



51-
Edinburgh—Pamphlets relating to—containing regulations for Charity Workhouses, 1743; Decrees-Arbitral, 1730; Sets of the City, 1742 and 1783, *half-bound, neat.*

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- 4 Do - - Do - 1753

S E T 4

OF THE

CITY OF EDINBURGH;

WITH THE

A C T S

OF

PARLIAMENT AND COUNCIL

RELATIVE THERETO.

EDINBURGH:

REPRINTED BY AUTHORITY OF THE MAGISTRATES
AND COUNCIL, FOR THE USE OF THE CITY,

BY JOHN ROBERTSON.

M DCC LXXXIII.

2 E T

CITY OF EDINBURGH

WITH THE
D. A. T. S.

PARLIAMENTARY AND COUNCIL

REPRESENTATIVE

AND THE
EDINBURGH

C O N T E N T S.

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THE
DECREET-ARBITRAL,
PRONOUNCED BY
HIS MAJESTY KING JAMES VI.
IN THE SUBMISSION
BY THE
MERCHANTS AND CRAFTSMEN
OF
EDINBURGH.

AT Edinburgh, the nineteenth day
of June, the year of God, One
thousand five hundred fourscore three
years, in presence of the Lords of Coun-
cil, compeared personally Mr John Sharp,
John Prestoun, Thomas Craig, and
John Skeene, procuratours specially
A constitute

constitute for the Provest, Baillies, Deacones, Counsel, and Community of the Burgh of Edinburgh, be the Act of Counsel underwritten, made in presence of the Provest, Baillies, Deacones, Counsel, and Community contain'd therein-til, of the date underwritten, and gave in the said Act of Council, with the Decreet-arbitral aftermentionat, given and pronouncit be the King's Majesty, and Judges after following, subscribed be them, and the parties after rehearsed, and desired the same to be insert and registrate in the Buiks of Counsel, to have the strength, force, and effect of their Act and Decreet in time to come, and letters and executorials to be direct upon the parties specifiet thairintil. The quhilk desire the said Lords thought reasonable; and therefore hes ordained and ordains the said Act and Decreet-arbitral to be insert and registrat in the
said

faid Buiks, to have the strength, force, and effect of their Act and Decreet, and hes interponit and interpons their Decreet and authority thereto, and decerns and ordains letters and executorials to be direct upon the hail parties specifiet in the faid Decreet-arbitral, for fulfilling thereof in all poynts, in manner specifiet thereintil: Of the quhilk the tenor follows.

The quhilk day Mr Michael Chisholme, Andrew Sclater, John Adamson, Baillies; Mr John Prestoun Dean of Gild; Mungo Ruffel Thesaurer; John Johnstoun, John Harwood, John Robertsen, William Maule, William Nesbet, Alexander Naper, John Morison, Robert Ker, Henry Charterhouse, Merchants; James Fergusson, Bower; John Bairnsfather, Tailleur; and the Deacons following, viz. Gilbert Primrose, Chirur-

A 2

gian;

gian; John Wat, Smith; Edward Galbraith, Skinner; Edward Hart, Goldsmith; William Hoppringle, Tailyeour; Thomas Dickson, Furrier; And sick-like James Ker, Flether; William Weir, Cordiner; Adam Newtoun, Baxter; William Coutts, Webster; Andrew William-son, Wright; William Somers, Bonnet-maker, remanent Deakens of Crafts, for themselves, and the hail body and community of the Town, als well Merchants as Craftsmen, makes and constitutes Mrs John Sharp, Thomas Craig, John Prestoun, Assessours, and Mr John Skeene Procurator Fiscal, or any twa of them, their procuratours, to compear before the Lords of Session and Counsel whatsomever day or days convenient, and there, in name and behalf of the Provost, Baillies, and Counsel for the Merchants, and of the said Deakens for the Crafts on the other part, to consent

to

to the registering of the Decreet-arbitral given by the King's Majesty, and Arbitrators specified therein, betwixt the Merchants and Craftsmen, in the Buiks of Counsel, interponing of their authority thereto, with execution to follow thereupon, in manner specified in the said Decreet, and generally, &c. *promittentes de rato*, &c. Extract furth of the Counsel Buik of Edinburgh, be me Mr Alexander Guthrie, Common Clerk of the samen ; Witness thereto my sign and subscription manual.

ALEX. GUTHRIE.

HERE FOLLOWS THE TENOR OF THE
SAID DECREET-ARBITRAL.

AT Halyruidhouse, the twenty twa
day of Apryl, the yeir of God
One thousand five hundred fourscore
three years, we Robert Fairlie of Braid,
Sir Archibald Naper of Edinbellie,
Knight, and James Johnstoun of El-
phingstoun, Judges Arbitrators, chosen
for the part of Mr Michael Chisholme,
Andrew Sclater, John Adamson, and
William Fairlie, Baillies of Edinburgh;
Mr John Prestoun, Dean of Gild; Mun-
go Ruffel, Thesaurer; John Johnstoun,
Robert Ker younger, Henry Charter-
house, John Morison, William Maul,
John Harwood, John Robertson, Wil-
liam Inglis, Alexander Naper, William
Nesbet, Merchants, being on the Coun-
sel of the said Burgh, for themselves,
and

and in name and behalf, and as Commissioners for the hail Merchants indwellers of the said Burgh, on the one part, and John Cockburn of Ormeau, Mr Robert Pont Provost of the Trinity Colledge, and Mr David Lindsey Minister of Leith, Judges Arbitrators, chosen for the part of James Fergusone, Bower; John Bairnsfather, Tailyeour, twa of the Craftsmen, being on the Counsel of the said Burgh; Gilbert Prymrose, Deaken of the Chirurgians; John Wat, Deaken of the Hammermen; William Hoppringle, Deaken of the Tailyeours; Edward Galbraith, Deaken of the Skinners; Edward Hairt, Deaken of the Gold-smiths; Adam Newtoun, Deaken of the Baxters; Thomas Dickson, Deaken of the Furriers; Andrew Williamson, Deaken of the Wrights; William Bickertoun, Deaken of the Maiffons; James Ker, Deaken of the Fleshers;

ers; William Weir, Deaken of the Cordiners; Thomas Wright, Deaken of the Websters; William Cowtts, Deaken of the Wakers; and William Somer, Deaken of the Bonnet-makers, for themselves, and in name and behalf, and as Commissioners for the hail Craftsmen indwellers of the said Brugh, on the uther part: And the Right Potent and Illuster Prince James, be the Grace of God, King of Scots, our Sovereign Lord, odsman and oversman, chosen be advice and consent of baith the saids parties, anent the removing of all questions, differences, and controversies, quhilks are, or has been betwixt the saids Merchants and Craftsmen, concerning whatsoever cause or occasion, whereupon debate or question did arise in any time betwixt them: And thereupon, baith the said parties being bund, oblist, and sworn, to stand, abide, and underly,
and

and fulfil the Decreet-arbitral, and deliverance of us the saids Judges, and Overfman, but appellation, reclamation, or contradiction, as at mair length is contained in an submission made there-upon, baith the saids parties clames and griefs given in be them, with the answers made thereto, and their rights, reasons, and allegations being heard, seen, and considered be us, and we therewith being ryply advisit, after many and fundry conventions and meetings, with lang travels tane hereanent, hes all in ane voice accordit, and agreed upon the heads and articles following :

FIRST, To take away all differences quhilk has been heretofore concerning the persons who had the government of the Town, their number, power, or authority, and manner of their election ;

it is finally concordit, decernit, and concludit thereupon as follows :

MAGISTRATS. THE Magistrats and Officers, sikk as Provest, Baillies, Dean of Gild, and Thesaurer, to be in all tymes coming of the estait and calling of Merchants, conform to the acts of Parliament; and gif ony Craftzman excerceand merchandize, fall for his guid qualities be promovit theirto, in that caise he fall leive his craft, and not occupy the same be himself nor his servants during the time of his office, and fall not return theirto at any tyme theirafter quhill he obtain special license of the Provest, Baillies, and Counsel to that effect.

COUNSEL. THE Counsel to consist of ten Merchants, to wit, the auld Provest, four auld Baillies, Dean of Gild, and

and Thesaurer of the next year preceeding, and three uther Merchants to be chosen to them, and als to consist of eight Craftsmen thereof, sex Deakens, and twa other Craftsmen, makand in the hail the said Counsel eighteen persons, and this by the Officemen of that year, to wit, the Provest, Baillies, Dean of Gild, and Thesaurer.

AND as to the manner of the Election, It is first generally ELECTION. accordit and concludit, that na manner of person be chosen Provest, Baillies, Dean of Gild, or Thesaurer, suppose they be Burgeses of the Burgh, and able therefore, without they have been an year or twa upon the Counsel off before. And anent the Counsel, the auld maner of giving in of tickets be the Deakens, out of the quhilk the twa Craftsmen were yearly chosen, to be abrogat, dis-

B 2

chargit,

chargit, ceafe, and expyre in all tymes coming, fwa that the faids twa Craftsmen fhall be chosen yearly, without ony ingiving of tickets, indifferently of the beft and worthieft of the Crafts, be the faids Proveft, Baillies, and Counfel allanerly; and nane to be of the Counfel above twa year together, except they be Officemen, or be vertue of their offices be on the Counfel. Sicklike, anent the lytts of the Baillies, they fhall not be dividet nor caften in four ranks, three to every rank, as they were wont to be, bot to be chosen indifferently; ane out of the twelff lytts, ane uther out of eleven lytts, the third out of ten, and the fourt out of nyne lytts. Anent the Deakens, that nane be eleâtit Deaken, except he that has been an maifter of his Craft twa year at the leaft; and that nane of them be continued in their office of Deakenſhip above twa year together.

gidder. Laft, in general, that nane have vote in lytting, voiting, or electing of the Proveft, Baillies, Counfel, and Deakens, Dean of Gild, or Thefaurer, but the persons hereafter following allenarly, in manner after fpecifit.

AND to proceed in the faid Election, It is found guid to begin at the choofing of the Deakens of Crafts, quhilks are fourteen in number, to wit, Chirurgyanis, Goldfmyths, Skinners, Furriers, Hammer-men, Wrights, Mafons, Tailyeours, Baxters, Flefhers, Cordiners, Webfters, Waulkers, Bonnet-makers: Swa the Deakens now prefent fhall ftand and continue quhil the third Counfel Day before the auld time of election of the new Counfel, quhilk was on the Wednefday next preceeding the Feaft of Michaelmas; upon the quhilk third Counfel

ELECTION IN
SPECIAL OF
DEACONS.

Counſel Day, the Proveſt, Baillies, and Counſel now ſtandand, extending to nineteen perſons, and fra thence furth yearly, and ilk year, the Proveſt, Baillies and Counſel, conſtitute of the ſaid twenty-five perſons, ſhall call in before them the ſaids Deakens of Crafts, every ane ſeverally, and require their opinion and judgment of the beſt and worthieſt of their Crafts. Thereafter, the ſaids Proveſt, Baillies, and Counſel, ſhall nominat and lytt three perſons of the maiſt diſcreet, godly, and qualified perſons of every ane of the ſaids Fourteen Crafts, maiſt expert hand-labourers of their awen Craft, Burgeſſes and Free-men of the Brugh, whereof the auld Deaken ſhall be ane, and cauſe deliver their names to the Deakens, every ane according to their Craft; quhilk Deakens, on the morn thereafter, ſhall aſſemble and conveyin their Crafts, and every Craft

Craft be themselves, furth of thir names shall elect ane person, wha shall be their Deaken for that year; and upon the next Counsel Day after the said Election, the auld Deakens, with some of the masters of their Crafts, shall present the new Deaken to the Counsel, quha shall authorize them in their offices.

