaye at command of the counsell and vpone ane act of the same, 100 li.

Item the 7 of November to Thomas Lentrone 18 li. 8s. 8d. quhilk he ves supperexpendit being commissioner at the convensione of borrowis.

Item the same day to Thomas Lentrone 40 li. 13s. 4d. to pay for the ell and the jowge.

Item mair the same daye to pay his chairgis in rydding commissioner to Eddinbrughe, 23 li.

Item the same day to Thomas Robertsone bailze then 30s. for rydding to the justice of peache at Cowpper.

Item the 16 of November to William Maistertowne for 33 foot of glesse and 5 fitt of vthere to the Toweboothe, 7 li. 2s.

Item the 17 of November to Danyell Chooswood for rynging the bellis vpone the kingis nycht, 12s.

Item the 18 of November for ane lead of collis to the counsell, 6s.

Item the 29 of October for ane commissione vrettin to Edinbrughe annent the meassuris veghttis and ellis, 13s. 4d. Mair for ane vther commissione vrettin to Edinbrughe annent the fyscheing vpon ovr cost, 13s. 4d.

Item the 19 of November to Jamis Vatsone and Robert Tailzeowr commissioneris to Edinbrughe annent the fyscheing, 17 li.

Item the 30 of November to the post 18s. for twa messeiffis sent be Edinbroghe to this towne.

Item the 4 of December to Danyell Myller for thre stand of meassuris making to the towne, 28 li. 6s. 8d.

Item the 8 of December to William Vilzeamsone vpon ane actt of counsell, 8 li.

Item the 12 of December for ane pige of vooldollye to the knoke, 10s.

Summa latteris, 254 li. 14s. 8d.

l. Tenet.

(39b)

My exhonoratione frome Mychelmis 1618 zeiris to Mychelmis 1619 zeiris.

Item the 12 of December to Thomas Daesone to keipe vatter passagis oppine, 20s.

Item the 21 of December to fywe schippbrokin Ingillismen at command of the bailzeis, 6 li. 13s. 4d.

Item the 21 of December to the kairtteris for cairrying red to the . . . (1), 4 li.

Item the 22 of December for redding of the passage to the buryall, 44s.

Item the 22 of December to Mr Patrik Orme for the taxetions of the abaye myllis 12 li. quhairroff he gaiff his dischairg.

Item the 25 of December for 18 faethame of ane towe to the belmane, 32s.

Item the 6 of Januarii to sex vorkmen for casting vpon the sowthe sande, 21 li. 6s. 8d.

Item the 7 of Januarii to Danyell Myller for twa scuittis setting in the grammer scuill, 16s.

Item the 23 of Januarii to the vorkmen that helpit to sett the sowthe scowpe and for ten pund of yronevark and for schairping of pick, 3 li. 16d.

Item the 28 of Januarii at command of the counsell

(1) Obliterated.

for 5 ellis and ane half of kensye to be clais to Mill boght at 22s. the ell, 6 li. 12d. Mair for making of them and ane pair of schoone, 36s.

Item the 31 of Januarii to Thomas Lentrone commissioner to Edinbroghe annent the fywe s. of the boll of corn and the frauchtting of forraine schippis, 20 li.

Item the 8 of Februarii for ane commissione, 13s. 4d.

Item the 12 of Februarii to Alexander Kaye for the yronevark of 5 stand of meassuris ane new laiddill and sume vork done to the vindmill, 48 li.

Item the 15 of Februarii to Cristine Gardnir vpone ane actt of counsell, 10 li.

Item the 16 of Februarii to Thomas Robertsons bailzee for 40 pund of taikill 6 li. 13s. 4d. Mair to hime for ane tre to the schoire, 3 li. Mair ryding to the justice of peace, 30s.

Item the 16 of Februarii at command of the counsell to Valter Fyndlyson 4 ellis and ane half of kensye at 22s. the ell is 4 li. 19s.

Item the 18 of Februarii to the drummer and Thomas Daesone for ganging throw the towne annent the malt ropping, 6s.

Item the 19 of Februarii to Allaine Roberttsone for the repairing of thre boothes of the Toweboothe and 200 plencheone naillis to the vork and barris to the windowes, 40s.

Item the 20 of Februarii to Alexander Pryd for ane new lock and ane new keye ane new band and twa lockis mending to thre of the boothes of the Toweboothe vithe ane new lock to the steippill doore and ane batt thryes battit and lead and ane pair of band to the knock doore, 3 li. 17s.

Summa latterris, 161 li. 9s.

2. Tenet.

(40a)

My exhonorations from Mychelmis 1618 zeiris to Mychelmis 1619 zeiris.

Item the 22 of Februarii for ane . . . (1) broght frome Androw Aetone to the towne be Jamis Smairt, 6s.

Item the 23 of Februarii to George Nairne at command of the counsell for mending of Jhon . . . (1) hand, 6 li. 13s.

Item the 23 of Februarii to the . . . (1) commissioner to Edinbrughe, . . li. 4d.

Item the 8 of Merche to Thomas Lentrone for tymmer to the schoir, . . li. (2).

Item the aucht of Merche to Thomas Lentrone and to

(1) Cf. *supra*, 445, n.1. Folios 39b and 40a have become stuck together and blotted out some words.

(2) These two obliterated sums make £240 between them, according to the page-total.

Georg Arnott baillzeis then, for hyris and thair
 expenssis in convaying the the castell, 30s.

Item the 24 of Merche to Archebald Smythe for tua
 drawchtt of treis to the Law myll from the schoir and
 for ane drawchtt of tymmer to the schoir, 10s.

Item the 24 of Merche to Jhone Graye for ane
 schafte to the quorrall mell, 4s.

Item the 25 of Merche to Jhone Graye and his nycht-
 :bowris at the agreing withe them for the vork at the
 myll in erlis, 6s.

Item the 26 of Merche to Jhone Olyphant for 3
 dayis vork at the Lawe mill, 24s.

Item the 26 of Merche to ane stranger att command
 of the baillzeis, 20s.

Item the 27 of Merche to sex vorkmen for sex dayis
 vork at the mill dame, 16 li. 6s.

Item the first of Apryll to Dawid Methewine for
 200 trein naillis to the schoir, 33s. 4d.

Item the first of Apryll to Aillaine Robertsons
 vpone ane act of counsell for ane kist to William
 Vilzeamsone, 40s.

Item the first of Apryll to the post for ane mess-
 :ewe frome Edinbrughe, 12s.

Item the 3 of Apryll to the drummer and officeris
 for ganging throw the towne anment the restraining of
 beggeris from the seinzee merkit, 6s.

Item the thrie of Apryll to 6 vorkmene for 6 dayis
 vork at the dame, 14 li. 8s.

Item the 3 of Apryll for 129 lead of claye to the
 dame at 12d. the lead is 6 li. 9s. vithe 2s. 8d. of
 drinksilver to fill veill.

