
COURT BOOK
OF THE
BURGH OF
KIRKINTILLOCH
1658-1694

THIRD
SERIES

Scottish
History
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SCS. SHS. 134



PUBLICATIONS
OF THE
SCOTTISH HISTORY SOCIETY
THIRD SERIES
VOLUME
LIII



THE COURT BOOK OF THE
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1658—1694

Edited by
GEORGE S. PRYDE, M.A., Ph.D.



EDINBURGH

Printed by T. and A. CONSTABLE LTD.
Printers to the University of Edinburgh
for the Scottish History Society

1963



Printed in Great Britain

PREFATORY NOTE

Professor George S. Pryde died suddenly in Cornwall on 6 May 1961, when he had almost completed the editing of this volume. Although a graduate of St. Andrews, his academic career, after a period of study at Yale, was spent in the University of Glasgow. Successively Assistant, Lecturer and Reader in the Department of Scottish History and Literature, he succeeded to the Chair in 1957. His publications in the fields of both medieval and modern Scottish history are well known, but special mention must be made here of his edition of the *Ayr Burgh Accounts*, published by the Scottish History Society in 1937. He became a member of the Society in 1934 and joined the Council in 1948. He was at the time of his death Chairman of Council, after holding that office for only a few months. Tributes have been paid elsewhere to his gifts as an historian and as a teacher but his colleagues on the Council of the Society will recall also the cheerful friendliness which he brought to its meetings.

Professor Pryde had prepared for print almost the whole of the text of the court book and his introduction was complete to 1660. The only addition which has been made to his text is a section at the end of the manuscript which appears below on pp. 146-51. To complete the introduction for the period after 1660, two sections have been added from the Rhind Lectures which Professor Pryde delivered in 1958. These sections, though less full than the remainder of the introduction, clearly follow out the main lines of the editor's study of the Scottish burgh of barony. Unfortunately, Professor Pryde's papers contained no more than a few notes specifically about the text of the Kirkintilloch Burgh Court Book, which must therefore be left to speak for itself, against the background provided in the introduction. We have been responsible for seeing the volume through the press, and the index has been prepared by Mr. Ian D. Grant.

PREFATORY NOTE

The manuscript, which is in the custody of the Keeper of the Records of Scotland in H.M. General Register House, is on paper and is in a nineteenth-century leather binding. The hands of two different clerks appear in it. The first, covering the period down to 1683, is apparently that of James Hendrie, notary, town clerk of Kirkintilloch, whose attestation of an entry appears below on p. 149. Hendrie became a burghess on 6 January 1671 (see pp. 27-8). The second hand is that of James Currie, notary in Castlecary, who became town clerk in 1684 (see p. 126).

The spelling and capitalisation of the manuscript have been retained, but modern punctuation has been sparingly added. The paragraphs of the original have normally been retained, but occasionally several short paragraphs have been combined into one. The page numbering of the manuscript is given within round brackets, in italics. Editorial matter is in square brackets. Except for the first heading, which is given in full, the headings of the entries are abbreviated and, along with details of the assize, are given in square brackets. Entries of a formal nature are similarly treated. Details of the taking of instruments, or of oaths, are normally reduced to '[etc.]'. Names of witnesses are not normally given and the presence of signatures is indicated by '[Subscribed]'. The words 'the quhilk day' or 'the said day', which occur at the beginning of many paragraphs in the manuscript, have usually been silently suppressed, but the omission of other formal phrases is indicated by 'leaders'. Blanks in the manuscript are indicated by 'leaders', with an explanatory footnote.

Professor Pryde would have wished to record his thanks, first, to Miss Virginia D. Porter, who assisted in the identification of places named in the text and in investigating the histories of several burghs, and, secondly, to Mr. A. J. Aitken, Editor of the Dictionary of the Older Scottish Tongue, who gave help with the meanings of several Scots terms in the text.