NEXT, To proceed to the Election of the New Coun-
NEW COUNSEL
OF DEAKENS.
 sel. The said day of presenting of new Deakens, the Provest, Baillies, and Counsel, now standand of nineteen persons, and fra then furth, the same day yearly, Provest, Baillies, and Counsel of twenty-five persons shall choose furth of the saids Fourteen Deakens, sex persons to be adjoyned with the New Counsel for the year to come, and to have special vote in lytting and choosing of the Provest, Baillies, and Counsel; and the same day,
 the

the auld sex Deakens, quhilk was upon the Counsel the year preceeding, to be removed, and have na farther vote for that year, except some of them be of the number of the new elected Deakens.

NEW COUNSEL¹.
OF MERCHANTS
AND CRAFTS.

THEREAFTER, upon the
Wednesday next, preceed-
ing Michaelmas ilk year,

the Provest, Baillies, Dean of Gild, Thesaurer, and ten Merchants of the Counsel, and the said sex Deakens, and twa Craftsmen, and in the hail twenty-five persons, and twenty-six votes, be reason of the Provest's twa votes, ordinarily stand- and at all tymes, fall convene and choose the New Counsel, to the number of eighteen persons, to wit, the auld Provest, Baillies, Dean of Gild, and Thesaurer of that year, and the said sex Deakens to make thretteen persons thereof, and to them to be chosen three Merchants, and

and twa Craftsmen, and thir persons to be callit the New Counfel : And gif ony person of the Merchants chosen upon the New Counfel, happens to be put on the lytt of an uther office, and prmovit thereto, ane other fall be chosen in his room be the faids Proveſt, Baillies, and Counfel.

THRIDLY, To proceed to
 the chooſing of the Lytt
 to the Magiſtrats and Office-men, ſic as
 Proveſt, Baillies, Dean of Gild, and The-
 ſaurer: Upon the Friday next thereafter,
 there ſhall convene the ſaid New Counfel
 of eighteen persons, and the auld Coun-
 ſel, conſtitute of twelff persons, viz. ten
 Merchants and twa Craftsmen, the ſaid
 new and auld Counfel, makand twenty
 Merchants and ten Craftsmen, and in
 the hail thretty persons, by the Proveſt's
 odd vote; quhilks persons ſolemnatly
 C protesting

protesting before God, that they shall choose the persons whom they find maist meet, without favour, hatred, or ony kind of collusion; then shall begin and choose the lytts to the said Magistrats and Office-men; to every ane of them three lytts; that is to say, to the Provost, twa lytts with himself; to the four Baillies, every ane of them three lytts, the auld Baillies not beand ane, except they be new chosen thereto; to the Dean of Gild, twa lytts with himself; and to the Thesaurer, twa lytts with himself; quhilks hail lytts shall be of the order and calling of Merchants, as said is.

ELECTION OF MA-
GISTRATS.

FOURTHLY, To proceed to the electing and choosing of the said Magistrats and Office-men, upon the Tuesday nixt after Michaelmas yearly, there shall con-

veen the faids thretty persons of new and auld Counfel, and with them the rest of the Deakens of Crafts, quhilks are not of the Counfel, extending to eight persons; the hail persons fwa conveenand, extending to thretty-eight persons by the said odde vote, thereof twenty Merchants, and eighteen Trades; quhilks persons fall begin at the lytts of the Proveft, and every ane in their awen rank give their votes to sic as they find maist meet for the well of the Town, according to their confcience and knowledge, but feid or favour; and on whom the greatest number of votes fall fall, that he be fworn, receivit, and admittit Proveft for that year; and fwa to proceed thorow the lytts of the Baillies, Dean of Gild, and Thesaurer, quhill the said Election be compleatly endit. The faids Proveft, Baillies, Dean of Gild, Thesaurer, and Counfel, electit

as said is, makand in the hail twenty-five persons; they only, and na uthers, fall have the full government and administration of the hail Common-weill of this Burgh, and in all things, as the Provest, Baillies, and Counsel thereof, or of any uther burgh had of before, or may have hereafter, be the laws or consuetude of this realm, infestments and priviledges grantit to this Town be our Sovereign Lords maist Noble Progenitors; exceptand always thir causes following, in the quhilks the hail fourteen Deakens of Crafts fall be callit and adjoyned with them to give their special vote and consultation thereinto, to wit, In election of the Provest, Baillies, Dean of Gild, and Thesaurer, as said is; In setting of Feus, or any manner of Tacks, attour the yearly rowping upon Martinmas-even; In giving of benefices and uther offices within Burgh; In
granting

granting of extents, contributions, em-
primitis, and sicklike; bigging of com-
mon warks; and in disposing of com-
mon good above the sum of twenty
pound togidder.

PROVIDING NEVERTHE-
LESS, that the Deakens, not
of the Counfel, nor ony
of them, beand personally warned to
that effect, and absenting themselves,
swa oft the last Deacon, or any uther
that was in lytt with him that yeir,
fall supplie their room; and they
beand personally warned, and ab-
sent, the rest compearand fall have
power to proceed: gif ony of the Pro-
vest, Baillies, and Counfel be absent,
the rest wha are present fall choose an
uther in their room. And to avoid all
suspicioun that has risen in times past,
through the particular assemblies, con-
ventiouns, and convocations, contrair

WARNING OF
THE DEAKENS,
AND COUNSEL.

the

the acts of Parliament, and to the trouble of the quyet state of this Brugh,

CÓNVENTIÓUNIS. It is agreit and concludit, that nather the Merchants amang themselves, nather the Crafts and their Deakens, or visitors, fall have or make ony particular or general Conventions, as Deakens with Deakens, Deakens with their Crafts, or Crafts amang themselves, far less to make privat laws, or statutes, poind and distrenzie at their awen hands for transgressions, by the advice and consent of the Provest, Bailies, and Counsel.

DEAN OF GILD MAY CONVEEN HIS COUNSEL. EXCEPT AND always, that the Dean of Gild may assemble his Bréther and Counsel, in their Gild Courts, conform to the ancient laws of the Gildrie, and priviledges theirow; and that any

any ane Craft may convein together among themselves, for the choosin of their Deaken, at the tyme appointit theirto, and in manner before exprest; making of Masters, and tryin of their handiwork allanerly: And gif ony Brether, or Deakens of Crafts fall find out, or devyse any good heids that may tend to the weill of their Craft, they fall propone the same to the Magistrats, wha fall set forward an act or statute thairupen, and interpone their authority thereto, as it bees found reasonable.

ITEM, As tuitching the
COMMISSIONERS.
 Commissioners in Parliament, General Counsell, and Commissioners in Conventioun of Burrows, it is thought guid be the Commonaris, that in all tymes coming the ane of the saids Commissioners for the Brugh of Edinburgh fall be chosen be the said
 Provost

Provest and Baillies, furth of the number and calling of Craftsmen, and that person to be an Burges and Gild-Brother of the Brugh, of the best, expert, wise, and honest reputatioun.

AUDITORS. ITEM, It is agreed, that the Auditors of all the Town's comptis fall hereafter be chosen of equal number of Merchants and Craftsmen, be the Provest, Baillies, and Counsel.

GILDRIE. ITEM, Toward the lang controversies for the Gildrie, it is finally, with common consent, apoyntit, agreit and concludit, that als weill Craftsmen as Merchants, fall be received and admitted Gild-brether, and the ane not to be refusit nor secludit therefra mair nor the uther, they being Burgesies of the Brugh, als meit and qualified thairfore; and that Gild-brether

ther to have liberty to use merchandice. Their admission and tryal of their qualification to be in the power and hands of the Provest, Baillies, Thesaurer, and Counsel, with the Dean of Gild, and his Counsel, quhilk fall consist in equal number of Merchants and Craftsmen, Gild-brether, not exceiding the number of sex persons, by the Dean of Gild himself; and that no person, of whatever faculty soever he be, fall bruik the benefit of an Gild-brother, without he bereceivit and admittit thereto, as said is.

ITEM, That na manner of person be sufferit to use merchandice, or occupy the handiwork of ane free Craft within this Brugh, or yet to exerce the liberty and priviledge of the said Brugh, without he be Burges and Freeman of the same.

BURGESSES,
CRAFTS.

D

ITEM,

EXTENTS.

ITEM, Because the Merchants and Craftsmen of this Burgh are now to be incorporat in an Society, and to make an hail Town, and Common-weill, it is thought expedient, and concludit, to abrogat the former custome of dividing and setting of extents, wherein the Merchants payit four parts, and the Crafts the fifth part : And theirfore it is agried, that as they watch and waird together, swa in all extents, emprimits, contributiouns, and the like subsidies to be imposit upon the Burgh, Merchants and Craftsmen to bear the burden and charge theirow indifferently over-head, according to their ability and substance, throw the hail quarters of the Town, without divisioun of the rolls in Merchants and Craftsmen in any time coming. The extentours shall be of equal number of Merchants and Craftsmen, eight persons of the one calling, and eight persons of the other,

ther, to be electit, fworn, and receivit
 be the Proveft, Baillies, and Counfel,
 out of the maift discreit and skilful of all
 the Town, void of all partial affectioun
 and hatred: And that na manner of
 perfon uſand the trade of Merchant or
 Craftſmen, and occupyand the friedom
 of the Brugh, and able to pay any ex-
 tent, not beirand the office of Proveft
 or Baillies in the mean time, ſall be any
 wayis exemit fra the real and actual
 payment thereof.

ITEM, As the hail body COLLECTIONN.
 of the Town, conſiſtand of
 Merchants and Craftſmen, does bear an
 common burden of watching, waird-
 ing, extenting, and of the like portable
 charges, having an common-good pro-
 per to nane, ſwa neidful it is for mak-
 ing an equal unity, and charitable con-
 cord, that there be in the hail Town but

an collection, and an purse, not peculiar to any, but common to all, of the hail dewties and casualities, callit the entres-silver of prenteiffes, upsets, owkly-pennies, un-laws, and sicklike, to be collectit in all times coming, and received baith of Merchants and Craftsmen, and put in an common purse; and to that effect the Merchants to take and have prentices, as well as Craftsmen, and to be astrictit and obleist theirto, and na prentice always to be received of ather of them for shorter time nor the space of fyve yeirs compleit. And for the better knowledge to be had heirof, and for observing an good order in collectioun of the same, that there be an common book made, and keipit be the common Clerk of this Brugh present, and to come, wherein the names of all prentices to Merchants and Craftsmen, the name of their master,

ster, day of their entries, and space of their prenticeship, fall be insert and buikit; for the quhilk the Clerk fall have at their buiking of ilk person sex pennies, and for the outdraught twelf pennies, quhilk buik fall be to the prentice an sufficient probatioun of his entries, and an charge to the Collectors of the said dewties. If any man be an prentice heirafter, and not put in the said buik, his prenteeship fall be to him of na effect. Als wa, be reason every industry is not of like valour and substance, it is declairit, that ilk rank or degree of prenteeses fall pay, to wit, the Merchant prentice, and sic kind of people as were wont to extent with them, and are not under the said fourteen Crafts, to pay at his entres the day of his buiking to the said collectioun threttie shilling, and at his up-set, or end of his prenteeship, fyve pound. The prentees

teis to an Skynner, Chirurgian, Goldsmith, Flesher, Cordiner, Tailyeour, Baxter, and Hammer-men, at their entry and buiking, to the said collection twenty shilling, and for their up-set fyve pund. The prentice to an Mafoun and Wright at his entrie thretteen shilling four pennies, and his up-set three pund sex shilling eight pennies. The prentice to an Webster, Waker, Bonnet-maker, Furriour, at his entry ten shilling, and for his up-set fiftie shilling: And thir dewties to be tane by their owkly-pennies, and dewties of their Burgeships: And to cause all persons to be mair willing to enter themselves in prenteship with the Burgessees and Frie-men of the Burgh, this privilege is grantit to the saids prentises, that they sal pay na mair for their Burgeship to the Dean of Gild, but fyve punds by the dewties foirsaid: And

in

in augmentatioun of the said collectioun, when any persons fall happen to be made Burgesſes of this Burgh, wha was na prenteis to an Merchant, or Craftsman, Frie Bwrges of the said Brugh, or has not compleit his prenteiship, fall pay to the said collectioun, at his admiſſioun, the double of the hail prenteis or entries-silver, up-set and buiking, by the dewty pay it to the Dean of Gild for his Burgeship, or Gildrie, quhilk is twenty punds for his Burgeship, and fourty pund for his Gildrie; the priviledge alwayes of the bairns of Burgesſes and Gild-brether not being prejudged heirby, quha fall pay the auld accustomed dewty to the Dean of Gild allenary. Thir dewties and collectiouns, or casualities of entres-silver, up-sets, owkly-pennies, un-laws, and sick-like, to be received in all times coming, of all Merchants and Craftsmen
indifferently,

indifferently, put in the said common-purse, and imployit be the advyce and command of the Provest, Baillies, and Counsel, for support and relief of the failyiet and decayet Burgessees, Merchants, and Craftsmen, their wyfes, bairns, and auld servants, and uther poor indwellers of the Town. The Provest, Baillies, Counsel, and hail Deakens, every yeir after electioun of the Magistrates, fall choose the collectors of the said dewties and casualities, of equal number of Merchants and Craftsmen, and to devyse and set down sic good ordowr as they fall find meet and expedient for the perfyte and reddie in-bringing thereof. And last, the said Collectors fall make yeirly compts of their intromissioun theirwith, at the tyme of making of the Town's compts; and fall find sufficient caution at their admissioun, for compt, reckoning, and payment.