Item the 7 of Apryll to Mr Thomas Vylkye provisser
 of Sanctlennardis colledg 4 li. for the few dewtye of the
 Craig mill and that for the zeir of god 1618 and the
 zeir of god 1619 zeiris quhairvpone I haiff his dis-
 :chairg.

Item the 7 of Apryll at command of the baillzeis to
 twa men that helpit to supplye the offyceris plait in
 tym of the seinze merkit, 48s.

Item the 8 off Apryll to Robertt Russell Edvart
 Russell and Thomas Blak for sex scoir and sexteine lead
 of claye cairrying to the mill dame, 6 li. 16s.

Summa latteris, 307 li. 14s. 4d.

3. Tenet.

(40b) My exhonoratione frome Mychelmis 1618 zeiris to
 Mychelmis 1619 zeiris.

Item the 9 of Apryll the thrid week to 6 men for
 5 dayis vork at the Lawe mill dame, 12 li.

Item the 12 of Apryll to the twa kairtteris for
 the 4 treis bringing bak agane from the mill to the
 schoir, 8s.

Item the 15 of Apryll att command of the counsell to the drummer for his transportatione to the towne, 8 li. 6s.

Item the 18 of Apryll at command of the counsell to Robert Tailzeowr and the clark Thomas Blak being directit commissioneris to Edinbrughe to my lord of Sanctandros annent his going vpe to Londine, 96 li.

Item the 24 of Apryll to Jhone Leapper for treis to the bulvark, 24 li.

Item the 7 of Maij to Georg Nairne commissioner to the justice of peache at Cowpper haldin, 30s.

Item the 8 of Maij for ane aikine daill to lyne the innere Toweboothe doore, 18s.

Item the 15 of Maij to the 4 officeris for thair zeiris vaiege, 4 li. 16s.

Item the 16 of Maij to Androw Balfowr for 200 trein naillis to the schoire, 53s. 4d.

Item the 22 of Maij to the drummer for his Vitson-:dayes terme, 10 li.

Item the 26 of Maij to Georg Arnot vpone ane actt of counsell for ane halff toone of vyne, 100 li.

Item the 28 of Maij for twa dayis vork and ane halff to the millvrychte that helpit the spaikis, 40s.

Item the 30 of Maij to Jamis Mortowne and Androw Dilson for timmer to the schoir, 48 li.

Item the thrie of Junij to Thomas Robertsons Thomas Lentrone David Lyndsaye and William Barklaye bailzeis vpone ane actt of counsell annent thair loisse of the bookis, 137 li. 6s. 8d.

Item the 6 of Junij to the clark commissioner to Edinbrughe to purchaise laweborrowes annent the vnyverssitye, 40 merkis.

Item the 7 of Junij to the offyceris for vairning the tennentis of the Sowthe and Northe Hawche, 7s. 4d.

Item the 8 of Junij to William Vilsone and William Lawe for saweing twa plankis asse the aixtrie of the vindmill vithe ane halff dayis vork besyd, 10s.

Item the 9 of Junij to Thomas Lentrone for allevine hoondrethe trein naillis to the schoire, 22 merkis.

Item the same day to William Lawe for cairrying ane letter to Edingbroghe annent the townis adoes, 26s. 8d.

Item the 10 of Junij for ane drauchtt of timmer to the vindmill, 3s. 4d.

Item the same day to William Barklaye for ane tre to the mill, 40s.

Item the 11 of Junij for timmer to be cogis and trein naillis to the vindmill, 12s.

Item the 12 of Junij to Androw Vallace for twa pik schaftis, 6s.

Item the 17 of Junij to William Vilsone and William

Lawe for timmere saweing to be speakis to the vindmill,
30s.

Item the 19 of Junij to William Vilsons and William
Lawe for twa dailis and ane aikin tre saweing to the
vindmill, 10s.

Item the 19 of Junij to William Vatsone for ane
aikin tre to the vindmill, 4 li.

Item the same daye to Healrein Blak for David
Bellis and his cumpanyes disjoyene, 33s. 4d.

Summa latterris, 502 li. 3s. 4d.

4. Tenet.

(41a)

My exhonorations from Mychelmis 1618 zeiris to
Mychelmis 1619 zeiris.

Item the 19 of Junij for 12 bolis of lymestainis
to the Bowebrige, 7 li. 10s. Mair for 15 bolis of lyme,
5 li.

Item the same day for 48 lead of sand and rydling
and draiking 12 bollis of lyme and ane new ryddill, 36s.

Item the 20 of Junij for 18 lead of sand, 6s. Mair
for draiking and rydling of . . . bolis of lyme, 7s.

Item the 21 of Junij to 4 men for 6 veikis vorkis
in casting and landing stainis at the Bowebrig, 31 li.
15s. Mair for 30 kairtfull of stainis leading from the
abaye kirk to the Bowebrig, 3 li. 2s. Mair for ane
beir bune and the saweing of it, 14s.

Item the 21 of Junij to the meassones and fowr
barrowemen for 14 dayis vork at the Bowebrig, 36 li.
14s. 2d.

Item the same day to Thomas Peattye for 6 lead of
skleat stainis to the Bowebrig, 6s.

Item the same day for twa drawche to the vindmill,
6s. 6d.

Item the 22 of Junij to Alexander Kaye for mending
the commowne bake, 12s. The same day for twa dry dailis
to the vindmill, 20s.

Item the 23 of Junij for ane bread dowbledaill and
ane pund of overloipe naillis to mend the Toweboothe,
15s. 9d. Mair to Thomas Scot for his vork, 4s.

Item the 24 of Junij to the drummer for ane new
head and accawtye to the drume, 15s.

Item the 25 of Junij to Jhone Deass for schairpping
of the pickis and craweirronis to the mildame and the
Bowebrige and laying of the quorrall mell and ane vaige
making, 3 li. Mair the same daye for ane aixtre to the
vindmill, 9s.

Item the 26 of Junij for ane aikine garrone to the
vindmill, 12s. 6d.

Item the 27 of Junij for saweing thre dailis to
the vindmill, 7s. Mair the same daye to Thomas Lentrone
for ane knehead to the vindmill, 16s.

Item the 29 of Junij for 5 dailis to the vindmill,
33s. 4d.

Item the 30 of Junij for saweing ane aikine tre twysse throwe and cairrying it to the mill, 5s.

Item the first of Julij to David Kaye for yrone vark to the vindmill, 30 li. 12s. Mair the same day to Androw Forritt for ane tre to the bulvark, 6 li.

Item mair the first of Julij to Dawid Bell his father and twa servandis of his for 22 dayes vork at the vindmill, 55 li. 6s. 8d. Mair to David Bell for transporting his loomis, 12s.

Item to ane post that came frome Haddingtowne the secund of Julij annent the conventione of borrowes, 18s. Mair to ane post that came from Laenryke annent the weyghttis, 18s.