G. D.

G. G. S.

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ABBREVIATIONS

- A.P.S.* *Acts of the Parliaments of Scotland* (Record Commission).
- Bute, Baronial Burghs* John, Marquess of Bute, J. H. Stevenson and H. W. Lonsdale, *Arms of the Baronial and Police Burghs of Scotland* (Edinburgh, 1903).
- E.R.S.* *Exchequer Rolls of Scotland* (Record Series).
- Hist. MSS. Comm.* Historical Manuscripts Commission.
- Inquis. Retorn. Abbrev.* *Inquisitionum ad capellam domini regis retornatarum . . . abbreviatio* (Record Commission).
- Munic. Corp. Comm.* *Municipal Corporation (Scotland): Reports of the Commissioners* (4 parts, 1835-6).
- N.S.A.* (New) *Statistical Account of Scotland*.
- O.S.A.* (Old) *Statistical Account of Scotland*.
- R.C.R.B.* *Extracts from the Records of the Convention of Royal Burghs*, ed. Sir J. Marwick (6 vols., 1866-90).
- R.E.A.* *Registrum Episcopatus Aberdonensis* (2 vols., Spalding Club, 1845).
- R.E.B.* *Registrum Episcopatus Brechinensis* (2 vols., Bannatyne Club, 1856).
- R.E.G.* *Registrum Episcopatus Glasguensis* (2 vols., Bannatyne Club, 1843).
- R.E.M.* *Registrum Episcopatus Moraviensis* (Bannatyne Club, 1837.)
- R.M.S.* *Registrum Magni Sigilli Regum Scotorum* (Record Series).
- R.P.C.* *Register of the Privy Council of Scotland* (Record Series).
- R.P.S.A.* *Liber Cartarum Prioratus Sancti Andree* (Bannatyne Club, 1842).
- R.S.S.* *Registrum Secreti Sigilli Regum Scotorum* (Record Series).
- S.H.R.* *Scottish Historical Review*.
- S.H.S.* Scottish History Society.
- S.R.S.* Scottish Record Society.

A generous contribution from the Carnegie Trust for the Universities of Scotland towards the cost of producing this volume is gratefully acknowledged by the Council of the Society

INTRODUCTION

ECCLESIASTICAL AND BARONIAL BURGHS, 1140-1400

The Scottish burgh of barony, as an institution with a distinctive title and a defined place in legal, social and economic life, had an effective span stretching from the mid-fifteenth to the mid-nineteenth century, with an epilogue continuing to the present time, but with little in the way of a prologue: only the faint foreshadowings of what was essentially a late medieval creation are to be found in the records of the twelfth, thirteenth or fourteenth century, and a lively imagination is needed for the detection of its roots, or even its antecedents, in earlier epochs. Yet it is well to begin our study, if only to establish the negative results of the quest, at the period when the feudal foundations of the kingdom were being laid.

David I, in addition to founding at least fifteen and probably as many as eighteen burghs holding from himself,¹ authorised the erection, in favour of two great Church dignitaries, of the burghs of St. Andrews and Canongate. In the former case Bishop Robert's charter (1140 × 1153) declares *nos licencia regis nostri David burgum apud Sanctum Andream in Scotia statuisse*,² while the king's great charter to Holyrood (1143 × 1147) gives the abbot and canons the right *herbergare quoddam burgum inter eandem ecclesiam et meum burgum* [i.e., Edinburgh].³

Malcolm IV's reign is marked by the appearance of only two, or possibly three, new burghs, all holding from the Crown.⁴

Of the sixteen burghs founded in William's reign, eleven

¹ Berwick, Roxburgh, Dunfermline, Edinburgh, Perth, Stirling, Elgin, Linlithgow, Renfrew, Aberdeen, Forres, Haddington, Peebles, Rutherglen and Crail; and probably Jedburgh, Lanark and Montrose. [Details of the dates of first appearance, or of erection, of burghs mentioned in this introduction will appear in a forthcoming publication by the University of Glasgow of lists of Scottish burghs prepared by Professor Pryde.]

² *A.P.S.*, i, 85; A. C. Lawrie, *Early Scottish Charters* (1905), 118.

³ *Liber S. Crucis* (Bannatyne Club, 1840), 6; Lawrie, *op. cit.*, 132-3.

⁴ Inverkeithing, Inverness and possibly Clackmannan.

belonged to the king or his brother,¹ three to the Church and two to the baronage. Walter FitzAlan's charter of 1165 × 1173 to the abbey of Paisley refers to *burgo meo de Prestwic* (the earliest baronial burgh founded as such).² In 1175 × 1178 the king authorised Bishop Jocelin and his successors *ut burgum habeant apud Glasgu*.³ In 1178 × 1182 he gave the abbot of Arbroath *licenciam et libertatem faciendi burgum*.⁴ A papal bull of 1184 shows the monastery of Dunfermline as holding *burgum . . . de Muskilburg cum omnibus libertatibus suis*.⁵ And in 1211 × 1214 William granted William Cumyn and his heirs *ut burgum habeant apud Kirkintulloch*.⁶

To the reign of Alexander II, besides three more king's burghs,⁷ there date one abbatial and three baronial burghs. Five burgesses of Kelso witnessed a charter of 1237 concerning land *in burgo de Kelchou*; we have here a burgh in existence at its first recorded appearance.⁸ Patrick, earl of Dunbar, granted a toft *in burgo meo de Dunbar* about the year 1230, and another before 1231.⁹ In 1236 × 1241 we find Gerard de Lindsay speaking of *burgenses mei de*

¹ Kinghorn, Nairn, Banff, Cullen, Dumfries, Forfar, Kintore, Ayr, Airth; and Earl David's burghs of Dundee and Inverurie.