payment. *Item*, it is ordained, that baith the saids parties, Merchants and Craftsmen, now present, and their successors, shall inviolably observe, keip, and fulfill this present appointment and Decreet-arbitral, and every heid, clause, and article conteinit therein. Likeas, his Majesty and the saids Judges, wills and ordains them, with willing hearts to put in oblivion all bypast enormities, imbrace and entertain love and amity, and as they are of ane City, swa to be of ane mind; then shall they be acceptit of God, stop the mouths of them quhilk tuik occasion be their division to slander the truth; then shall they be mair able to do our Sovereign Lord acceptable service, and have an standing and flourishing Common-weal: And finally, his Majesty and the saids Judges will esteem their lang travels fruitfully bestowit.

CERTIFICATION
OF THE SECT.

ATTOR, his Majesty
and the saids Judges, or-
dains the practice and execution of this
present appointment and Decreet to be
and begin after the day and date here-
of, and to continue, and be observit and
keepit as ane perpetual law in tyme
coming; and whasoever contraveins the
samen, fall be repute and halden ane
troubler of the quiet estate of the Com-
mon-weal, incurre the note of infamy,
and forfault and tyne their freedome
for ever; and otherwise to be persewit
and punishit as seditious persons, con-
form to the laws of the realm, with all
rigor and extremity: And ordains thir
presents to be ratifiet and approvet in
his Highness next Parliament; and, in
the mean tyme, the same to be actit and
regisrat in the Buiks of Counsel and
Session, and to have the strength of acts
and decreets of the Lords thereof, and
that

that their authority be interponit thereto, and letters and executorials to pass thereupon, in form as effects. And for acting and registering of the samen, makes and constitutes, Mrs John Sharp, John Prestoun, Thomas Craig, and John Skeen, our procurators, conjunctly and severally *in uberiore forma, promitten. de rato.* In witness whereof, the saids Judges and Overfman, togidder with the saids Commissioners, in token of their consents and acceptation of the premisses, has subscrivit thir presents with their hands, as follows, day, year and place foresaid.

JAMES R.

Robert Fairlie of Braid.

Archibald Naper of Edinbellic,
Knight.

James Johnstoun of Elphingstoun.

John Cockburn.

E 2.

David.

David Lindsey.
 Robert Pont.
 Alexander Clerk, Provost.
 Mr Michael Chisholme, Baillic.
 Andrew Scatter, Baillic.
 John Adamson, Baillic.
 Mr John Prestoun, Dean of Gild.
 Mungo Russel, Thesaurer.
 Robert Ker, younger.
 Henry Charters.
 John Morison.
 John Harwood.
 John Robertson.
 William Nisbet.
 Alexander Naper.
 James Fergusson.
 William Mauld.
 John Johnston.
 Edward Galbraith.
 Gilbert Primrose.
 John Wat.
 James Ker. (with my hand.)

William

William Pringle.

Edward Hairt.

John Bairnsfather, Tailyour.

Thomas Dickson.

Andrew Williamfone.

Thomas Wright.

William Bickerton.

William Somer.

Adam Newtoun.

William Weir.

William Cowts.

with our hands at the pen led be the
notars underwritten, at our command,
because we cannot write ourselves.

*Ita est, Mr Alexander Guthrie, notarius
publicus, ac testis in premissis, de mandatis
dictarum personarum scribere nescientium,
ut asseruerunt: Testantibus his meis signo
ac subscriptione manualibus, Acta 14. &
Maji 25. 1583.*

Ita est, Mr David Guthrie, conotarius in premissis de mandatis dictarum personarum scribere nescientium: Teste manu propria.

Extractum delibro Actorum, per me Alexandrum Hay, de Eister Kennet, Clericum Rotulorum Registri ac Concilii, S. D. N. Regis, sub meis signo et subscriptione manualibus.

ALEXANDER HAY.

THE:

T H E
DECREET-ARBITRAL

O F
L O R D I L A Y.

WHEREAS by two several submissions, dated and signed at Edinburgh, the 13th and 14th days of March 1729 years, by the Magistrates and Merchant-Council, and Deacons of Crafts, and Trades Counsellors of the said Burgh, on the one and other parts, and in the behalf, and pursuant to the powers therein mentioned, several questions and differences between the said Incorporations, and the said Magistrates and Merchant-Council, touching the
matters

matters therein set forth, were submitted to me as sole Arbiter, chosen and elected by both parties, and particularly, certain processes at their instance against others, depending before the Lords of Council and Session; and I having maturely considered the said mutual processes, with the minutes and claims, and answers, with the vouchers given in by them *hinc inde*, and heard parties procurators in my own presence *viva voce*, and having weighed the arguments on each side, and perused the precedents laid before me jointly by both parties; I give forth my final Sentence and Decreet-arbitral, in manner and to the effect following: THAT IS TO SAY, FINDS, DECERNS and DECLARES, That no person who has deserted and given over the practice and exercise of his trade and occupation within the city of Edinburgh, and liberties

ties thereof, unless he reside within the said town or liberties, and at the same time subject himself to the common burdens of the Town and Incorporation whereof he is free, or who is received as a member or servant in any of the Town's hospitals, or who is a pensioner of the Town or Trade, or has or enjoys any benefit or lucrative office from the Town or Trade, or who, at any time within six months preceding, has been received, or was member, servant, or pensioner as aforesaid, or held or enjoyed such benefice or lucrative office, hath, or ought to have any vote in the election of a Deacon, or other officer of the Incorporation, or in making up lects, in order to the election of a Deacon or other officer, or to act or vote in any meeting whatsoever of any Incorporation within the said City. And further, FINDS, DECERNS and ORDAINS, That the usage and custom of present-

ing leets of six persons made by the several Incorporations, and attested by their respective Clerks, to the Magistrates and Council, in order to their making short leets of three for election of Deacons, be inviolably for ever observed, and that the short leets be returned by them out of the said leets of six, regularly and legally made and attested : But FINDS, DECERNS, and DECLARES, That the Council, to whom the new Deacons are to be presented, and by whom they are by the Sett to be authorized in their offices, are, by the nature of the thing, and the precedents, and consistently with the Sett, Judges in the first instance, of questions that may be stirred concerning the right of persons claiming to be admitted into the office of Deacon ; subject nevertheless to complaint, and the review of the proper Court, as accords of the law : And FINDS, DECERNS, and

and DECLARES, That the Provost has right to the first vote in every matter and thing, and to a casting vote, in case of an equality, and to no other or further vote in any case whatsoever : And also FINDS, DECERNS, and DECLARES, That according to the Sett of the Town, there must be three persons in every leet for the several offices of Provost, Dean of Gild, and Treasurer, and twelve persons in the leet for Bailies : But it is not determined by the Sett, whether the said leets should contain one and twenty different persons ; and the usage appears to be in the contrary, which therefore ought to prevail. And further FINDS, DECERNS, and DECLARES, That the Deacons Extraordinary, or not of the Council, have a vote in chusing proxies for the absent members of the Ordinary Council at the annual election, in all steps where

they have a right to be present : And also FINDS, DECERNS, and DECLARES, That the right of calling the Council, Ordinary and Extraordinary, belongs to the Provost or Prefes of the meeting ; and, upon an execution returned, of the members being summoned by the said Provost or Prefes his order, thirteen of the Ordinary, and seventeen of the Extraordinary Council, may proceed and act in the same manner, as if all the members were present : But if the Provost or Prefes shall happen to neglect, or shall refuse to call a Council on Wednesday, the ordinary Council-day, a majority of the said Council may, forty-eight hours preceding the ordinary and stated time of meeting, require the aforesaid Provost or Prefes, under form of instrument, to call a Council, and, upon his refusal or neglect to comply with the demand so made,

made, the majority of the said Council may meet on the said usual and stated time, and proceed to do business: And FINDS, DECERNS, and DECLARES, That the Council, Ordinary and Extraordinary, have the sole power and right of governing the Trinity Hospital, and cannot delegate the same to any other person or persons whatsoever: And DECERNS and ORDAINS the accompts of the town to be fitted and audited within the year to which the said accompts relate, or within three months after the expiration of the said year; and that no article of depursement of the Town's money ought to be allowed, unless the same be sufficiently vouched: And FINDS and DECERNS, That the expence of all public treats ought to be previously authorized by the Council, and attested, when laid out, by two of the Council, or more, who
are

are hereby ordained to write, or cause to be written on the bills, the date and occasion of the expence, and the person's name to whom the same was paid, or is due, and to sign the said bills and report, and produce them in Council within a month at farthest, after the said expence is incurred. And further FINDS, DECERNS, and DECLARES, That the said Extraordinary Deacons of Crafts have right to give their special vote and consultation, annually in electing and chusing the members of the Dean of Guild Court of Edinburgh; but that they have no vote in the election of the officers of the Train-bands, the Constables, and Bailies of the public markets of the City, and their Assistants, Kirk and College Treasurers, Stent-masters, and Auditors of the Town's accompts; nor in electing and chusing the Baron Bailies of the Suburbs, namely, the

Bailies

Bailies of Leith, Canongate, Portsburgh, and Caltoun, the Magistrates and Ordinary Council having the only right of chusing the said officers. But FINDS, DECERNS, and DECLARES, That the said Extraordinary Deacons have a right, and ought to be adjoined with the Ordinary Council, at least ought to be legally called for that end, when they are to proceed to the election of Provost, Bailies, Dean of Guild, or Treasurer, or to set feus or any manner of tacks, attour the yearly rousing on Martinmas Even ; or to give benefices, and other offices within the Burgh ; or to grant extents, contributions, empri-mets, and concerning public buildings, or to dispose of the common good, above the sum of twenty pounds Scots together. And further, FINDS the said Extraordinary Deacons have right to vote in chusing Committees for deliberating

rating upon, and preparing all or any of the said matters, and are also capable of being members of the said Committees. And as to the article of Commissioners for and from the Burgh, which includes a case relating to the privilege of Parliament, the same is hereby to receive no determination, of consent and at the desire of both parties. And also, DECERNS and ORDAINS the minutes of Council to be read and signed in open Council, the next Council-day immediately after they shall have received a second reading. And touching the office of Convener, and the meetings of Deacons and Craftsmen among themselves, FINDS the office of Convener has the authority of too long usage, and has been too much admitted by the Magistrates and Council, to be at this time called in question, and that the meet-
ing

ing of the Deacons has been also long practised ; but that, by the Sett of the Town, neither the Merchants among themselves, nor the Crafts and their Deacons or visitors, can have, or make any particular or general conventions, as Deacons with Deacons, Deacons with their Crafts, or Crafts among themselves, without the advice and consent of the Provost and Council, excepting the cases in the said Sett particularly excepted ; and that the meeting said to be frequently held the first Tuesday after Michaelmas, in the manner, and with the circumstances the same is particularly set forth in the Declarator of the Merchants, can in noways be contained in the said exceptions. And FINDS, DECERNS, and DECLARES, That by-laws, made by the Incorporations for themselves, are of no force, unless they are ratified by the Magistrates and

G Council.