Summa latterris, 192 li. 7s. 1d.

5. Tenet.

(42a)

My exhonmorations from Mychelmis 1618 zeiris to Mychelmis 1619 zeiris.

Item to David Kaye the 4 of Julij for 15 pund veyght of yrone vork and ane halff hundrethe naillis to the mill, 3 li. 15d.

Item the 6 of Julij for ane draucht of daillis to the vindmill, 3s.

Item the 7 of Julij to the drummer for cattis fearnis (1) cordis and twyne to the grytt drume, 18s.

Item the same day for 8 elis and 3 quartteris of tweildeine to the vindmill, 52s. 6d.

Item the 8 of Julij for 6 pyntis of tare to the vindmill, 27s. and to Jhone Maekewine for cairrying the pot and heatting the tare, 4s. Mair the same day to William Barklaye for ane aikine tre and thre daillis to the vindmill, 8 li. 40d. Mair the same daye to Jamis Dischintowne for 10 fatheme of cordis and ane klew of twyne to the vindmill, 5s. 8d.

Item the 9 of Julij for 12 unce of twyne to the mill, 10s.

Item the 10 of Julij for cordis gottin from Symon Gréig to the mill, 10s.

Item the 12 of Julij to Thomas Robertsons bailze for ane new drume, 6 li. 13s. 4d.

Item the 15 of Julij for 2 skynis to be headis to the drume, 40s.

Item the 16 of Julij to Archebald Smythe for stainis leading to the merkit gait portt, 4 li.

Item the 16 of Julij for 4 elis and quarter of plaiding to the drummeris clais, 42s. 8d.

Item the 16 of Julij to William Smairt and Dawid Bamannowe for the calsaе layinge at the merkit gait port, 7 li. 10s.

Item vpone the 17 daye of Julij 1619 zeiris my

(1) "cattis fearnis" = cat's gut.

first zeiris compt being hard and subscrivit in presence of the provest bailzeis and counsell I wes superependit of 91 li. 10s. 5d.

Item the 23 of Julij to Jamis Vyselye for mending of the twa hanseinzeis (1), 4 li.

Item the 24 of Julij for ane gade of rownd yrone to the boothes vindowes at the port quhilk veyit 2 staine 10 pund ane half at 32s. the stain is 4 li. 5s. Mair 4 pund of leade at 10s. Mair for the vorking of them and batting them and hewing the hollis in the lintillis, 3 li. 13s. 4d.

Item the 25 of Julij for ane new braice and ane buckle to the towng of the bell, 58s. Mair the same daye for the proclamatioun maid be Robertt Dike annent the beggeris, 10s.

Item the 25 of Julij for 4 staewes to the bailzeis, 24s.

Item the 26 of Julij for Jhone Barronis clais making, 40s.

Item the 26 of Julij to Jhone Deass for drawing the schoir laiddill and mending ane pik and ane crowe-yrone, 12s.

Item the 27 of Julij at command of the bailzeis to the drummeris pypperis and peifferis that came to the vappinschaweinge, 17 li. 5s.

Item the 27 of Julij for ane pair of schoone to the drummer, 20s.

Summa latterris, 169 li. 8s. 6d.

6. Tenet.

(43a) My exhonoratione frome Mychelmis 1618 zeiris to Mychelmis 1619 zeiris.

Item the 28 of Julij to Thomas Robertsons bailze commissioner to Haddintowne first for our pairt of the agent fye of Londine, 32 li. Mair for our pairt of 290 li. awand to Mr Robertt Venderowme, 6 li. 13s. 4d. Mair for the clerk and agent fyes, 5 li. 6s. 8d. Mair to the towne of Laenryke for the staine veyght, 37 li. vithe 18s. for the hamebringinge itt. Mair for horsse-hyre 6 dayes, 13 li. 12s. 8d. Mair to the man that ves vithe hime, 40s. Mair to the clerk of borrowes for the extracting of thre acttis, 5 li. Mair for his awing expenssis, 21 li. 3s. Summa of the hail is 123 li. 13s. 8d.

Item the 29 of Julij to Jhone Leapper for 2 stain 14 unce of taikill to the belmane, 6 li. 3s. 6s.

Item the 29 of Julij for vther 30 kairtte of staines leading to the brig, 3 li.

Item the 5 of Agust to Alexander Kaye for the mould making to the nettis of the bell, 20s.

Item the 22 of Januarij 1620 to Valter Geaddy

(1) "hanseinzeis" = ensigns, standards.

vpon ane act of counsell for vyne furnischt be hime to the communyoin, 13 li. 10s.

Item the 23 of Januarij to Jhone Robertsons for 3 dayis vork vpone the vindmill, 30s.

Item the 18 of Februarij to the clark for the edicte and proses of the depyweing of the owtland burgis (1), 13s. 4d. Mair for extractting the decreit thairof to be send to the commissione (sic) of borrowis, 13s. 4d. Mair for the extracting the forme of electione to be send to the convensione off borrowes (2), 13s. 4d. Mair for ane commissione vrettin to the generall con-:vensione of borrowes in Julij, 1619, 13s. 4d.

Item the 19 of Februarij for the twa nettis to the bell, 56 li. 7s.

Item the 20 of Februarij to Alexander Pryde for mending of the pit doore and the inner Toweboothe doore and the locke of vtter doore, 4 li. 6s.

Item the 20 of Februarij to Dawid Smairt for ane dayis vork and ane halff to the milvrycht and ane daill and the saweing of it and ane aikine garrone, 52s.

Item the 17 of Apryll to the officeris for vairning the nyctttbowris anment the anvellis, 2s. Mair to Thomas Scot for making the peattis and careing theme vnder the Bowebrige, 6s. 8d.

Item to Aillaine Roberttsone for mending the inner doore of the Toweboothe vithe ane aikine daill and find-:ing naillis to it vithe sume vark vroghtt in the steipp-:ill and for the bellis rynging vpone the kingis nycttt, 50s.

Item to Elchender Vemisse for the fewe dewttye of the schoir mill the teind dewtye of the Sowthe and Northe Hawche and thre duissone of kaipponis at 8s. the peice, 47 li. 16s.

Summa,

ij^c lxx li. x s. ij d.
Tenet.

7.

(43b)

My exonnorations.

Item the cowntter suld be exhonorit of the meall of the boothe vnder the Toweboothe stair quhilk wes possessit be the custoumeris, 4 li.

Item I suld be exhonorit of the custome of Sanct Mynnance vnliftit, 40s.

Item I suld be exonnorit of the maill of ane boothe vnder the northe syd of the Toweboothe and of ane vther vnder the sowthe syd quhilk wer woid at 3 li. 10s.

Item I suld be exonnoritt of ane quarter zeiris maill of ane vther is 8s. 9d.