² *Reg. de Passelet* (Maitland Club, 1832), 6.

³ *R.E.G.*, i, 36; *Charters of the City of Glasgow*, i, 3-4.

⁴ *Reg. de Aberbrothoc* (Bannatyne Club, 1842-56), ii, 533. Ballard (*British Borough Charters*, 1) has been followed by others in taking William's confirming charter of 1211 × 1214 (properly 1212 × 1214) as marking the burgh's foundation, presumably because it occurs early in the Register (i, 3). In addition to the royal charter of 1178 × 1182 (*ut cit.*), there are papal bulls of 1182 and 1200 referring to the burgh (*ib.*, i, 152, 154) and a grant of freedom from toll in 1187 × 1199, the last actually printed by Ballard (*op. cit.*, 190).

⁵ *Reg. de Dunfermelyn* (Bannatyne Club, 1842), 157.

⁶ *S.H.R.*, xxix, 64-8.

⁷ Dumbarton, Dingwall and Auchterarder.

⁸ The deed shows a burgess resigning to the abbot burghal land which had been held heritably by his father and himself for a money rent payable to the abbot: *Liber de Calchou* (Bannatyne Club, 1846), ii, 265. The *villa* and the *prepositus* are mentioned c. 1207 × 1210 (*ib.*, 284) and (while the burgh may well have been in existence at that time) these terms do not conclusively prove burghal status. For another burgess (c. 1275 × 1299) see *ib.*, i, 165.

⁹ *Liber de Dryburgh* (Bannatyne Club, 1847), 86, 250; cf. *R.P.S.A.*, 390-1.

Craufurd.¹ The burgh of Irvine, with an unknown superior, was also in existence during this reign.² There is no evidence for the creation of these three baronial burghs: each of them was already in being at the time of its first³ historical notice.

Apart from two burghs of the Crown,⁴ Alexander III's reign yields one abbatial and two baronial burghs. In 1261 Newburgh, in Buchan, appears in a grant by its superior, Alexander Comyn, earl of Buchan,⁵ while, by a curious coincidence, the other Newburgh (in Fife) emerges at almost the same time: in 1266 the king allowed the monks of Lindores *ut . . . in perpetuum habeant villam eorum que dicitur Novus burgus . . . in liberum burgum*.⁶ A charter of 1262 by Eustace de Balliol was witnessed by two *burgen-sibus de Hur*⁷; this seems to be our only evidence for the burgh of Urr, lying about midway between Dumfries and Kirkeudbright and presumably dependent upon a Balliol. A burghess of Leith is recorded in 1275,⁸ and some historians have accepted this as proving Leith's burghal status at this early date.⁹ In view, however, of the numerous reference to the *villa* of Leith,¹⁰ of the importance of its

¹ *Reg. de Neubottle* (Bannatyne Club, 1849), 109; cf. *ib.*, 111-12, 114-16 (confirmations of 1236 × 1256 and 1327). This passage is noted in Chalmers, *Caledonia*, iii, 735, where Crawford is given as a burgh of barony of William's reign, although Gerard's grant is correctly ascribed to Alexander II's reign.

² *Muniments of Irvine*, i, 9-10.

³ The Irvine 'agreement of 1205' (*ib.*, 1-3) is a late and corrupt copy of a deed that should probably be dated 1305: *Collections of Ayrshire Archaeol. & Nat. Hist. Soc.*, 2nd ser., iv (1955-57), 13-19. Cf. *infra* p. xxxvi and note 6.

⁴ Cromarty and Fyvie.

⁵ *R.E.A.*, ii, 276.

⁶ *Liber de Lundoris* (Abbotsford Club, 1841), 8.

⁷ *Liber S. Crucis*, 69-70. For a casual reference to this interesting deed, see D. Frew, *The Parish of Urr* (1909), 211.

⁸ J. Bain, *Cal. of Docs. relating to Scotland*, ii, no. 63.

⁹ For example, J. C. Irons, *Leith and its Antiquities*, i, 17; D. Murray, *Early Burgh Organisation*, ii, 587.