Council. But FINDS, That the said Magistrates and Council have no power to make by-laws, whereby the said Incorporations and their successors can be bound to admit all such persons as shall request the same, and shall appear to the Magistrates and Council to be well skilled and qualified to occupy and practise in their Crafts, upon payment of such valuable consideration as should be rated and determined by the said Magistrates and Council. And likewise FINDS, That they have no power to controul the management of the several stocks belonging to the said Incorporations, or to make by-laws concerning the same. And this I give forth as my final sentence and Decreet-arbitral betwixt the said parties; and DECERNS and ORDAINS them to abide by, and fulfil the same, each to other, in all time coming. In witness whereof,

of, I have subscribed these presents, written on this and the preceding page, by Henry Pujolas my servant, at London, the twelfth day of March 1729-30, before these witnesses, Richard Lancashire, and the above said Henry Pujolas, my servants.

I L A Y.

RICHARD LANCASHIRE, witness.

HEN. PUJOLAS, witness.

A C T S

OF THE

TOWN-COUNCIL

OF

EDINBURGH.

THE END

1875

THE UNIVERSITY OF CHICAGO

1875

THE UNIVERSITY OF CHICAGO

ACT determining the time how long the Lord Provost, Baillies, Dean of Gild, and Thesaurer of the said Burgh, ought to continue at one time in their respective offices.

*At Edinburgh, the first day of October,
One thousand six hundred and seventy-eight years.*

THE which day the Lord Provost, Baillies, Council, and Deacons of Crafts, Ordinar and Extraordinar, being convened in Council, taking to their serious and impartial consideration, that the laws of this and all other well-governed nationes, doe oppose most vigorousslie the perpetuating of Magistrates

strates within towns and burghs, as that which inhances the government (that ought to be alterable, according to the merits of the citizens) into the hands of on, or very few, who may easilie thereby exclude other well-deserving neighbours from the government, and might appropriat or embazle the common-good at their pleassour, and thereby wreathe an insupportable yoke upon the neck of their fellow-citizens, and upon the place of their nativity and residence : And having, by experience, found many moe disadvantages rising by such unwarrantable and affected elections, and that even amongst the best persones, whom tyme and opportunity did too frequently tempt and corrupt ; in so far as it was found necessary, by our predecessors, to be precise and special as to the tyme of the continuacione of their Magistrates; which, according

to

to the nature of all lawes, they did enact in general terms, not having an eye to any particular persones; well foreseeing, that albeit some persones in the government of the Burgh, might, for one or two yeares, behave themselves to the satisfactione of the neighbours, knowing their tyme to be determined and fixed by law; yet that the same persones, continuing longer, being left to their own freedome and libertie to perpetuate themselves in the government as long as they could by faction and interest, might, in proces of tyme, degenerate and prove corrupt; and that the inconveniencies in removing such deserving persones from the government of the Burgh, cannot by many degrees ballance the innumerable and vast ill consequences which naturally and inevitably attends the indefiniteness and untermintateness of the tyme, in relation

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tion

tion to the continuance of the Magistrates within this Burgh; especially seeing the affairs of the city can sustain little or no prejudice by the Councils being necessitate to remove from the government persones who have given proof of their integrity during their administration; in regard the remedy is in their own hands, and they may, out of a dew resentment of former good services, elect of new the saids persones within few years efter they are removed from the Magistracy. Upon all which considerations (and in respect that in this Metropolitant city of the kingdom, there is alwayes a sufficient number of able and well-qualified citizens fit for the Magistracy thereof) the Council, upon the fifth day of October 1658 yeares, lying aside their own interest, and the consideration of the power they then posselt, did pass an act, declaring,

declaring, That the Lord Provost, Dean of Gild, and Thesaurer of this Burgh, should not continowe longer in their respective offices, then on, or, at the most, two yeares together at on tyme ; and that the Baillies of this Burgh should be but on year Baillie, on year Old Baillie, and on year free of office ; and should not be put upon the leits to be Baillies till these yeares expired. Under which act the neighbours lived happily, until Michaelmas 1664 yeares, at which tyme the said act was rescinded. And thereafter, the Good Town having found too much the inconveniencies that followed that rescission, the same did necessitate some of the citizens to raise a declarator of the Town's privileges before the Lords of Session ; the result of which process was, that the saids Lords, by their just and wise sentence in February 1673 years, decern-

ed, for preventing all future incroachments upon the Town's priviledges in that poynt, that the said act should be revived and further secured, by adjecting a considerable penalty, and an oath, which eveirie Magistrate and member of the Council is to take the day of the election of the Magistrates, for the more inviolable keeping and observing of the said act : And in the same sentence and decreet of the Lords of Session, the said act is at lenth and *verbatim* insert as their decerniture, and made a part of the fundamental government of the Good Town : And accordingly, ever since, upon the election day, the said oath is administrat and taken by the whole Council. And the present Council being highly sensible of the many good effects which have followed the observance of the saids acts for several years past ; and being desyrous to shew
how

how willing they are that well-deserving citizens should have a share in the government of the City by turns, in which they hope that every one of them will, by a generous emulation, exceed one another in their care of, and kindness to, the Good Town; and to extinguish all hopes of perpetuating the power in their own hands, or in the hands of such as shall be advanced thereto in time coming; and to prevent all seditious and factions amongst the inhabitants upon such designs, whereof the Council are very confident (seeing now persons are removed from the Magistracy, not out of humour and pique, as was formerly supposed, but by the appointment and determination of the law:) They have therefore ordained the saids acts to be printed, that none of the neighbours may pretend ignorance, but may regulate themselves accordingly:

cordingly : Of which acts the tenor follows :

*At Edinburgh, the Fifth day of October,
One thousand six hundred fifty eight
years.*

THE which day the Lord Provest, Baillies, and Council new and old, and whole Deacons of Craftes, Ordinari and Extraordinari, being convened in Counsell, and (having called upon the LORD for a blessing upon their affairis and indeavours) taking it to their serious consideration, the great prejudice which this City, and good government theircof, hes susteined by the long continwance of Provests, Dean of Gild, and Thesaurers, in their places, and the too great precipitancy which hes been practised in bringing in of
Baillies

Baillies to place and office, befoir their ordinarie course and feafone: For remeid whereof, and to the effect that love, concord, and unity may be kept, not only amongst the wholl Counsell, but also amongst the neighbors and inhabitantis of this City: It is unanimously agriet upoun, statute and ordained, that, in all tyme coming, the Provest, Dean of Gild, and Thesaurer of this Brugh, fall not be elected or continowed in their respective offices, longer then one, or at most twa yeires togidder at one time; and that the Baillies of this Brugh, in all tyme heirefter, fall only be one yeir Baillie, one yeir Old Baillie, and one yeir free of office; and fall not be put in the lyttis to be Baillie, untill those yeirs be past. And further, it is statute and ordained, That whoever hes bein, or fall be Dean of Gild, is, and fall be alwayis heirefter capable

capable to be lyttit and chosen Baillic,
 as the Counsell fall think fit: And that
 no Thesaurer fall be capable to be lytted
 for, or elected a Baillic, till such tyme
 as the accomptis of his intromissiou,
 the tyme of his being Thesaurer, be fit-
 ted and approvin be the Counsel. And
 for the better observance of the premis-
 ses, ordaines this present act ilk yeir to
 be solemnly read in presence of the
 Counsel, the day of making the lytts of
 the Magistratis, befoir the Counsell
 proceid to the making of the lytts. As
 also, upon the day of electioun of the
 Magistratis, befoir the Counsell doe anie
 thing in relatioun to the said electioun,
 that none may pretend ignorance.

At

*At Edinburgh, the fourth day of March,
One thousand six hundred seventy-three
years.*

THE which day, the Provest, Bail-
lies, Council, and Deacons of
Crafts, Ordinar and Extraordinary, be-
ing convened in Council, taking to their
serious consideration ane act made by
the Provest, Baillies, and Council for
the tyme, bearing date the fyfth day of
October, One thousand six hundred fif-
ty-eight years, whereby, upon the great
and weighty considerations therein
mentioned, it was statute and ordained,
that in all tyme coming, the Provest,
Dean of Gild, and Thesaurer of this
Burgh, should not be elected nor con-
tinewed in their respective offices, long-
er then one, or at mest tuo years togi-
ther at one time; and that the Baillies
of this Burgh in all time thereafter,
I should

should only be one yeare Baillie, one yeare Old Baillie, and one yeare free of office; and should not be putt in the Leitts to be Baillies, until these years be past, as at more lenth is contained in the said act: And finding, that the said act is in itself most just and necessary for the good of this Burgh, and conform to the laues and acts of Parliament, made anent the election of officers as Magistratts within this Burgh: Therefore the Councill does RATIFIE, APPROVE, and REVIVE the said Act, in the whole heads, articles, and clauses of the samen; and ordaines the samen to have full effect, and to be putt to execution in all tyme coming; and declares this present general ratification to be as valide and effectuell, as if the said act were herein particularly insert: Whereanent the Council have dispensed, and hereby dispenses for ever. Likeas,

the

the Council does rescind and annul all former acts which are any wayes prejudiciall to, or inconsistent with the said act : And particularlie, doe rescind and annul an act bearing date the fourth day of October, One thousand six hundred sixty-four years, rescinding the foresaid act, bearing date the fyft day of October, One thousand six hundred fyfty-eight years ; and declairs the said last act to be void and null, and to be prejudicial and derogatorie to the lawes and acts of Parliament, and to the Sett and Decreet-arbitrall, and the fundamental liberties and privileges of this Burgh. Likeas, the Council being desirous that the foresaid act, of the date the fyft day of October, One thousand six hundred fyfty-eight years, should be inviolablie observed in all tyme coming ; and that all practices, invasions, and violations thereof, may be the bet-

ter prevented, the Council doe STATUTE and ORDAINE, That the Provest, Baillies, Councill, and Deacons of Crafts, Ordinar and Extraordinar, for the tyme, shall take an oath for the inviolably observing of the said act in all tyme coming, and that, directly nor indirectly, they shall doe nothing prejudiciall thereto ; and which oath is to be yeirlie administrated, and taken by the Provest, Baillies, Dean of Gild, Thesaurer, and whole Council, having vote in the election of the Magistratts : And that immediately before their going about the said election, the said act is to be publicly red in Councill, and the oath administrated. And farther, the Council doe statute and ordaine, That all elections hereaftir to be made, that are not conforme to the said act, shall be, *ipso facto*, void and null ; and the persons swa to be elected, declaired to be

uncapable

uncapable of bearing any office of Magistracie within the said Burgh, longer then is prescribed by the said act; and the electors of any persons as Magistratts, contrair to the said act, to be holden and repute as unfamous persones, and invaders of the just liberties and privileges of the said Burgh, and lyable in the soume of ane thousand merks Scotts money, each one of them to be applyed be the sight and advice of the Lords of Privie Councill, and Lords of Session, for the common good of this Brugh; and the penalty of five thousand merks, money foresaid, to be inflicted upon such persones as shall happen to be elected contrare to the said act, in case they doe attempt to exerce any office within the said Burgh, otherwayes then is prescryved be the said act, and are declaired by thir presents, and that with all rigour. And it is hereby expresse provided

provided and declaired by thir presents, that execution shall pass hereupon for the implement and fulfilling of every poynt, claus, and penaltie of this act, at the instance of any merchand, that hes been, or hereaftir shall be members of the Council of this Burgh; or at the instance of any tradesman that hes been, or shall hereaftir be members of the Council of this Burgh; or shall hereaftir be Deacons of Crafts, or Crafts-counsellors in any tyme coming, and that against the contraveeners and breakers of this present act. : Likeas it is hereby declared, That it fall be lawfull and compitent to any persone to protest against any such illegal elections, and which protestations the clerk is to insert in record, and that the same fall be repute to be true and faithful service for the good and interest of this Burgh. And lastly, The said Lord Pro-
vest,

vest, Baillies, and Council, for the better security of this present act, in all poynts, does, by their solemn oath; *in verbis de præsenti*, protest before God Almighty, that they shall observe this present act, in all the heads, clausses and articles thereof, inviolably in all tyme coming. And, for the more security, the saids Lord Provest, Baillies, and Council, consents to the registration hereof in the Books of Sederunt of the Lords of Session, or the ordinar Books of the saids Lords of Council and Session, to have the strength of ane decreet of their Lordships interponed thereto, that letters and executiorials necessar may pas hereon, and the horning on a simple charge of sex dayes assenarly: And, for that effect, constitutes Mr John Lawder advocate, their procurator. In witness whereof (written be William Mackie writer in Edinburgh) they have

subscribed

subscribed thir presents with their
hands, day, place, and yeare of God
foresaid, beffoir thir witnesses,

Mr Robert Lawder, portioner of
Belhaven, writer in Edinburgh.
And Alexander Gay writer there,
inserter of the date and witnesses.