Item I suld be exonnorit of 15 peckis 3 leippeis of bear quat to Thomas Daesone for redding the cowmm-:owne vatter passagis, 4 li. 18s. 6d.

(1) Cf. Recs. Conv. R. B., III, 56, 78.

(2) Ib., 55, 80.

Item I suld be exonorit of 3 li. 15s. 8d. quat be me to the customeris at the bailzeis command for flaikis maillis and the custome of sume Cowpper timmer.

Item to Dawid Vilzeamsone for commowne vark to the towne, 20s.

Item to Jhone Myllis for bread to the communionne, 3 li.

Item for ane tre to the schoir, 40s.

Item the comptter suld be exonorit of his ordinar fye dew to the theasaurrare is 10 li.

Summa particule lateris, xxiiij li. xij s. x d.
Tenet.

(44a)

My exhonoratione of the anvel zeiris and stipendis frome Mertymis 1618 zeiris to Mertymis 1619 zeiris.

Item the 9 of November to Jhon Carstairis of Laed:ernye 100 merkis for the Mertymis terme of 2000 merkis.

Item the 25 of November at command of the provest bailzeis and counsell to the relict of Alexander Vin:chester, 1000 li.

Item the same day to Georg Murraye for his Mertymis terme 1618 and Vitsonday terme 1619 200 merkis his dis:chairg inbuikit.

Item the 26 of November to Mr Robert Learmonthe and his mane 22 li. 6s. 8d. quhairof I haiff his dischairg.

Item the 27 of November to Mr Dawid Barklaye for his Mertymis terme 1618 zeiris 250 li. quhairof I haif dischairg.

Item the 15 of December to the tymmermen barrowe:mene and bottis and smythe for making vpsetting and filling of 31 cowppillis of the boolvarke, 623 li. 17s.

Item the 4 of Januarij to Thomas Pheannysone theausaurrere of the kirk 80 li. for the anvell rent of 1200 merkis.

Item the 12 of Februarij to Mr Robert Zooill for his zeiris stipend 100 li. his dischairg inbuikit.

Item the 12 of Februarij to the maister of the scoolle for his zeiris stipend 166 li. 13s. 4d. his dischairg inbuikit.

Item the 13 of Februarij to Robert Tailzeowr 200 merkis for the anvell rent of his 2000 merkis of the Mertymis term 1618 zeiris and Vitsondaye terme 1619 zeiris his dischairg inbuikit.

Item the 14 of Februarij to Edome Lyndsay 28 li. for the fewe maillis of the mills of the zeir of god 1618 his dischairg inbuikit.

Item the fyftein of Februarij to Jhon Rowll for his zeiris stipend 100 merkis his dischairg inbuikit.

Item the 16 of Februarij to the clark for his zeiris stipend 40 merkis his dischairg inbuikit.

Item the 16 of Februarij to the relict of Androw Symsonne for the anvell rent of hir 300 merkis 20 li.

hir dischairg inbuikit.

Item the 17 of Februarij to Mr Vilzeame Cranstone 100 merkis for the anvell rent of the Mertymis terme of his 2000 merkis his dischairg inbuikit.

Item the 8 of Merche to Thomas Lentrone 100 merkis for the anvell rent of his 1000 merkis his dischairg inbuikit.

Item the 7 of Apryll to Duncane Balfowr for the anvell rent of his 500 merkis, 50 merkis his dischairge inbuikit.

Item the 6 of Maij to Jhon Carstairis maltmane for the zeiris anvell rent of his 1000 merkis 100 merkis his dischairg inbuikit.

Item the 22 of Maij to Mr Dawid Barklaye for his Vitsondayes terme of 1619 zeiris, 250 li. his dischairg inbuikit.

Summa latterris, 3200 li. 17s.
Tenet.

Summa of the haill exonoratioun is fywe thowsand four scoir aucht li. xvij s. Sua the onoratioun exceidis the exonoratioun in the sowme of lxxxviiij li. xj s. xj d.

Tenet.

(44b) Apud civitatem Sanctiandree vigesimo quarto mensis Januarij anno domini millesimo sexcentesimo vigesimo primo.

The quhilk day the auditoris of thir befoir writtin comptis being for the grettest number present reportit that they haue wisitit and laid thir befoir writtin comptis and the samyn being of new agane wisitit and red ovir in counsall the counsall in ane voice hes allowit and be thir presentis allowis to the said Johnne Steiv:insone compter the haill particular comptis befoir writtin and findis the said Johnne his oneratioun to surmount the exoneratioun in the sowme of four scoir aucht li. xj s. viij d. Quhilk the counsall ordanis him to gif in to the present thesaurer betuix this and the fyftein day of Marche nixt.

Henrie Arthour daine of gaild
William Barclay
James Watsons baillie
Jhonne Leper baillie
Thomas Robertson
Robert Tailzour
George Nairne
Jhone Bryde
Symon Griegour
Andro Haliburtoun
Jone Mylis

James Paitt
 Androw Honymane
 Merten Bouere
 Thomas Blak clericus civitatis Sanctiandree
 manu sua.

Apud civitatem Sanctiandree decimo quinto die
 mensis Aprilis anno domini millesimo sexcentesimo
 vigesimo nono.

(45a) The quhilk day the provest baillies and counsall
 of the said citie being convenit in counsall compeirit
 Johnne Stewinsone quha wes thesaurer of the said citie
 fra Michaelmes in the zeir of god J^m vj^c and auchtein
 zeiris to Michaelmes in the zeir of god J^m vj^c and nyn-
 :tein zeiris and being requyrit be the counsall to give
 in to the present thesaurer of this citie the recess or
 superplus of his comptis and intromissioun with the
 patrimonie of the said citie the zeir foirsaid (the said
 superplus or recess according to his allowit compt sub-
 :screyvit be the counsall for the tyme extending to the
 sowme of fourscoir aucht pund xjs. iiij d.) the said
 Johnne Stewinsone declarit that he haid payit off the
 said sowme the sowme of fourtie pundis money to Simon
 Greig subsequent thesaurer of this citie to the said
 Johnne Stewinsone (1) and contenit in the said Simon his
 comptis of oneratioun. Quhilk the said Johnne craveis
 to be allowit to him in the first end of the said recess
 as lykwayis the said Johnne declarit that he obtenit
 decreitis aganis the persones vnderwreittin for the part-
 :icular dettis and annuall rentis efterspecificit addettit
 to the patrimonie of this citie of the zeir foirsaid and
 vseit all diligence aganis thame bot could recover na
 payment thair of fra thame being not solvendo, notwith-
 :standing that he be onerit thairwith in his saidis
 comptis viz. David Miller xxxv s. for the mail of ane
 of the buithis vnder the Tolbuith. Item vmquhill
 Alexander Robertsonsone xxxv s. for the mail of ane vther
 of the saidis buithis. Item v s. for the annuall rent
 of ane part of the Freiris Zaird. Item x s. viij d.
 awand be Johnne Knox. Item xl s. awand be Charlis
 Guthrie. Item xvj s. awand be William Murray. Item
 xliij s. viij d. awand be Duncan Murray. Item xxxv s.
 for the mail of ane buith possessit be vmquhill Johnne
 Miller quhairin he died ane begger and sex li. xiiij s.
 awand be Duncan Leitcher sumtyme customar. Quhilkis
 particular sowmes respectiue foirsaidis the counsall
 allowis to the said Johnne Stewinsone in the first end
 of the said recess. Together with the sowme of sextein
 merkis of annuall the said zeir addettit furth of the
 tenement sumtyme pertening to vmquhill Mr William Walwod

(1) Greig (or Greigour) was treasurer in 1619/20,
 1620/21 and 1621/22.