¹⁰ Early in William's reign, Edward of Lestalric gave tofts in his *villa* of Leith to Newbattle (*Reg. de Neubottle*, 123, 287, 316), to the nuns of North Berwick (*ib.*, 40-1; *Carte de Northberwic*, 12) and to Coldingham (Raine, *N. Durham*, nos. clxx, clxxi, pp. 40-1); in the early thirteenth century Thomas of Restalrig granted tofts in Leith to Dunfermline (*Reg. de Dunfermelyn*, 106), to Inchcolm (*Charters of Inchcolm* (S.H.S., 1938), 11) and to Newbattle (*Reg. de Neubottle*, 38-9), while about the same time the master

harbour¹¹ and of its close connexion with Edinburgh,¹ in view also of the lack of mention of a burgh in this conspicuous and well-documented place, it would seem best to take the 1275 deed as referring to a burgh of Edinburgh resident in Leith.² The evidence for Rosemarkie as a bishop's burgh under one of the Alexanders is simply late hearsay.

The twenty years between the death of Alexander III and the accession of Robert I yield, besides (probably) three new king's burghs,³ the two baronial burghs of Annan and Lochmaben, recorded in 1296 and seemingly dependent upon Bruce.⁴

Burgh foundations in the twelfth and thirteenth centuries thus show the king's burghs (even with some allowance for lapses and 'doubtful' cases) greatly outnumbering the others. The latter, indeed, formed a select group of sixteen, holding from the two leading bishops, from the heads of such well-endowed houses as Holyrood, Arbroath, Dunfermline, Kelso and Lindores, and from bearers of such potent names as Stewart, Comyn, Balliol, Bruce, Dunbar and Lindsay.

Robert I's reign, while adding three to the list of Crown burghs,⁵ brings to light six holding from subject superiors. In 1320 the king granted to Sir James Douglas Staplegorton, in Eskdale, *in adeo liberum burgum sicut temporibus predecessorum nostrorum regum Scocie haberi consuevit et in*

of Torphichen also held land there (*ib.*, 39-40). Leith was normally called *villa*, never *burgus*; and so in later references (e.g. *Liber de Melros* (Bannatyne Club, 1837), ii, 475-7, 515-17, 566, 595, 604, 606-13; *Liber S. Crucis*, 141-4, 245-7; *Reg. S. Egidii* (Bannatyne Club, 1859), 44, 65, 81, 100-74 *passim*).

¹¹ In use from the twelfth century (*Liber S. Crucis*, 4, 169, 185), it was England's main port of supply and disembarkation in 1338-40: *Rotuli Scotiae*, i, 551, 581-2, 584, 589.

² Its port and mills were acquired by Edinburgh in 1329, and further lands and rights in 1398 and 1413/14: *Charters of Edinburgh*, 16-17, 48-52, 53-4.

³ And cf. Henry Tendeman, a thirteenth-century *mercator* of Leith, who clearly was a burgh of Edinburgh: *Reg. de Neubottle*, 38.

⁴ Wigtown and (again with some element of doubt) Selkirk and Lauder.

⁵ Bain, *Cal. of Docs.*, ii, 826; G. Neilson, 'The Burghs of Annandale', in *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., iii (1914-15), 62, 69.

⁶ Cupar, Tarbert and Kirkcudbright.

liberam baroniam.¹ A charter of 1321 conveyed to Alexander de Seton *villam de Seton* [Port Seton, in East Lothian] . . . *in liberum burgum . . . sicut aliquis comes vel baro aliquem burgum . . . tenet aut possidet*.² Another ghost town makes its appearance on 24 February 1324/5, when Robert I gave Sir James Douglas the lands of Buittle *in liberam . . . baroniam . . . cum . . . libertate burgi, wrecko maris cum ancoragiis portuum et libertatibus eisdem pertinentibus*³; later Douglas deeds mention the barony and the demolished *castellum* but not the burgh.⁴ On 20 May 1325 the clachan of Whithorn was confirmed to the prior and convent of that place *in liberum burgum*.⁵ The abbey of Dunfermline had held Musselburgh since the twelfth century; by 1304 it was possessed of Kirkcaldy as a free burgh,⁶ and a charter of 1312 × 1328 shows it holding, in addition, the burghs of Dunfermline (to be considered later) and Queensferry.⁷

Only one new king's burgh appears between 1330 and 1400,⁸ but the other group increased by seven during these

¹ *Reg. Hon. de Morton* (Bannatyne Club, 1853), ii, nos. 25, 26 (pp. 18-19); Sir William Fraser, *Douglas Book*, iii, no. 12 (p. 10). The barony, and perhaps also the burgh, had been in the hands of a branch of the Lyndesays from 1285 to 1320: *Reg. Hon. de Morton*, ii, nos. 24, 28 (pp. 17-18, 21); cf. J. and R. Hyslop, *Langholm as it was* (1912), 194, 202, 257. Nestling on a typical feudal site under the castle of Barntalloch, Staplegorton has had little notice, though Chalmers mentioned 'the borough roods': *Caledonia*, iii, 200 and note (v). In David II's reign Hugh de Douglas, brother of the good Sir James, gave the barony to William de Douglas de Lothian *cum libero burgo tallagio et custuma*: *Reg. Hon. de Morton*, ii, no. 115 (pp. 90-1).