Sic subscribitur,

A. Ramsay, Provost.

Thomas Calderwood, Baillie.

John Hall, Baillie.

Alexander Pitcairn, Baillie.

Robert Learmond, Baillie.

Walter Borthwick, Dean of Gild.

Thomas Robertson, Thefaurer.

James Currie.

John Johnston.

Andrew Cheyn.

William Binning.

David Boyd.

Francis Kinloch.

Mungo

Mungo Wood.

William Carmichael.

James Riddel.

David Swintoun.

John Jossie.

Lawrence Adinstoun.

Alexander Bullerwall.

Robert Elliot.

George Gardner.

Hary Barclay.

Thomas Camble.

Edward Cleghorn.

James Paterfon.

Robert Newlands.

David Muir.

John Carfs.

George Johnstoun.

William Stevenson.

W + H. William Hopkins, his
mark.

Ro. Lawder.

Alex. Gay, witness.

The principal act, subscribed upon the back by the Lord President of the Session, is registrate in the Books of Council and Session, and kept amongst the Warrants of the said Decreet.

The Council of Edinburgh has, at all their respective Elections, ever since the said Decreet of the Lords of Session, sworn to the inviolable observation of the said Act, and their names are recorded in the Council Books of the said Burgh.

*At Edinburgh, the Twelfth Day of August,
One thousand seven hundred and twenty-
six years.*

THE which day, the Lord Provost, Magistrates, and Council, with the Deacons of Craft, Ordinary and Extraordinary, considering, That for the ornament and improvement of this City, and for increasing of the annual revenue thereto belonging, tacks of several parts of its property have been granted, namely, of the waste ground lying within the same and its liberties, and that for long terms of years, and at small and inconsiderable tack-duties, for enabling tacksmen to have made such ornament, and to have carried on such improvements, by building of tenements, houses, shops, and cellars, thereon. Considering likewise, That such tacksmen and

their assignies have not only been reimbursed of the whole expence by them bestowed on building of such tenements, houses, shops, and cellars, by the profits that have thence to them arisen; but also, that they have thereby profited considerably; yet, that thro' inadvertency, prolongations of such tacks have been granted from time to time, at the foresaid low tack-duties, contrary to the intention for which such tacks were originally granted; and whereby the Good Town has been extremely prejudged. Considering also, That the state of the revenues belonging to this City, and of the regular expence thereon chargeable, is such, as not only doth necessarily require the foresaid tenements, houses, shops, and cellars, on the expiration of the said tacks and prolongations, and all other tenements, houses, shops, and cellars, belonging in property

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ty to this City, should not be leased out, or tacks or feu-rights thereof granted, for any rent or duty below two third parts of the real rent thereof, free of all demands, on account of reparation thereto necessary, and of public burdens thereon chargeable; but also, that no part of the other property belonging to this City should be set in tack, or feued out, for any rent or duty below the real rent thereof. Considering further, That this City is restrained by law from contracting any debt, whereby, unless its annual revenue be sufficient to defray its annual regular expence, and be even sufficient to defray what expence may be occasioned by a calamity or accident, it will be a discouragement to any to succeed to the administration; and that the revenue cannot be made sufficient to these purposes, otherwise than by a strict adherence

to

to the rules hereby laid down: Therefore, the said Lord Provost, Magistrates, and Council, with the Deacons of Craft, Ordinary and Extraordinary, do hereby statute and ordain, That neither they, nor their successors in office, shall hereafter, on any pretext whatever, during the currency of any tack or tacks, of all or any of the aforesaid houses, tenements, shops, or cellars, grant any prolongations thereof, till within twelve months of their expiration; and that they shall not grant any new tacks or feu-rights thereof, or of any other houses, tenements, shops, and cellars, belonging in property to this City, for any rent which shall be below two third parts of the real rent thereof, nett and free from any demand or deduction, on account of reparations thereto necessary, or of public burdens thereon chargeable; and that neither they,

nor

nor their said successors in office, shall hereafter, on any pretext whatever, feu out, or set in tack, any part of the property belonging to this City, other than that of the houses, tenements, shops, and cellars, before mentioned, for a feu-duty or rent which shall be below the full real rent thereof. And for avoiding any doubt or dispute that may arise touching the amount of the aforesaid real rent, either with regard to a tack or feu-right; It is hereby statuted and ordained, That for hereafter no tack or feu-right of any part of the premisses shall be made or granted, till the amount of the real rent thereof be instructed *scriptò*, or by the oaths of unexceptionable witnesses; otherwise that the same be set or feued to the highest bidder, at a public roup, duly advertised for at least the space of twenty days previous thereto: Provided nevertheless, That it shall

shall be still leifome and lawful to the said Lord Provost, Magistrates, and Council, and their successors, to grant tacks or feu-rights of all or of any of the mills belonging to this City, on such terms and conditions as shall to them appear to tend most to the advantage and benefit of this City, any thing herein contained to the contrary notwithstanding. And to the effect that thir presents may be inviolably observed, the said Lord Provost, Magistrates, and Council, with the said Deacons of Craft, Ordinary and Extraordinary, do hereby statute and ordain, That an oath, according to the *formula* hereto subjoined, shall be taken and swore to by them and their said successors, in manner after-mentioned, *viz.* by themselves on the Council-day next hereafter, and by their successors annually, on the Council-day when the Lord Provost and Magistrates
are

are elected, immediately after their election. Further statutes and ordains, That if the Lord Provost, or any of the Magistrates and Council, or if any of the said Deacons of Craft, Ordinary and Extraordinary, and their said successors, shall, after the saids times appointed for taking of the said oath, and the same being tendered to them, presume to proceed and act by virtue of their offices, until they take and swear the oath as before-mentioned, shall thereby, without any declarator to that purpose, not only forfeit their said offices, but shall also forfeit their titles to the freedom of this City. Likewise statutes and ordains, That all feu-rights and leases of any part of the aforesaid property, which shall be made and granted contrary to the tenor and intent hereof, shall be deemed to be void and null; and the clerks, and their successors in office, are

not only hereby discharged from extending any feu-right or lease contrary to the tenor and intent hereof; but also they are hereby ordained, to read thir presents in Council, and to tender the aforefaid oath to the whole members, as before-directed, and to mark the names of fuch members as fhall refuse to take and fwear the fame, on pain of forfeiting their offices. Also statutes and ordains, That henceforth, in the month of Oötober annually, a lift fhall be made out by the Good Town's accomptant, of all fhops, houfes, cellars, and others aforefaid, belonging to this City, the tacks whereof are to expire within the term of one year next thereafter; and that for the perufal of all concerned, the aforefaid lift, fo foön as made annually, fhall be affixed to pafteboard, and hung up in the Council Chamber; and that the Commiffioners from this City

City to the Convention of the Rôyal Burrows lay thir presents before the said Convention, and desire that the same may be by them approven, and that their authority may be thereto interponed. Extracted by

ADAM WATT.

FORMULA OF THE FORESAID OATH.

I A.B. in the presence of the Almighty God, do sincerely promise and swear, That directly or indirectly, I shall not consent to the granting of any feu-right, or to the granting or prolonging of any lease of any part of the property belonging to this City, contrary to the tenor and intent of this Act: but that I shall oppose the same to the utmost of my power. So help me God.

ACT settling and determining the Place at which the Merchants and Craftsmen are to assemble themselves, on the appearance of any Mob or Disorder.

At Edinburgh, 3d August, 1737.

THE Lord Provost, Magistrates, and Council, with the Deacons of Crafts, Ordinary and Extraordinary, in Council assembled, having taken under their serious consideration, That upon the 7th of September last, a number of unknown, dissolute, wicked, and disorderly persons got into this City, and did surprize the City-Guard, and broke open the doors of the prison, and did commit a most barbarous and inhuman murder, which has been attended with consequences very pernicious to this community. Further, considering, That for the peace and preservation of this City, and its just rights and privileges, necessary

necessary it is, That all possible precaution be speedily taken to prevent the like for hereafter, wherein every citizen and inhabitant are by many ties bound to assist ; and that one useful precaution is, to fix and determine proper places, at which the Magistrates, with the Merchant-Council, the Master and Assistants of the Merchant-Company, the Deacon-Convener, with the whole Deacons of Crafts, and their respective Box-masters and Quarter-masters, with the Preses of the Society of Barbers, and their Box-master and Quarter-master ; the Societies of Captains, Lieutenants, and Ensigns ; the Society of Constables, and the Society of Fire-masters, with their respective companies, may severally assemble themselves upon the first appearance or notice of every uproar, mob, or tumult, which shall happen within this City, or within any of
 its

its privileges, without waiting for any warning or notice by beat of drum, or alarum-bell, or any other manner of way; that thereupon means and endeavours may be concerted and directed by the Magistrates themselves, or by the Magistrates with the Council, necessary to prevent or suppress such uproars, mobs, or tumults, whereby this City may be effectually secured against such surprises as happened during the time of the aforesaid mob: Therefore, the Lord Provost, Magistrates, and Council, with the Deacons of Crafts, Ordinary and Extraordinary, did, and hereby do unanimously ENACT and ORDAIN, That hereafter, the places at which the Magistrates and Council, and the several Societies herein before and after mentioned, shall assemble themselves (upon the first appearance or notice of every uproar, mob, or tumult, which hereafter may happen, without

without waiting any warning or further notice, as herein before mentioned) shall be as follows, *viz.* The Magistrates and whole Merchant-Council, with the Master of the Merchant-Company, and his Assistants, at the Council-Chamber; the Deacon-Convener, and the other thirteen Deacons of Crafts, with their respective Box-masters, and respective Quarter-masters, together with the Preses of the Barbers, and their Quarter-masters, at the Burrow-Room; the Society of Captains, Lieutenants, and Ensigns, at the Laigh Council-House; the Society of the Constables, at the Lobby to the Inner Session-House; the Society of Fire-masters, with their several companies, at that place in the Outer Parliament-House where the Sheriff-Court sits for the administration of Justice. Further, It is hereby ENACTED and ORDAINED, That the several

members

members of the said Merchant-Company, and aforesaid Societies of Deacons, Preses, Box-masters, with their said Quarter-masters, Captains, Lieutenants, Ensigns, Constables, and Fire-masters, with their companies, do accordingly assemble themselves at the foresaid respective places, to be ready to receive and execute what orders and directions shall be given, either by the Magistrates themselves, or by any of them, or by the Magistrates and Council, touching the emergent upon which they are assembled, and that under the pain and penalty of one hundred pounds Scots money, to be paid by every offender to the Kirk-Treasurer, and his successors in office, for the use of the common poor, for every offence which shall be committed knowingly and willingly against this ordinance. Also, it is hereby ENACTED and ORDAINED, That the