(45b) and quatt be the counsall of zeiris bygane to Johnne Makkesone and the said Johnne Stevinsone hes presentlie payit in of the said recess the sowme of xx li. viij s. iiij d. Swa that the counsall findis the said recess and superplus to be payit and satisfiet be the said Johnne Stewinsone and dischairges him thairof for ever exceptand xxiiij s. viij d. quhilk he declairis to be awand of annuall rent zeir foirsaid furth of ane tenement of land lyand vpoun the north syd of the south gait, quhairof William Bell is awnir of ane part ffor the quhilk the counsall ordanit the said Johnne to vse farther diligence. Quhairvpoun the said Johnne Stewinsone requyrit ait.

Thomas Blak.

APPENDIX D.BURGH MAILS IN 1660.

(from "Ane Account of the Revenue as the same is counted for in the Proppertie Shirreff and Burrow Roll with what is resting preceeding Whitsonday 1660", Brit. Mus. Addit. MSS., 24,275, fol. 19-43).

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>	
Berwickshire.	Lauder,	£5,	9s. 0d.
Roxburghshire.	Jedburgh,	£3,	0s. 0d.
Peeblesshire.	Peebles,	£9,	10s. 0d.
Dumfriesshire.	Dumfries,	£20,	1s. 0d.
	Annan,	£2,	0s. 0d.
	Lochmaben,	£2,	0s. 0d.
	Sanquhar,	£5,	0s. 0d.
Lanarkshire.	Rutherglen,	£2,	0s. 0d. (1)
	Glasgow,	£13,	6s. 8d.
	Lanark,	£40,	0s. 0d.
Gallowayshire.	Wigtown,	£20,	0s. 0d.
	Kirkcudbright,	£9,	13s. 4d.
	Stranraer,	£4,	0s. 0d.
	New Galloway and Whithorn "never enrolled since erected".		
Ayrshire.	Ayr,	£20,	0s. 0d.
	Irvine,	£7,	6s. 8d.
Dumbartonshire.	Dumbarton,	£7,	10s. 0d.
	Rothesay "never enrolled becaus allocate to the Duck of Lennox".	(£6,	0s. 0d.)
Argyllshire.	Inverary,	£6,	13s. 4d.

(1) Rutherglen's mail was really £13, but £11 of this went to the College of Glasgow. Infra, list for 1681.

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>	
Renfrewshire.	Renfrew,	£5, 6s.	8d.
Stirlingshire.	Stirling,	£6, 13s.	4d.
	Winshielhauch,	£6, 10s.	5d.
	Falkirk,	£10, 0s.	0d. (1)
Linlithgowshire.	Linlithgow,	£52, 10s.	0d.
	Queensferry,	£3, 0s.	0d.
Haddingtonshire.	Haddington,	£150, 0s.	0d.
	North Berwick,	£1, 0s.	0d.
	Dunbar,	£17, 6s.	8d.
	"Cockenzie payes a gold penny yeer- :lie, <u>inde</u> 1 li. 13s. 4d."	£8, 6s.	8d.
Perthshire.	Perth: whole ferme given to the town "for thair Hospit- :all and uthers".	(£240, 0s.	0d.)
	Culross: ferme "allocate to the Hospitall and bridge".	(£24, 0s.	0d.)
	Auchterarder.	(blank)	
Fife.	Cupar,	£17, 6s.	8d.
	St. Andrews,	£6, 13s.	4d.
	Crail,	£11, 0s.	0d.
	Anstruther E.,	6s.	8d.
	Anstruther W.,	13s.	4d.
	Pittenweem,	£1, 0s.	0d.
	Earlsferry,	£1, 0s.	0d.
	Dysart,	£2, 0s.	0d.
	Kirkcaldy,	£1, 14s.	0d.
	Kinghorn,	£2, 10s.	0d.
	Burntisland,	£1, 13s.	4d.
	Inverkeithing,	£6, 0s.	0d.
Forfarshire.	Forfar,	(£8, 13s.	4d.)
	("quhair of to the Chaplan of Fyvie"-- £6, 13s. 4d.)		
	Dundee,	£130, 0s.	0d.
	Arbroath,	£2, 0s.	0d.
Kincardineshire.	Montrose,	£37, 6s.	8d.
	Bervie,	£3, 14s.	0d.
Aberdeenshire.	Aberdeen,	£214, 6s.	8d.
	("quhair of paid to the poore of St. Marie Hospitall"-- £100).		

(1) Winshielhauch and Falkirk were burghs of barony, and are entered, in the 1681 list, in the Property rolls, as burghs of barony.

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>
Aberdeenshire. (contd.)	Ratray,	(blank)
	Kintore,	£6, 0s. 0d.
	Inverurie,	£4, 13s. 4d.
Banffshire.	Banff,	£33, 6s. 8d.
	("quhair of paid to the Old Coledge of Aberdein"-- £12, 13s. 4d.)	
Elgin and Forres Shire.	Cullen,	£21, 13s. 4d.
	Elgin,	£13, 6s. 8d.
	Forres,	16s. 0d.
Nairnshire.	Nairn,	£4, 0s. 0d.
Cromartyshire.	Cromarty,	£13, 6s. 8d.
Invernessshire.	Inverness,	£58, 16s. 8d.
	(fermes, £57, 6s. 8d., plus 1 lb. of pepper) (1)	
	Rosemarkie,	£3, 0s. 0d.
	Dingwall,	£5, 0s. 0d.
Rossshire.	Tain,	£5, 0s. 0d.
Sutherlandshire.	Dornoch,	£2, 0s. 0d.
Caithnessshire.	Wick,	£6, 13s. 4d.
Orkney and Shetl'd.	Kirkwall,	£3, 6s. 8d.

BURGH MAILS IN 1681.

(from "An Accompt of his Majesties Propper Rentes Extracted out of the Rolles and Registers be Sir William Purves his Majesties Sollicitor, in anno 1681", Brit. Mus. Addit. MSS., 33,258, 44 folios.).