² *R.M.S.*, i, App. i, 42, 90.

³ *Douglas Book*, iii, no. 15 (pp. 12-13). Other versions, with slight variations, are in *R.M.S.*, i, App. i, 37, and in *Reg. Hon. de Morton*, ii, no. 32 (pp. 23-5). The burgh would be a river port, beside Buittle castle, which stood on the west bank of the Urr some two miles below Mote of Urr: *N.S.A.*, *Kirkcudbright*, 203; McKerlie, *Lands & their Owners in Galloway*, iii, 239. For the castle, and Edward Balliol's hold over Galloway between 1332 and 1363, see R. C. Reid, 'Buittle Castle', in *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xi (1923-24), 197-204.

⁴ *Reg. Hon. de Morton*, ii, nos. 83, 215, 216, 220.

⁵ *R.M.S.*, i, App. i, 20.

⁶ The burgh's status appears in a petition by the abbot to Edward I for a weekly market and annual fair—to which that king acceded on 28 March 1305: Bain, *Cal. of Docs.*, ii, 1624, 1653; cf. W. M. Mackenzie, *The Scottish Burghs* (1949), 64.

⁷ *Reg. de Dunfermelyn*, 232-3; *R.M.S.*, i, App. i, 24. Cf. *infra*, p. xix.

⁸ Inverbervie.

seventy years. The accounts of Edward III's sheriff of Dumfries for the year 1335-36 mention five waste burgages in the town of Sanquhar; the context suggests that the burgh was already dependent upon its historic superiors, the Crichtons, lairds of Sanquhar.¹ Newton-upon-Ayr, holding from the Steward of Scotland, was a burgh by 1446, and, though there is no direct evidence, it seems likely that it had come into existence as a burgh between 1306 and 1371.² The early municipal history of Dunblane is obscure, for all that survives is the matrix of the burgh seal, which has been assigned to either the thirteenth or the fourteenth century.³ By a charter of 1381 × 1388 James, earl of Douglas and baron of North Berwick, granted *terras . . . jacentes in burgo nostro de Northberwyk*, for payment to himself of 9d. as burgh ferme.⁴ By grant of Robert II in 1384 × 1387, confirmed by Robert III on 8 March 1393/4, Langton, in Berwickshire, became a burgh holding from Alexander Cockburn of Langton.⁵ Robertson's *Index* makes mention of a charter, not otherwise known and undated, though apparently *circa* 1393, to Neill Sutherland of the town of Auldwick in Caithness, within the sheriffdom of Inverness, 'with ane burgh of barony, and ane taillie' ⁶; the record is cryptic, the words are probably apocryphal, but there seems no reason to doubt the existence of the burgh of Wick in the last decade of the fourteenth century. And finally, about 1396, Walter Tullach had a grant of the burgh of Rattray in Aberdeenshire.⁷

¹ Bain, *Cal. of Docs.*, iii, p. 318. Cf. W. McMillan, 'Arms of the Royal Burgh of Sanquhar', in *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., iii (1914-15), 80. For Urr, Staplegorton, Buittle and Sanquhar, cf. G. S. Pryde, 'The Burghs of Dumfriesshire and Galloway', *ib.*, xxix (1952), 85-94.

² *Prestwick Burgh Recs.*, 114-16; cf. G. S. Pryde, 'The Burghs of Ayrshire', in *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, 2nd ser., iv (1955-57), 20-1.

³ Bute, *Baronial Burghs*, 182; A. B. Barty, *History of Dunblane* (1944), 30.

⁴ *Carte de Northberwic*, xxxvii; but cf. *infra*, p. xxxi, note 1.

⁵ *Hist. MSS. Comm.*, 11th Report, App. vi (Hamilton MSS.), 211 (where Sir W. Fraser's note shows that the regnal year given in this copy of the charter is erroneous); *A.P.S.*, i, 580.

⁶ *R.M.S.*, i, App. ii, 1707. Cf. W. Robertson, *Index of Charters* (1798), p. 137, no. 2.

⁷ *R.M.S.*, i, 1737.

Between 1120 and 1400 there is record of 74 burghs, whether by way of charter of erection or confirmation, or incidental reference; 45 of them held from the Crown¹ at their first appearance and 29 from subject-superiors, 11 of the latter being ecclesiastical burghs (3 episcopal, 8 monastic) and 18 holding from lay landowners. Owing to changes of tenure during these three centuries, the actual position in 1400 was (as will be noted later) quite different.