Store-keeper,

Store-keeper, the Mace-bearer, the Dean of Guild Officers, and the sixteen Town Officers in their livery coats, with their halberts, and their respective successors in office, do severally attend the Magistrates at the Council-Chamber, when and so often as they shall be assembled there, upon any apprehension of disturbance or disorder from mobs or riots, on pain of deprivation from their respective employments. Likewise it is hereby ENACTED and ORDAINED, That copies of the act of Parliament made against mobs and riots, be delivered to the members of the said several Societies, that they may attend thereunto. Further, it is hereby ORDERED, That thir presents be printed and proclaimed, and that copies hereof be affixed on all the public places, as usual: Also, that copies hereof be delivered by the Magistrates, or by any of them, to the aforesaid several

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Societies,

Societies, that they may give attention thereto, at such times and places as shall be directed by the Magistrates, or by any of them. Also, it is hereby further ORDERED, That thir presents shall be annually read in the common Council by the common clerks, immediately after the election of the Magistrates; and that the same shall be annually read in the several meetings of the fourteen Corporations of Craftsmen, by their respective clerks, immediately after the election of their Deacons; Box-masters, and Quarter-masters; and that the same shall be read annually by the clerk to the Merchant-Company, immediately after the election of the Master and Assistants; and that the same shall be read annually by the clerk to the Barbers, immediately after the election of the Preses and Quarter-masters, under the pain and penalty of fifty pound Scots money foresaid,

faid, to be paid severally by the common clerks of the City, by the clerks of the fourteen Corporations, by the clerk to the Merchant-Company, and clerk to the Barbers, to the Kirk-Treasurer, and his forefaids, for the use of the common poor, for every neglect, or refusal, in not reading thir presents, as herein before directed. Likewise it is also hereby ORDERED, That thir presents be annually read among the said Societies of Captains, Lieutenants, and Ensigns, by the Captain-Commandant and his successors, and among the Fire-masters, and their respective companies, by their Preses, and his successors, upon the second Wednesday of October annually; and that the same be also read annually among the Society of Constables, by their Moderator, immediately after his election, under the like pain and penalty of fifty pound money fore-

said, to be paid severally by the said
 Commandant, Preses, and Moderator,
 to the Kirk-Treasurer, and his fore-
 saids, for the use before mentioned, for
 every neglect or refusal, in not reading
 thir presents, according to the afore-
 said direction. And, under the like pe-
 nalty of fifty pound money foresaid,
 the respective clerks to the said four-
 teen Corporations of Craftsmen, are
 hereby ordered to make out a list of the
 names of their Box-masters and Quar-
 ter-masters annually, containing the
 places of their several abodes, and to
 deliver the same to the common clerks
 of this City, within the space of ten
 days next after every election. Also
 under the like penalty, and within the
 like space of time, the clerk to the said
 Merchant-Company is hereby ordered
 to make a list of the names of the Ma-
 ster and Assistants, within ten days of
 their

their election annually, containing the several places of their abode, and to deliver the same into the common clerks of this city. And the clerk to the Barbers, under the like penalty, and within the like space of time, is hereby ordered to make out a list of the names of their Prefes, Box-master, and Quarter-masters, immediately after their election annually, containing the several places of their abode, and to deliver in the same to the common clerks, who are hereby ordered, from the above lists, to be made out and delivered in, as herein before mentioned, and from the records of Council, to make out a list of the said Masters and Assistants of the Merchant-Company, of the said whole Box-masters and Quarter-masters of the said fourteen Corporations, of the said Prefes, Box-masters, and Quarter-masters of the Captains, Lieutenants, and Ensigns,

Ensigns, of the Constables, and of the Fire-masters, and their several companies, containing the several places of their abode; and to affix one copy thereof on the inner-wall of the Council-Chamber, and another copy thereof on the inner-wall of the Laigh Council-House, and a third copy thereof on the inner-wall of the Guard-room, and that annually, within the like space of ten days, after the receipt of the foresaid lists from the other clerks before named, under the like penalty of fifty pound money foresaid, for every neglect or refusal.

Extracted,

GEO. IRVING.

ACT

ACT for preventing Mobs and Tumults, and altering the Places where the Merchants and Craftsmen are to meet, upon the appearance of any Infurrection.

At Edinburgh, 12th September, 1777.

WHICH day the Right Honourable the Lord Provost, the Magistrates, and Council, with the Deacons of Crafts, Ordinary and Extraordinary, of the City of Edinburgh, being assembled, the Lord Provost represented to the Council, That several late publications handed about in this City, have a strong tendency to excite mobs and riots within the City and liberties, which he, as Chief Magistrate, thinks it his duty to take every method to prevent ;

prevent ; especially as it is well remembered, what tumult and disorder arose in this city at the last annual election, to the disgrace of good government, the damage of individuals, and breach of his Majesty's peace : That in the act of Council, dated 3d August 1737, entitled, " Act settling and determining
 " the places at which the Merchants
 " and Craftsmen are to assemble themselves on the appearance of any mob
 " or disorder," [See the preceding Act.] an alteration is necessary, as to the places where the Magistrates and Council, and other Societies, are to assemble, instead of the Council-Chamber, Burrow-room, and Laigh Council-house : and therefore moved, That other fit places be fixed upon for that purpose ; and that the Society of Candlemakers be added to the other Societies, who are ordered to attend by that act of Council :

That

That, for his own part, he was resolved to act as his duty required, and, to the best of his judgment, for the preservation of the peace and good order of the community, where he had the honour to preside; and doubted not his brethren in the Magistracy, and other members of the Council, would do the same: but as this opportunity offers, when every member of Council is present, he thought it highly proper to have their advice as to the most effectual means to prevent and suppress such disorders. Which being considered by the Magistrates and Council, they, with the Deacons of Crafts, Ordinary and Extraordinary, do unanimously hereby ENACT and ORDAIN, that, in time coming, the places of assembling be altered so far, and be fixed as follows, *viz.* For the Magistrates and whole Merchant-Council, with the Master of

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the Merchant-Company and his Assistants, at the present Council-Chamber, formerly called the Laigh Council-house ; for the Deacon Convener, and the other thirteen Deacons of Crafts, with their Box-masters and Quarter-masters, together with the Preses of the Barbers, and Preses of the Candle-makers, and their respective Quarter-masters, at the High Justiciary Court-house ; and for the Captains, Lieutenants, and Ensigns of the Train Bands, at the Goldsmith's Hall ; and that the Preses and Quarter-master of the Candlemakers do assemble themselves accordingly, to the effect, and under the penalty mentioned in the said act. And, in general, the said Society of Candle-makers, and their clerks and other officers, are hereby added to, and included in the foresaid act of Council, in the same

same way as the Society of Barbers are, or may be. And do RESOLVE and AGREE, that the said act of Council, with these alterations, as to the places of assembling, and the addition of the Society of Candlemakers, be punctually observed in all time coming; and recommended to the Lord Provost and Magistrates to enforce obedience thereto. And further require and enjoin the Deacon or Preses of the respective Incorporations and Societies above named, at their meeting to-morrow, and at every annual election, strictly to charge the several members to do their utmost to prevent their servants, apprentices, and others in their families, or under their authority, from being anyways accessory to, or concerned in mobs, tumults, or uproars, and to warn them of their danger; and appoint ex-

tracts hereof to be given out, without abiding a reading in Council.

*Extracted forth of the Council records
of the City of Edinburgh, by*

JOHN DUNDAS..

ACT relating to the Treasurers making Payments, and getting Charters signed.

Edinburgh, 24th January, 1729.

THE Lord Provost, Magistrates, and Council, with the Deacons of Crafts, of the City of Edinburgh, being in Council assembled, and considering, That inconveniencies have and may arise by Treasurers making partial payments, without exprefs warrants of Council; Therefore do hereby ENACT and ORDAIN, That no payment

ment that shall hereafter be made by any Treasurer in behalf of the Town, shall be allowed, unless there be a warrant extracted and signed by the clerk. And further, do STATUTE and ORDAIN, That no Charter or Precept of *Clare constat* shall hereafter be presented to be signed, till payment of the bygone feu-duties, and composition be thereon marked and signed by the Treasurer for the time being. *Extracted.*

ACT of Council, anent the revising of Writings granted to or by the City of Edinburgh.

Edinburgh, 10th November, 1738.

THE Lord Provost, Magistrates, and Council, with the Deacons of Crafts, of the City of Edinburgh, being in Council assembled, and considering,

ing, That from experience it does appear, that errors and mistakes have been made, both in Writings granted by and to the City-Treasurer, in behalf of the City, detrimental to the Community, which could not be charged on any particular person, by reason that hitherto there was no rule, whereby the revifal of fuch Writings was committed to any particular person; Therefore it is hereby ordered, That hereafter the City-Treasurer, nor his fucceffors in office, fhall neither receive any Writing or Security to be granted to him for the ufe of this City, nor fhall fign any Writing or Security to be granted by him in behalf of this City, till the fame fhall be revifed and examined by one of the clerks to the City, and marked fo by the initial letters of the revifor, and the revifor to be anfwerable for any error or miftake that may be in the fame. And
 ordered,

ordered, That thir presents be read annually upon the Election-day immediately after the Election of the Magistrates.

ACT of Council, settling an annual Salary of 300 l. Sterling on the Lord Provost and his Successors, for maintaining the dignity of the Chair.

Edinburgh, 10th Sept. 1718.

THE Lord Provost, Magistrates, and Council, with the Deacons of Crafts, of the City of Edinburgh, being in Council assembled; and taking into their consideration the inconveniences which have arisen to the Good Town, and to the office of Lord Provost thereof, from the practice of giving earnest-money at the roup of the Common
Good;

Good; from the secret acknowledgments made in money, or otherwise, by persons who come into lucrative offices; and from the gratuities of the same kind, given by those who obtain feus, or tacks of houses, lands, and other branches of the Town's revenue: Having found, That the money ordinarily paid to the Lord Provost for wines, house-rent, burghs-tickets, &c. does exceed the sum of two hundred pounds Sterling *per annum*, and, including acknowledgments and gratuities, may be reckoned to exceed the sum of three hundred pounds Sterling, when taken at a medium of years: And considering how reasonable it is, the Lord Provost should be enabled to support the character, and defray the necessary expence of his office, and that it is of use for establishing regularity in the Good Town's affairs, honourable to the Community

munity, and particularly to the Office of Lord Provost, that a certain sum be agreed on, to be annually paid to the present Lord Provost, and his Successors in Office, in lieu, place, and stead of all emoluments, ordinary and casual, (the ordinary fee of twenty pounds Scots excepted) which have, or may pertain to the Office of Lord Provost; particularly, in lieu and place of the money usually paid for wines, house-rent, burgess-tickets, earnest-money, &c. Do therefore STATUTE and ORDAIN, That the sum of Three hundred Pounds Sterling be paid to William Neilson, Esquire, present Lord Provost, in name of Salary for the year, commencing at Michaelmas 1717, and ending at Michaelmas 1718, and annually thereafter, in the month of September, to him, and his Successors in Office, during the years thereof; and that Robert Wight-

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man,

man, present City-Treasurer, do pay the present Lord Provost the said sum of Three hundred Pounds Sterling, as the Salary of his Office for this present year. And, in order effectually to prevent the payment of any money, in time coming, to those who bear the Office of Lord Provost, by the Dean of Guild, by the City-Treasurer, by persons who come into lucrative offices, or by those who get feus, or tacks of the Good Town's revenue, or on any account or pretext whatsoever, (the foresaid fee excepted) be it ENACTED, likeas the Council, with the Extraordinary Deacons of Crafts hereby ENACTS, STATUTES and ORDAINS, That annually, on the Council-day in which warrants are given for lecting the Deacons, the Town-Treasurer shall move the Council for, and obtain an act, as his warrant for paying the said sum
of

of Three hundred Pounds Sterling ; at which time, and before granting of the said act, the following Oath shall be administered by the Town-Clerk, solemnly and openly in Council, to the then Lord Provost, and signed by him.