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>
Berwickshire.	Lauder,	£5, 9s. 0d.
Selkirkshire.	Selkirk,	£6, 0s. 0d.
Roxburghshire.	Jedburgh,	£3, 0s. 0d.
Peeblesshire.	Peebles,	£9, 10s. 0d.
Dumfriesshire and Stewartry of Annandale.	Dumfries,	£21, 1s. 0d.
	Annan,	£2, 0s. 0d.
	Lochmaben,	£2, 0s. 0d.
	Sanquhar,	£5, 0s. 0d.
Lanarkshire.	Rutherglen,	£13, 0s. 0d.
	(£11 to Glasgow College)	
	Glasgow,	£13, 6s. 8d.

(1) Of this total, the sum of £10, 8s. 8d. was put aside yearly for the use of the poor of the burgh.

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>
Lanarkshire (contd.)	Lanark,	£40, 0s. 0d.
Stewartry of	Stranraer,	£4, 0s. 0d.
Kirkcudbright.	Kirkcudbright,	£9, 13s. 4d.
Wigtownshire.	Wigtown,	£20, 0s. 0d.
	New Galloway,	£6, 13s. 4d.
Ayrshire.	Ayr,	£20, 0s. 0d.
	Irvine,	£7, 6s. 8d.
Dumbartonshire.	Dumbarton,	£7, 10s. 4d.
Buteshire.	Rothsay,	£6, 0s. 0d.
Argyllshire.	Inverary,	£6, 0s. 0d.
Renfrewshire.	Renfrew,	£5, 6s. 8d.
Stirlingshire.	Stirling,	£6, 13s. 4d.
Linlithgowshire.	Linlithgow,	£52, 10s. 0d.
	Queensferry,	£3, 0s. 0d.
Edinburghshire.	Edinburgh,	£346, 13s. 4d.
Haddingtonshire.	Dunbar burgh,	£4, 0s. 0d.
	Mills of Dunbar,	£13, 6s. 8d.
	Cockenzie (burgh mail, £6, 13s. 4d.; one gold penny, £1, 13s. 4d.)	£8, 6s. 8d.
	North Berwick,	£1, 0s. 0d.
	Haddington,	£130, 0s. 0d.
Perthshire.	Culross,	£10, 0s. 0d.
	Perth,	(£240, 0s. 0d.)
	(Allowed for the bridge and hospital, now non-existent)	
Fife.	Dunfermline,	6s. 0d.
	Inverkeithing,	£6, 0s. 0d.
	Earlsferry,	£1, 0s. 0d.
	Burntisland,	£1, 13s. 4d.
	Kinghorn,	£2, 10s. 0d.
	Kirkcaldy,	£1, 14s. 0d.
	Dysart,	£2, 10s. 0d.
	Pittenweem,	£2, 0s. 0d.
	Crail,	£11, 0s. 0d.
	Anstruther E.,	£1, 0s. 0d.
	Anstruther W.,	6s. 8d.
	St. Andrews,	£6, 13s. 4d.
	Cupar,	£17, 6s. 8d.
Forfarshire.	Forfar,	£8, 13s. 4d.
	(to the chaplain of Fyvie, £6, 13s. 4d.)	
	Arbroath,	£2, 0s. 0d.
	Dundee,	£130, 0s. 0s.
Kincardineshire.	Montrose,	£37, 6s. 8d.
Aberdeenshire.	Aberdeen,	£214, 6s. 8d.
	(£100 to the burgh's poor)	
	Kintore,	£6, 0s. 0d.
	Inverurie,	£4, 13s. 4d.

<u>Shire.</u>	<u>Burgh.</u>	<u>Burgh Mail.</u>
Banffshire.	Banff,	£33, 6s. 8d.
	(£12, 13s. 4d. paid yearly to Aberdeen College)	
	Cullen,	£21, 12s. 0d.
Elgin and Forres Shire.	Elgin,	£13, 6s. 8d.
	Forres,	£2, 16s. 0d.
Nairnshire.	Nairn,	£4, 0s. 0d.
Ross and Inverness Shires.	Inverness (money and pepper),	£58, 16s. 8d.
	(£10 allowed to the burgh for its poor)	
Cromartyshire.	Cromarty,	£13, 6s. 8d.
	Rosemarkie,	£3, 0s. 0d.
	Dingwall,	£5, 0s. 0d.
Sutherlandshire.	Dornoch,	£2, 0s. 0d.

APPENDIX E.

(Brit. Mus. MSS., Cottonian, Galba B X, fol. 254)

A Note of certayne things wherein the Emperours subjects complayne themselues newly exacted and grieved, contrarie to the Treatie of Entercourse.

ffirst they paie coming in at Dover iij d., and going out asmuch, and in returning at Grauesend iiij d. for head money.

Secondly coming to London they be constreyned to dischargd in the middest of the ryver and by reason thereof they pay certayne money called Lightage.

Thirdlie the master of the ship, imediately after his coming, is bound to make declaration of all the wares and marchandizes within his ship, and the quantitie and qualitie of the same by his othe to the Customer, and for the registring of the same payeth vj d.

After the marchaunts be bound also to declare their marchandizes by peecemeale, and paye for that viij d.

They paie also thole custome, as also all others, without any privilege, and be bound to take a billett of the payment of the same, for the which they pay ij d.

And when they dischargd their wares, an officer of the Kings cometh and sealeth them, and for that taketh j d.

The marchaunts can not for all that enioy their wares, vntill they be seen by the serchiour, who if he fynd any thing not declared by the master or the march:aunt taketh it as forfeyed to the King.

By occasion of which sealing and serching, it maketh that other marchaunts not subiect to the like doe sell their marchandise at their pleasure and at better prices than they of the Emperors countrie, for as much as every man knoweth not what marchandise they have and what quantitie before they can put them to sale.

Whereas they wont to pay but the x^{tie} pennie of the valew of their marchandise, or iiij d. of the pownd for coming and goyng, they pay now xxiiij d. or theight part of the valour of their marchandise both coming and goyng.

They pay also at London Scavage.

If anie of them hyre howse in London they ar constreyned to fynd a deputie to be constable for them, and to be chardged also to find some to watch for them.

Theie paie also Anchorage for euerie ship, vj d., where they were wont but iiiij d.

ffor Growndage also for euerie ship, iiiij d.

ffor serching also of euerie ship that returneth emptie, iiiij s. viij d.

Item when they haue payd Anchorage and Serching at London, they ar constreyned to paye the same again at Grauesend.

Item of ships bringing in wyne aboue all other customes they ar unduly exacted the xx^{tie} tonne for the King.

They paie also Entregelt.

Item they paie Waterbayliage.

Item after they haue sold their marchaundizes, they must be bound in an obligation to bestow their money in other wares, without that they maie vse their money or give the same in exchange ffor which obligation they paye iiiij s. to the Customer (1).

(1) This note was one of several of like nature exchanged by the commissioners of Henry VIII and Charles V at the negotiations held at Calais, Gravelines and Burburg, in the year 1545.