No distinctive title or classification marked off one group from the other prior to the fifteenth century. To David I, the founder of the Scottish burgh, each burgh holding from the Crown was simply *meus burgus*; in the vernacular version of the *Leges Quattuor Burgorum*, it was 'kyngis burgh'.² In the thirteenth and fourteenth centuries, *burgus regis* is found,³ but more commonly *burgus domini regis*,⁴ or *burgus regni nostri*,⁵ or, finally, *burgus infra regnum Scocie*.⁶ Analogous terms were applied to burghs dependent on subject-superiors: an abbot or a baron referred to his burgh as *burgus meus* or *burgus noster* and to a burgess as *aliquis burgensis noster*,⁷ and Glasgow in 1476 was *civitas seu burgus episcopatus*.⁸ Such phrases were descriptive rather than definitive or discriminatory, expressing the facts without implying superior or inferior status, exclusive or limited privileges. Even the style *liber burgus*, current in England from 1199 to designate the

¹ Including Dundee and Inverurie, as to which see *infra*, pp. xxiii-xxiv.

² *A.P.S.*, i, 335-6 (cc. 15, 21, 23). The term is found at least as late as 1503/4: *ib.*, ii, 252 (c. 29).

³ *Ib.*, i, 720 (*Fragmenta Collecta*, c. 7).

⁴ *Ib.*, i, 609 (*Regiam Majestatem*, c. 9), 703 (*Curia Quattuor Burgorum*, 12 Oct. 1405).

⁵ E.g., in the charters to Kinghorn (1364), Dunbar (1369/70), and Irvine (1372): *R.M.S.*, i, 183, 340, 398, 402. Inverkeithing in 1398/9 was *burgus noster* to Robert III, who granted it to the burgesses in feu-ferme *sicut aliquis burgus regni nostri . . . conceditur*: *Munic. Corp. Comm. Gen. Report*, App., 7-8.

⁶ E.g., in the charters to Montrose (1370), Perth (1374) and Irvine (1372): *R.M.S.*, i, 313, 494; *Muniments of Irvine*, i, no. 4. Similar forms were employed in conjunction with burgesses: *ib.*, *loc. cit.*; *Charters of Ayr*, no. 14; *R.M.S.*, i, App. i, 64.

⁷ E.g., *Reg. de Aberbrothoc*, i, 277-8; *Carte de Northberwic*, xxxvii.

⁸ *R.E.G.*, ii, 430-3; *R.M.S.*, ii, 1915.

highest grade of municipality,¹ was applied in Scotland, as we have seen, to Newburgh in Fife (1266), Staplegorton (1320), Port Seton (1321) and Whithorn (1325).

There was movement both within and between the groups of burghs. The effective total of king's burghs was reduced through losses in the English wars, simple lapses and neglect of burghal right, and the ecclesiastical and baronial burghs suffered similarly from decay. We have only glimpses of Crawford, Urr and Buittle in the south-west, of Langton and Port Seton in the south-east, of Rattray and Newburgh in the north-east, followed by a century or two of unbroken silence. The burghal lapse of Dunblane—if that is the proper term—was *sui generis*. It was the lands of the bishopric, *vnacum regalia sue civitatis* (without mention of a burgh²), that were erected into a barony in 1443.³ In later centuries, however, Dunblane showed all the attributes of an incorporated town, apparently as a *city* but not a *burgh*. The inhabitants were *cives*, they used the 'common seal of the city', they had bailies and quartermasters, a tolbooth and a market cross, the crafts were organised on the usual lines, the petty customs were roused for the common good.⁴

Between the two main groups, the movements of individual burghs, in both directions, are numerous and suggestive. One of David I's burghs, Renfrew, was still seemingly dependent on the Crown in 1159.⁵ but by 1163 Walter FitzAlan was referring to it as *burgo meo*⁶; it had

¹ J. Tait, *The Medieval English Borough* (1936), 205-6.

² Not that this by itself is conclusive: James II's charters of 1450 and 1452 creating the regalities of Glasgow and St. Andrews do not mention the burghs: *R.E.G.*, ii, 375-7; *R.M.S.*, ii, 1444 (charter of confirmation of 1480).

³ *A.P.S.*, ii, 58.

⁴ Cf. G. S. Pryde, 'The City of Glasgow', in *The College Courant*, vol. ii, no. iii (Martinmas 1949), 29-30.

⁵ *Liber de Calchou*, i, v.