I do solemnly swear and promise, That I have not, at any time since my last election into the Office of Lord Provost, received, directly or indirectly, any earnest-money, acknowledgment, or gratuity whatsoever, from any person or persons, in order to their election, or on account of their being elected into any lucrative office, or on account of tacks, or feus of houses, lands, mills, or any other part or branch of the Good Town's Common Good, granted, or to be granted them ; neither has any person received the same for my account and behoof, directly or indirectly, to the best of my knowledge or belief. And I do sincerely

cerely promise and swear, That I shall not, for the future, receive any money, or other gratuity, on the foresaid account, directly or indirectly, nor allow any person to receive it for my behoof: And do likewise promise, That, if at any time hereafter I shall come to the knowledge of it, that any person or persons have received money, or other gratuity, for my behoof, as said is, that I shall immediately acquaint the Council therewith, and pay the money so received to the City-Treasurer then being. This I solemnly swear, and promise by God, and as I shall answer to him at the great day.

Be it also ENACTED, likeas it is hereby ENACTED, STATUTED and ORDAINED, That, in case at any time it should appear, and be made evident, That any person, who shall bear the Office of Lord Provost, has, contrary to the meaning of this Act, received money,

ney, or other gratuity, by himself or others, on any of the foresaid accounts, he shall, *ipso facto*, forfeit the said sum of Three hundred Pounds Sterling, which has been paid him by the City-Treasurer, by and attour repayment of the money, or other gratuity so received, and be liable to be sued therefor at law, at the instance of the Treasurers to the Merchants and Trades Maiden-Hospitals, or either of them, or at the instance of any person or persons who has been a member or members of the Town-Council of this City, for the use and behoof of the said Hospitals, in equal proportions : And for the more security, it is hereby STATUTE and ORDAINED, That every person who is admitted into any lucrative office, or who obtains feus or tacks from the Town-Council, or persons to whom tacks or feus of houses, lands, mills, or any other

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ther part or branch of the Town's Common Good, or of the Hospitals Lands, under the Town's administration, have been, or are to be set, or who are soliciting for offices, or elected into them by the Town-Council, shall, at his or their admission into the said office, or at the obtaining the said feus or tacks from the Town-Council, make oath, That neither he or they, nor any person on his or their behalf, have given any good deed, or promise thereof, to the Lord Provost, or any member of the Council, or to any other person or persons for their behoof, in order to obtain the same; neither shall give any gratuity, acknowledgment, or good deed, in order to obtain his or their offices, feus, or tacks, in time coming; and if he shall hereafter learn, that any other person has given any gratuity, acknowledgment, or good deed whatsoever, in
his

his behalf, he shall faithfully and immediately reveal it to the Council. And, lastly, It is STATUTE and ORDAINED, That this Act shall be annually read in Council, after the Election, upon the same Council-day in which the Election is made; and that a copy of it shall be written with a fair hand, upon a large sheet of parchment, to be signed by every Lord Provost at his admission into his office.

ACT

ACT of Council settling a Salary of 500*l.* Sterling *per annum* on the Right Honourable the Lord Provost of the City of Edinburgh.

*At Edinburgh the ninth day of January,
One thousand seven hundred and seventy-one years.*

WHICH day the Right Honourable the Lord Provost, the Magistrates and Council, with the Deacons of Crafts, Ordinary and Extraordinary, of the City of Edinburgh, being assembled, the report of the Committee, respecting the settling of Five hundred Pounds Sterling of Salary annually, to be paid to the Lord Provost for supporting the dignity of the Chair, as
ingrossed

ingrossed in last federunt, being this day
again read in Council, the tenor where-
of follows:—" Bailie Carmichael, as
" Preses of the Committee to whom it
" was remitted, by minute of Council
" of the twenty-sixth *ultimo*, to take into
" consideration what was a proper sa-
" lary to be given annually to the Lord
" Provost, for supporting the dignity of
" the Office, reported, That they were
" unanimous in opinion, that the sala-
" ry presently annexed to the Office was
" not at all suitable to the dignity, nor
" adequate to the expence of the ho-
" nourable discharge thereof, by rea-
" son of the great rise in the price of
" provisions, especially of wines, and
" also of house-rents, and the different
" manner of entertaining since that sa-
" lary was fixed: And therefore, were
" further unanimous in opinion, that

P

" the

“ the Act of Council passed on the 10th
 “ of September 1718, so far as it has
 “ settled a salary of Three hundred
 “ pounds *per annum* on the Lord Pro-
 “ vost, should be repealed in that re-
 “ spect only : That the sum of Five
 “ hundred pounds Sterling should be
 “ paid to John Dalrymple, Esq; present
 “ Lord Provost of this City, in the
 “ month of September next, in name
 “ of salary, for the current year, com-
 “ mencing at Michaelmas last ; and the
 “ like sum annually, in name of salary,
 “ in the month of September, in time
 “ coming, to the said Lord Provost and
 “ his successors in office ; and that the
 “ foresaid Act of Council, of date the
 “ 10th of September 1718, should be
 “ of new ratified and confirmed in the
 “ hall other articles and heads there-
 “ of :” They unanimously approved
 thereof ;

thereof; and DID, and hereby DO RE-
 SCIND the Act of Council passed on the
 tenth of September, One thousand se-
 ven hundred and eighteen, so far as it
 has settled a salary of Three hundred
 pounds *per annum* on the Lord Provost:
 And STATUTE and ORDAIN, That
 the sum of Five hundred pounds Ster-
 ling shall be paid to John Dalrymple,
 Esq; present Lord Provost of this Ci-
 ty, in the month of September next,
 in name of salary, for the current year,
 commencing at Michaelmas last, and
 the like sum annually, in name of sala-
 ry, in the month of September, in time
 coming, to the said Lord Provost and
 his successors in office: And RATIFY
 and CONFIRM the foresaid Act of
 Council, of date the tenth of Septem-
 ber, One thousand seven hundred and

eighteen, in the haill other heads and articles thereof.

*Extracted forth of the Council Records
of the City of Edinburgh, by*

JOHN DUNDAS.

By Act of Council, each member of the Ordinary Council, who is *sero*, (that is, one quarter after the hour of meeting,) is to pay Sixpence, and if absent One Shilling; the Preses and Clerk, paying double of these fines.

ACTS

A C T S

O F

P A R L I A M E N T,

RELATIVE TO THE

ELECTION OF MEMBERS

TO SERVE IN THE

HOUSE OF COMMONS.

ANNO SEXTO,
ANNÆ REGINÆ.

An ACT for rendering the Union
of the Two Kingdoms more en-
tire and complete.

WHEREAS by her Majesty's great
wisdom and goodness, the U-
nion of the two kingdoms hath been
happily effected, and the whole island
is thereby subject to one Sovereignty,
and represented by one Parliament: To
the end, therefore, that the said Uni-
on may be rendered more complete and
entire, be it enacted by the Queen's
most Excellent Majesty, by and with
the advice and consent of the Lords
Spiritual and Temporal, and Commons
in this present Parliament assembled,
and by the authority of the same, That
from

from and after the first day of May, in the year of our Lord, One thousand seven hundred and eight, the Queen's Majesty, her heirs and successors, shall have but one Privy-Council in or for the kingdom of Great Britain, to be sworn to her Majesty, her heirs and successors, as Sovereigns of Great Britain; and such Privy-Council shall have the same powers and authorities as the Privy-Council of England lawfully had, used, and exercised at the time of the Union, and none other.

And to the end the public peace may be in like manner preserved throughout the whole kingdom, be it further enacted, by the authority aforesaid, That in every Shire and Stewartry within that part of Great Britain called Scotland, and also in such cities, boroughs, liberties, and precincts within Scotland, as her Majesty, her heirs or successors, shall

shall think fit, there shall be appointed by her Majesty, her heirs or successors, under the Great Seal of Great Britain, a sufficient number of good and lawful men to be Justices of the Peace within their respective shires, stewartries, cities, boroughs, liberties or precincts, which persons so appointed, over and above the several powers and authorities vested in Justices of the Peace by the laws of Scotland, shall be further authorised to do, use, and exercise over all persons within their several bounds, whatever doth appertain to the office and trust of a Justice of Peace, by virtue of the laws and acts of Parliament made in England before the Union, in relation to or for the preservation of the public peace. Provided nevertheless, that in the Sessions of the Peace the methods of trial and judgments shall be according to the laws and customs of Scotland.

Q

Provided,

Provided, That nothing in this act contained shall be construed to alter or infringe any rights, liberties or privileges heretofore granted to the City of Edinburgh, or to any other Royal Borough, of being Justices of the Peace within their respective bounds.

And whereas by an act made in Scotland, in the third session of the second Parliament of the late King Charles the Second, intituled, "An act concerning the regulation of the Judicatories," several good and wholesome provisions were made concerning the Justice-Court; and, amongst others, it was thereby enacted, That once a year Circuit Courts should be kept at the time and places in the said act mentioned: Now, for the better and speedier administration of justice, and further preservation of the public peace in that part of the kingdom of Great Britain called Scotland,

be it also enacted by the authority aforesaid, That for the future, twice in the year, that is to say, in the months of April or May, and in the month of October, Circuit Courts shall be kept in the several places in the said act mentioned, and in manner and form as in the said act contained.

And for the more uniform and express method of electing and returning Members of Parliament, be it likewise further enacted by the authority aforesaid, That when any Parliament shall at any time hereafter be summoned or called, the Forty-five Representatives of Scotland in the House of Commons of the Parliament of Great Britain, shall be elected and chosen by authority of the Queen's writs under the Great Seal of Great Britain, directed to the several Sheriffs and Stewarts of the respective Shires and Stewartries; and

the said several Sheriffs and Stewarts shall, on receipt of such writs, forthwith give notice of the time of election for the Knights or Commissioners for their respective Shires or Stewartries; and at such time of election the several freeholders in the respective Shires or Stewartries shall meet and convene at the head Boroughs of their several Shires and Stewartries, and proceed to the election of their respective Commissioners or Knights for the Shire or Stewartry; and the clerks of the said meetings, immediately after the said elections are over, shall respectively return the names of the persons elected to the Sheriff or Stewart of the Shire or Stewartry, who shall annex it to his writ, and return it with the same into the court out of which the writ issued: And as to the manner of election of the Fifteen Representatives of the Royal Boroughs,

Boroughs, the Sheriffs of the Shire of Edinburgh shall, on the receipt of the writ directed to him, forthwith direct his precept to the Lord Provost of Edinburgh, to cause a Burgess to be elected for that City; and, on receipt of such precept, the City of Edinburgh shall elect their Member, and their common clerk shall certify his name to the Sheriff of Edinburgh, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: And as to the other Royal Boroughs, divided into fourteen classes or districts, the Sheriffs or Stewarts of the several Shires and Stewartries, shall, on the receipt of their several writs, forthwith direct their several precepts to every Royal Borough within their respective Shires or Stewarties, reciting therein the contents of the writ, and the date thereof, and commanding them

them forthwith to elect each of them a Commissioner as they used formerly to elect Commissioners to the Parliament of Scotland, and to order the said respective Commissioners to meet at the presiding Borough of their respective district (naming the said presiding Borough) upon the thirtieth day after the day of the test of the writ, unless it be upon the Lord's Day, commonly called Sunday, and then the next day after, and then to choose their Burgesses for the Parliament; and the common clerk of the then presiding Borough shall, immediately after the election, return the name of the person so elected to the Sheriff or Stewart of the Shire or Stewartry wherein such presiding Borough is, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: And in

case

case a vacancy shall happen in time of Parliament, by the decease or legal incapacity of any member, a new member shall be elected in his room, conformable to the method herein before appointed; and in case such vacancy be of a representative for any one of the said fourteen classes, or districts of the said Royal Boroughs, that Borough which presided at the election of the deceased or disabled member, shall be the presiding Borough at such new election.