APPENDIX F.

(Brit. Mus. MSS., Cottonian, Vespasian, C VI,
fol. 268a)

A relation of the rents of the Citie
of Ciuill, and what they are.

	Duccattis.
The Almorifasgo (1) of Ciuill,	400 ^m .
The Almorifasgo of the Indias,	200 ^m .
Alcables (2) and thirdes,	150 ^m .
The newe increasement of Alcaball,	333 ^m .
The Subsidie and Escusado (3),	67 ^m .
The tenthes of the Myles (4),	70 ^m .
The Popes pardones,	15 ^m .
The Rentes of Lynnen Clothe,	20 ^m .
Other small Rents and Customes of Affaires,	5 ^m .
	1260 ^m .

(1) Almojarifazgo = ancient duty on exports and imports.

(2) Alcabala (Mod. Span.) = excise.

(3) Excusado = a subsidy on the clergy for the war against the infidels.

(4) i.e., the mills.

APPENDIX G.

(Brit. Mus. MSS., Cottonian, Nero, B IX, fol. 128-9)

Specification of the newe towle
caringe the name of Beaken and
Toun money agreed vpon and
concluded by the Senate and
comonaltye of Hambrough.

For every English clothe brought from the sea into
the Towne shall eche cittizen geve 8s., and the strang-
er, 16s. (Three ffreeses, three kersies, three bayes,
two more dossens,-- reckoned for English cloth).

ffor a S. Pepper, the cittizen, 12s., and the
stranger, 24s.

ffor all manner of spicery, as ginger cloues sugar
sinnamon nuttmegge mace rice allmonde prewens and how-
:soeuer the same may be named the cittisen to paye for
every 100 merks Lubish, 4s., a stranger no cittisen, 8s.

In like manner for all sorte of silke and wollen
worke whether it be veluett satten damaske grossgrayne
chamblett worsted mockdidoye Billmont lace sowinge and
stytchinge silke Pearbes, the Cittisens to pay for
Beaken and Toun money vppon every 100 marks Lubish, 4s.,
the stranger no Cittisen, 8s.

ffor a last of heringe a Cittizen, 5s.

ffor a . . (blank) . . Rynishe wine otherwise called
a two last, being reckoned for 4 almes, shalbe paied for
Beaken and Toun mony inwards, 8s., and outwarde for ech
pece Reinysh wyne, ij s. vj d.

ffor hott wynes like as Orleans wynes shalbe paied
according to the aforesaid rate by the cittizens vppon
every 100 marks, iiij s. and the stranger, 8s.

ffor Petow and other comon ffrench wyne the Citt-
:isens to paye vpon eche hogsted, 6s., and the stranger,
12s.

ffor a sturgen salted or fresh to pay outwards, 8s.

ffor a samon in like order, iij s.

ffor . . (blank) . . within the land shipped to the
sea the burger to paye iij s., and the stranger to
paye, 24s.

ffor Norrenboroughe wares vppon every 100 markes,
to pay 1 mark Lub.

All the wares whatsoever in Specie not beinge herein
mentioned whether it be copper waxe fflaxe woll or how-
:soever as the same may be named shalbe rated 100 markes
Lubish, 4s. and the stranger vpon eche like 100 markes,
8s.

And every Cittizen indweller or strange marchante
shalbe houlden trewlye to geve in the iust valew of
their goodes.

APPENDIX H.

(Compiled from Exch. Rolls, XIX, 39-47,
XX, 276-83, and XXIII, 322-31)

APPROPRIATIONS FROM THE BURGH FERMES.

1557/58.

(In this list, the following abbreviations are used,-- C. for the Church, N. for nobles, lairds, officials and lay persons, S. for schools and universities, H. for hospitals, B. for burghal and other local purposes, E. for the Exchequer, and T. for the total due from the burgh)

Linlithgow, C., 13s. 4d.; E., £4, 6s. 8d.; T., £5.
 Crail, C., £2, 13s. 4d.; N., £5; E., £3, 6s. 8d.; T.,
 £11.
 Haddington, C., £4; H., £1; E., £10; T., £15.
 Cupar, C., £17, 6s. 8d.; T., £17, 6s. 8d.
 Rutherglen, C., £11; E., £2; T., £13.
 Inverkeithing, E., £5; T., £5.
 Forfar, C., £8, 13s. 4d.; T., £8, 13s. 4d.
 Aberdeen (2 years' fermes, plus arrears), C., £119,
 6s. 8d.; N., £100; H., £200; E., £18, 6s. 8d.; T., £437,
 13s. 4d.
 Kinghorn, N., £2; E., 10s.; T., £2, 10s.
 Renfrew, E., £5, 6s. 8d.; T., £5, 6s. 8d.
 Ayr, C., £20; T., £20.
 Irvine, N., £1, 6s. 8d.; E., £6; T., £7, 6s. 8d.
 Montrose, C., £14, 17s. 4d.; E., £1, 2s. 8d.; T., £16.
 Peebles (ferme, plus other annualrent of 3s. 4d.), H.,
 £1, 6s. 8d.; E., £8, 3s. 4d.; T., £9, 10s.
 Lanark (omitting unpaid arrears carried over as balance),
 E., £8; T., £8.
 Elgin, C., £2; E., £11, 6s. 8d.; T., £13, 6s. 8d.
 Forres, E., 16s. 8d.; T., 16s. 8d.
 Lauder (ferme, plus 20d. augmentation of fermes of the
 Castlehill), E., £5, 9s.; T., £5, 9s.

Selkirk, E., £5; T., £5.
 Dundee, C., £12, 6s. 8d.; N., £7; E., 13s. 4d.; T., £20.
 Inverness (ferme, plus £4 for lands of Ballochhill),
 C., £10, 8s. 8d.; E., £46, 18s.; T., £57, 6s. 8d.
 Cullen, C., £6, 13s. 4d.; S., £12, 6s.; E., £2, 13s.
 4d.; T., £21, 12s. 8d.
 Dunbar, C., £2, 13s. 4d.; E., £1, 6s. 8d.; T., £4.
 Nairn (2 years), E., £20; T., £20.
 Stirling, C., £15, 6s. 8d.; E., 13s. 4d.; T., £16.
 Banff, C., £3, 6s. 8d.; N., £4; S., £12, 13s. 4d.; E.,
 £13, 6s. 8d.; T., £33, 6s. 8d.
 Edinburgh, C., £31, 13s. 4d.; E., £3; T., £34, 13s. 4d.
 Perth (3 years), C., £207, 16s.; B., £32, 4s.; T.,
 £240.
 Wigtown, C., £6, 13s. 4d.; E., £13, 6s. 8d.; T., £20.