⁶ *Reg. de Passelet*, 2; *R.E.G.*, i, 19; *Reg. de Neubottle*, 145-6; *Reg. de Dunfermelyn*, 93. So, in the next generation, Alan FitzWalter gave tofts in his burgh to several religious houses: *Reg. de Cambuskenneth* (Grampian Club, 1872), 44, 48; *Rental of Cupar Angus* (Grampian Club, 1879-80), i, 350; *Charters of Coupar Angus* (S.H.S., 1947), i, xxxii; ii, 253. There

been 'mediatised', in the English phrase, to the progenitor of the royal Stewarts. At some unknown time between the twelfth and early fourteenth century, Dunfermline, another of the earliest group of king's burghs, had passed from the king to the local abbot,¹ though in this case the latest commentator holds that the evidence indicates not so much a transfer of superiority as a physical or geographical shift of the burgh from an older settlement to what had been the abbey's 'suburb'.²

Robert I's reign witnessed a series of alienations of Crown burghs. Jedburgh, probably yet another of David I's burghs, kept its tenure until 1320, when the king conveyed to Sir James Douglas *totam villam nostram mercatoriam de Jedworth*, with the castle and forest, in free barony, at a reddendo of 100s. *nomine annue firme burgi* and one knight's service.³ It was in the far north, where the royal power was weakest, that the greatest changes occurred. William, earl of Ross, seems to have been in possession of the lands of Dingwall by 1308,⁴ and in 1321 he got a charter of the lands, castle and burgh.⁵ His son and heir, Earl Hugh, obtained a charter of the burgh of Cromarty in 1323,⁶ and the grant may have been made at an earlier date.⁷ In 1324 the king gave the earldom of Moray in regality to his nephew, Sir Thomas Randolph. The gift (reserving Inverness to the Crown) conveyed the three burghs of Nairn, Forres and Elgin, which were, however, allowed *easdem libertates . . . quas tempore domini Alexandri regis . . . et nostro habuerunt, hoc solum salvo quod de nobis tenebant sine*

are thirteenth-century deeds showing the successive Stewards, Walter, Alexander and James, as overlords of the burgh: (1204 × 1246) *Reg. de Passelet*, 20; (1283 × 1309, confirming earlier grants) *Liber S. Crucis*, 67.

¹ In Robert I's reign it was one of four burghs holding from the abbot: *R.M.S.*, i, App. i, 24; cf. *Reg. de Dunfermelyn*, 232-3, 415.

² A. A. M. Duncan, in *Regality of Dunfermline Court Book* (1953), 14-17. The argument is ingenious and convincing.

³ Original charter and facsimile in *Douglas Book*, iii, 355, no. 288; cf. *R.M.S.*, i, App. ii, 288.

⁴ *A.P.S.*, i, 477.

⁵ *R.M.S.*, i, App. ii, 370, 380.

⁶ *Ib.*, App. ii, 55.

⁷ *The Scots Peerage* (vii, 235) dates the king's gift 5 December 1316 and cites *E.R.S.*, i, lxxxix (which gives no date for the grant).

*medio et nunc de eodem comite tenent cum eisdem libertatibus.*¹ Some time in the next five years Robert I transferred (*in liberum maritagium*) to Hugh, earl of Ross, and his wife Matilda Bruce, the king's sister, *terram de Narne cum burgo*, as a heritable feu and barony to be held from Randolph.² Several later deeds attest the association of the northern burghs with the two earldoms,³ which continued until the forfeitures of the Douglas earl of Moray in 1455⁴ and of the lord of the Isles in 1475-76.⁵

It has been suggested that these sweeping transfers were 'unconstitutional' and were declared to be so by David II's Parliament,⁶ but the evidence will hardly bear any such interpretation.⁷ And alienations continued during this and subsequent reigns. Wigtown burgh passed in 1341 to Sir Malcolm Fleming with the earldom, the burgesses' rights again being fully safeguarded—*volumus et concedimus . . . quod burgenses sui de Wigtoun easdem libertates in omnibus habeant quas juste habuerunt temporibus predecessorum nostrorum regum Scotie.*⁸ The burgh later held from the Douglasses, though for a time Sir James de Lyndesay, Robert II's nephew, had an interest,⁹ and in this way the

¹ *R.M.S.*, i, App. i, 31; *R.E.M.*, 342-4.

² *R.M.S.*, i, App. i, 8.

³ Thus Elgin was *burgus noster* to John Dunbar, earl of Moray, in the years 1390-96: W. Cramond, *Recs. of Elgin*, ii. 454-5, 458, 460; cf. C. Rampini, *Moray and Nairn*, 270. The *carta tallic* of 1415 to Euphemia Leslie, countess of Ross, included the town and castle of Nairn: *R.M.S.*, i, App. ii, 1976. In 1445 the two earls were forbidden to summon to the courts of their burghs of Elgin, Forres and Nairn any men of the bishop of Moray: *R.E.M.*, 220-1. And in 1451 Archibald Douglas, earl of Moray, confirmed the ancient privileges of the burgesses of Elgin: Cramond, *op. cit.*, 457-8.