Provided always, That upon the issuing of writs of summons for the electing of a Parliament, if any Shire or Stewartry wherein a Royal Borough is, hath not then a turn, or right to elect a Commissioner, or Knight of the Shire or Stewartry for that Parliament, that then it shall be omitted out of the writ directed

directed to such Sheriff or Stewart, to
cause a Knight, or Commissioner for
that Shire or Stewartry to be elected
for that Parliament.

ANNO

ANNO SECUNDO

GEORGII II. REGIS.

An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament.

WHEREAS it is found by Preamble.
 experience, that the laws
 already in being have not been
 sufficient to prevent corrupt
 and illegal practices in the elec-
 tion of Members to serve in
 Parliament; for remedy, there-
 fore, of so great an evil, and
 to the end that all elections of
 Members to Parliament may
 hereafter be freely and indiffe-
 rently made, without charge
 or expence, be it enacted by
 the King's most Excellent Ma-
 jesty,

Electors of
Parliament-
men to take
the following
oath, if de-
manded.

jeſty, by and with the advice
and conſent of the Lords Spi-
ritual and Temporal, and Com-
mons, in this preſent Parlia-
ment aſſembled, and by the
authority of the ſame, That,
from and after the 24th Day
of June, in the year of our
Lord 1729, upon every Elec-
tion of any Member or Mem-
bers to ſerve for the Commons
in Parliament, every Freehol-
der, Citizen, Freeman, Bur-
geſs, or perſon having, or
claiming to have a right to
vote, or be polled at ſuch Elec-
tion, ſhall, before he is admit-
ted to poll at the ſame Elec-
tion, take the following Oath,
(or, being one of the people
called Quakers, ſhall make the
ſolemn Affirmation appointed
for

for Quakers) in case the same shall be demanded by either of the Candidates, or any two of the Electors; that is to say,

I A. B. *do swear, (or, being one of the people called Quakers, I A. B. do solemnly affirm) I have not received, or had by myself, or any person whatsoever in trust for me, or for my use and benefit, directly or indirectly, any sum, or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this Election, and that I have not before been polled at this Election.*

Electors' oath.

R 2

Which

Presiding
officer to ad-
minister it,
on forfeiture
of 50 l.

Which Oath or Affirmation the officer or officers presiding, or taking the poll at such Election, is and are hereby empowered and required to administer *gratis*, if demanded, as aforesaid, upon pain to forfeit the sum of Fifty Pounds, of lawful money of Great Britain, to any person that shall sue for the same, to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster, wherein no essoine, protection, wager of law, or more than one emparlance, shall be admitted or allowed; and if the said offence shall be committed in that part of Great Britain called

led Scotland, then to be recovered, together with full costs of suit, by summary action, or complaint before the Court of Session, or by prosecution before the Court of Justiciary there, for every neglect or refusal so to do: And no person shall be admitted to poll, till he has taken and repeated the said Oath, in a public manner, in case the same shall be demanded, as aforesaid, before the returning officer, or such others as shall be legally deputed by him.

And be it further enacted, That if any Sheriff, Mayor, Bailiff, or other returning officer, shall admit any person to be polled, without taking

Sheriff, or
 other returning
 officers,
 admitting any
 to be polled,
 before sworn,
 to forfeit
 100 /.

king such Oath or Affirmation, if demanded, as aforesaid, such returning officer shall forfeit the sum of One Hundred Pounds, to be recovered in manner aforesaid, together with full costs of suit; and that if any person shall vote or poll at such Election, without having first taken the Oath, or, if a Quaker, having made his Affirmation, as aforesaid, if demanded, such person shall incur the same penalty which the officer is subject to for the offence above mentioned.

Voters to incur the like penalty.

Returning officer, after reading the writ, to take the following oath.

And be it further enacted by the authority aforesaid, That every Sheriff, Mayor, Bailiff, Headborough, or other

ther person, being the returning officer of any Member to serve in Parliament, shall, immediately after the reading the writ or precept for the election of such Member, take and subscribe the following Oath, *videlicet*,

I A. B. do solemnly swear, *That*
I have not, directly nor indirectly, received any sum or sums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself, or any other person to my use, or benefit, or advantage, for making any return at the present election of Members to serve in Parliament; and that I will return such person

son or persons, as shall, to the best of my judgment, appear to me to have the majority of legal votes.

Which Oath, any Justice or Justices of the Peace of the said County, City, Corporation or Borough, where such Election shall be made, or, in his or their absence, any three of the electors, are hereby required and authorised to administer; and such Oath, so taken, shall be entered among the records of the sessions of such County, City, Corporation, and Borough, as aforesaid.

What votes
shall be deemed
legal.

And be it enacted by the
authority aforesaid, That such
votes

suffer the pains and penalties which by law are enacted or inflicted in cases of wilful and corrupt perjury.

Persons convicted never capable to vote.

And be it further enacted by the authority aforesaid, That no person convicted of wilful and corrupt perjury, or subornation of perjury, shall, after such conviction, be capable of voting in any Election of any Member or Members to serve in Parliament.

Persons taking money or reward for their vote, &c. forfeit 500 l. and disabled to vote in any Election.

And be it further enacted by the authority aforesaid, That if any person who hath, or claimeth to have, or hereafter shall have, or claim to have, any right to vote in any such

such Election, shall, from and after the said 24th day of June, which shall be in the year of our Lord 1729, ask, receive, or take any money, or other reward, by way of gift, loan, or other device; or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote, in any such Election; or if any person by himself, or any person employed by him, doth or shall, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes, or to forbear to give his or their

vote or votes, in any such Election, such person, so offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of Five Hundred Pounds of lawful money of Great Britain, to be recovered as before directed, together with full costs of suit: And every person offending in any of the cases aforesaid, from and after judgment obtained against him in any such action of debt, bill, plaint, or information, or summary action, or prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of any Member or Members to Parliament, and also shall for ever

ver be disabled to hold, exercise, or enjoy any office or franchise, to which he and they then shall, or at any time afterwards may be entitled, as a member of any City, Borough, Town Corporate, or Cinque-port, as if such person was naturally dead.

And be it further enacted by the authority aforesaid, That if any person offending against this act shall, within the space of 12 months next after such Election as aforesaid, discover any other person or persons offending against this act, so that such person or persons, so discovered, be thereupon convicted, such person so discovering,

Offenders
in 12 months
after the E-
lection disco-
vering others,
indemnified.

ing, and not having been before that time convicted of any offence against this act, shall be indemnified, and discharged from all penalties and disabilities which he shall then have incurred by any offence against this act.

The Act to
be read by the
Sheriff, &c.
after reading
the writ.

And, for the more effectual observance of this act, be it enacted, That all and every the Sheriffs, Mayors, Bailiffs, and other officers, to whom the execution of any writ or precept for electing any Member or Members to serve in Parliament shall belong or appertain, shall, and are hereby required, at the time of such Election, immediately after the reading such writ

writ or precept, read, or cause to be read, openly before the Electors there assembled, this present act, and every clause therein contained; and the same shall also openly be read once in every year at the general Quarter Sessions of the Peace to be holden next after Easter, for any County or City, and at every Election of the chief Magistrate in any Borough, Town-corporate, or Cinque-port, and at the annual Election of Magistrates and Town Counsellors, for every Borough within that part of Great Britain called Scotland.

And at the
Quarter Ses-
sions after
Easter.

And be it further enact-
ed by the authority afore-
said, That every Sheriff, Un-
der-

Wilful of-
fence forfeits
50 l.

der-sheriff, Mayor, Bailiff, and other officer, to whom the execution of any writ or precept for the electing of Members to serve in Parliament doth belong, for every wilful offence, contrary to this act, shall forfeit the sum of Fifty Pounds, to be recovered, together with full costs of suit, in the manner before directed.

Prosecution
to commence
within two
years.

Provided always, and it is hereby declared and enacted by the authority aforesaid, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty, by this act laid or imposed, unless prosecution be commenced within two years

years after such incapacity, disability, forfeiture, or penalty shall be incurred, or in case of a prosecution the same be carried on without wilful delay ; any thing herein contained to the contrary notwithstanding.

F I N I S.

THE NATIONAL ANTHROPOLOGICAL ARCHIVES

Yours of the 14th inst. is received. The
National Anthropological Archives
has been directed to forward to you
a copy of the report of the
Committee on the
National Anthropological Archives.
The report is being prepared by
the Committee on the
National Anthropological Archives.
The report is being prepared by
the Committee on the
National Anthropological Archives.

Very respectfully,
J. H. H. H.

Enclosed for you are
two copies of the report of the
Committee on the
National Anthropological Archives.
The report is being prepared by
the Committee on the
National Anthropological Archives.

Very respectfully,
J. H. H. H.



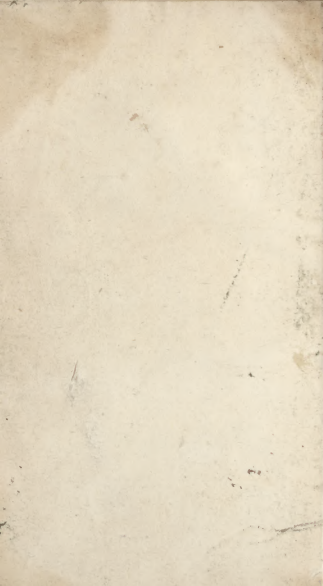
TABLE of the Steps of Procedure in the ELECTION of the DEACONS of CRAFTS, COUNCILLORS, and MAGISTRATES of Edinburgh.

If MICHAELMAS falls ON	Deacons war- ned to meet,	Deacons lected,	Deacons pre- sented and Council-Dea- cons elected,	No Business,	Merchant & Trades Coun- cillors elect- ed,	Magistrates lected,	Election of Magistrates,
	<i>Wednesday,</i>	<i>Friday,</i>	<i>Wednesday,</i>	<i>Friday,</i>	<i>Wednesday,</i>	<i>Friday,</i>	<i>Tuesday,</i>
Sunday,	Sept. 11.	Sept. 13.	Sept. 18.	Sept. 20.	Sept. 25.	Sept. 27.	Octob. 1.
Monday,	10.	12.	17.	19.	24.	26.	Sept. 30.
Tuesday,	9.	11.	16.	18.	23.	25.	Octob. 6.
Wednesday,	8.	10.	15.	17.	22.	24.	Octob. 5.
Thursday,	14.	16.	21.	23.	28.	30.	Octob. 4.
Friday,	13.	15.	20.	22.	27.	29.	Octob. 3.
Saturday,	12.	14.	19.	21.	26.	28.	Octob. 2.

Time	Temp	Wind	Bar	Humid	Cloud	Remarks
10.00	60	10	30.0	70	10	Clear
11.00	62	12	30.0	72	10	Clear
12.00	64	15	30.0	74	10	Clear
13.00	66	18	30.0	76	10	Clear
14.00	68	20	30.0	78	10	Clear
15.00	70	22	30.0	80	10	Clear
16.00	72	25	30.0	82	10	Clear
17.00	74	28	30.0	84	10	Clear
18.00	76	30	30.0	86	10	Clear
19.00	78	32	30.0	88	10	Clear
20.00	80	35	30.0	90	10	Clear
21.00	82	38	30.0	92	10	Clear
22.00	84	40	30.0	94	10	Clear
23.00	86	42	30.0	96	10	Clear
24.00	88	45	30.0	98	10	Clear
25.00	90	48	30.0	100	10	Clear
26.00	92	50	30.0	100	10	Clear
27.00	94	52	30.0	100	10	Clear
28.00	96	55	30.0	100	10	Clear
29.00	98	58	30.0	100	10	Clear
30.00	100	60	30.0	100	10	Clear

CURVING COORDINATE AND PLANE TABLE
 TYPE OF THE SURVEYING IN A LINE OF THE SURVEYING





X

Noble Inverness.