This year is somewhat abnormal, since Aberdeen and Perth, the two most heavily assessed of the burghs, had each to settle arrears: making the gross revenue £1,086, 18s. 4d. from 29 burghs; whereas, in 1600, 44 burghs owed but £755, 15s. For the figures given on p. 315, I have substituted the normal annual fermes due from Aberdeen and Perth, and also given Lanark's customary payment, of £4 to Exchequer, and £2 to the local hospital of St. Leonard's.

1576/77.

(Our "C." must now be split up into C.C., con- forming clergy -- bishops, abbots and convents, priors, chaplains, provosts and prebendaries -- who were left in possession of their revenues as life-rents, and L.C., lay commendators. The other abbreviations, N., S., B., H., E., and T., hold good as in the first list)

Rutherglen, E., £13; T., £13.
 Renfrew, E., £5, 6s. 8d.; T., £5, 6s. 8d.
 Stirling, C.C., £15, 6s. 8d.; E., 13s. 4d.; T., £16.
 Lauder (2 years, plus a fine of £5), E., £15, 18s.; T.,
 £15, 18s.
 Linlithgow (2 years), E., £10; T., £10.
 Haddington, L.C., £2; E., £13; T., £15.
 Perth, C.C., £47, 5s. 4d.; B., £10, 14s. 8d.; E., £22;
 T., £30.
 Cupar, L.C., £17, 6s. 8d.; T., £17, 6s. 8d.
 Ayr (18 years), E., £360; T., £360.
 Dunbar, E., £4; T., £4.
 Crail, N., £5; E., £6; T., £11.
 Forfar, C.C., £8, 13s. 4d.; T., £8, 13s. 4d.
 Kirkcudbright, E., £6, 13s. 4d.; T., £6, 13s. 4d.
 Montrose, C.C., £14, 17s. 4d.; E., £1, 2s. 8d.; T., £16.
 Dundee, N., £7; E., £13; T., £20.

Lanark (2 years' fermes, plus a fine of £5), E., £17; T., £17.
 Wigtown, E., £20; T., £20.
 Inverkeithing, E., £5; T., £5.
 Kinghorn (2 years), N., £4; E., £1; T., £5.
 Banff, N., £4; C.C., £3, 6s. 8d.; S., £12, 13s. 4d.; E., £13, 6s. 8d.; T., £33, 6s. 8d.
 Inverurie, E., £4, 13s. 4d.; T., £4, 13s. 4d.
 Dumbarton, C.C., £6, 13s. 4d.; E., £1, 6s. 8d.; T., £8.
 North Berwick (2 years, plus fine of £2), E., £4; T., £4.
 Peebles (3 years' fermes; 3s. 4d. for an additional annualrent; and fine of £3), E., £31, 10s.; T., £31, 10s.
 Edinburgh (2 years), C.C., £50; E., £6; Unpaid balance, £13, 6s. 8d.; T., £69, 6s. 8d.
 Aberdeen, N., £45; H., £100; E., £68, 6s. 8d.; T., £213, 6s. 8d.
 Pittenweem, E., £1; T., £1.
 Inverness, E., £57, 6s. 8d.; T., £57, 6s. 8d.
 Dumfries, E., £20, 1s.; T., £20, 1s.
 Nairn, E., £10; T., £10.

In drawing up the table given on p. 316, I have discounted as abnormal the heavy arrears due from Ayr, but otherwise the figures may be taken as representative of the appropriations of the period.

1598/99.

(The group of lay commendators has now disappeared, their lands having been transformed into temporal lordships. The other abbreviations employed in the second list -- N., C.C., S., H., B., E., and T. -- hold good for this)

Selkirk, E., £5; T., £5.
 Peebles, E., £9, 10s.; T., £9, 10s.
 Lauder, E., £5, 9s.; T., £5, 9s.
 Rothesay, E., £6; T., £6.
 Inverbervie, E., £3, 14s.; T., £3, 14s.
 Lanark, E., £6; T., £6.
 Renfrew, E., £5, 6s. 8d.; T., £5, 6s. 8d.
 Rutherglen, S., £11; E., £2; T., £13.
 Kirkcudbright, E., £6, 13s. 4d.; T., £6, 13s. 4d.
 Cullen, S., £18, 19s. 4d.; E., £2, 13s. 4d.; T., £21, 12s. 8d.
 Wigtown, E., £20; T., £20.
 Irvine, E., £7, 6s. 8d.; T., £7, 6s. 8d.
 Crail, N., £5; E., £6; T., £11.
 Ayr, H., £20; T., £20.
 Perth, H., £69, 8s. 8d.; B., £10, 11s. 4d.; T., £80.

Dumbarton, E., £8; T., £8.
 Linlithgow, E., £5; T., £5.
 Burntisland, E., £1, 13s. 4d.; T., £1, 13s. 4d.
 Dunbar, E., £4; T., £4.
 Haddington, E., £15; T., £15.
 Cupar, E., £17, 6s. 8d.; T., £17, 6s. 8d.
 Dumfries, E., £20, 1s.; T., £20, 1s.
 Edinburgh, C.C., £20; H., £6, 13s. 4d.; to the Queen,
 £5; E., £3; T., £34, 13s. 4d.
 Kinghorn, N., £2; E., 10s.; T., £2, 10s.
 Culross, E., £10; T., £10.
 Inverkeithing (including £1 for augmentation of fermes
 by new assedation), E., £6; T., £6.
 Kintore, E., £6; T., £6.
 Stirling, C.C., £15, 6s. 8d.; E., 13s. 4d.; T., £16.
 Dundee, N., £7; E., £13; T., £20.
 Aberdeen, N., £40; H., £100; E., £73, 6s. 8d.; T., £213,
 6s. 8d.
 Montrose, C.C., £12, 5s. 8d.; E., £3, 14s. 4d.; T., £16.
 Banff, N., £4; S., £16; E., £13, 6s. 8d.; T., £33, 6s.
 8d.
 Cockenzie, E., £6, 13s. 4d.; T., £6, 13s. 4d.
 Dingwall, E., £5; T., £5.
 Jedburgh, E., £3; T., £3.
 Anstruther Easter, E., 6s. 8d.; T., 6s. 8d.
 Anstruther Wester, E., 13s. 4d.; T., 13s. 4d.
 Inverurie (4 years), E., £18, 13s. 4d.; T., £18, 13s.
 4d.
 North Berwick, E., £1; T., £1.
 Pittenweem, E., £1; T., £1.
 Inverness, B., £10, 8s. 8d.; E., £46, 18s.; T., £57,
 6s. 8d.

The one abnormal item in this list,-- the arrears due
 from Inverurie,-- is too small to affect the total
 vitally, so that the third table given above (p. 316)
 has been taken directly from these figures.

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(Note.-- The following is not intended as an exhaustive bibliography of all works dealing with, or touching upon, the subject of the Scottish burghs or their finances. It is merely a list of the records, chronicles, histories and works of reference consulted by me for the compilation of the foregoing thesis. Any abbreviations used in footnotes are indicated in brackets after the works consulted.)

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