⁴ *A.P.S.*, ii, 76-7.

⁵ *Ib.*, ii, 111; *R.M.S.*, ii, 1246.

⁶ C. Innes, *Scotch Legal Antiquities*, 116-17, note 2; cf. *ib.*, 40, and *A.P.S.*, i, 15, note 7; Rait, *Parliaments of Scotland*, 240.

⁷ What Innes and Rait apparently had in mind were the Acts of 1357 and 1367 (and perhaps also of 1400), designed to prevent loss of royal revenues (*A.P.S.*, i, 144, 492, 575), but they are in general terms and do not even mention burghs.

⁸ *R.M.S.*, i, App. i, 119; *Wigtown Charter Chest* (S.R.S.), no. 3 (where the date is erroneously given as 1343).

⁹ The second earl of Wigtown sold his rights in the earldom in 1372 to Archibald Douglas, lord of Galloway: *Douglas Book*, iii, no. 327, pp. 396-7; *Wigtown Charter Chest*, nos. 7, 30; *A.P.S.*, i, 560-1; *Scots Peerage*, viii, 523; Sir H. Maxwell, *Dumfries and Galloway*, 117-18. In the same year

whole of Galloway fell to the Douglasses, for Archibald the Grim had acquired East and Mid Galloway from the Crown in 1369¹; though no contemporary evidence as to the fate of Kirkcudbright seems to have survived, the confident assertion of local writers that it, like Wigtown, was a Douglas burgh until the forfeiture of 1455 can be accepted as highly probable.² Yet another alienation must have occurred before 1397, for in that year Sir John Herries of Terregles disposed to Sir Henry de Prestoun the burgh and castle of Fyvie, with part of the barony of Formartin.³

As a partial offset to the Crown's loss of eleven of its burghs before 1400, there were two 'promotions' of baronial burghs to direct tenure from the king, one of them cancelling out a Crown loss, and both arising from the elevation of the Stewarts to the throne. That family had held Renfrew from the reign of Malcolm IV, and it certainly possessed Irvine from that of Robert I.⁴ In 1372 the burgesses of Irvine were declared to hold their burgh as

Lyndesay got a royal charter of the lands of the lordship of Wigtown, *una cum burgo ejusdem*: *R.M.S.*, i, 414, 527. These two transactions are not easy to reconcile. Either the grant to Lyndesay was made with Douglas's concurrence, or the Douglas purchase was of the title only and not the lands; the second thesis is preferred by R. C. Reid in 'Some Notes on Pre-Reformation Wigtown', *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xii (1924-25), 240. At all events, lands, title and burgh were Douglas property in the fifteenth century and in 1451 the earldom was confirmed to William, eighth earl, *cum turre et burgo de Wigtone*, as freely as they had been held by the fourth and fifth earls (1400-39): *R.M.S.*, ii, 503; *A.P.S.*, ii, 72. For doubts as to whether the restoration to Douglas was effective, see A. I. Dunlop, *Life and Times of James Kennedy* (1950), 131-2, 142-3.

¹ Chalmers, *Caledonia*, iii, 242, 268; P. H. McKerlie, *Lands and their Owners in Galloway*, iv, 166.

² Chalmers, *op. cit.*, 275; W. Mackenzie, *History of Galloway* (1841), i, 385-6; McKerlie, *op. cit.*, 167; Maxwell, *op. cit.*, 141. Chalmers and Maxwell both apply the anachronistic term 'burgh of regality' to Kirkcudbright.

³ Burgh fermes and tolls, tenancies and services, went to the new baron: *R.M.S.*, i, App. i, 157, and App. ii, 1938, 1939; *N.S.A.*, *Aberdeen*, 330.

⁴ The words in the grant of Cunningham (1316 x 1320), *tam infra burgum quam extra*, could only mean Irvine: *R.M.S.*, i, 54; *Muniments of Irvine*, i, 233; cf. *ib.*, i, xxx. That Irvine remained a Stewart burgh for over half a century is clear from Robert the High Steward's grant in 1357 to Sir Hugh de Eglinton of the office of baillie of his barony of Cunningham, *vnacum officio Camerarii burgi nostri de Irwyn*: Fraser, *Memorials of the Montgomeries*, ii, 6-8; cf. *Muniments of Irvine*, i, 26.

freely as any set up by any king within the kingdom, and on 14 February 1372/3 the royal officers were warned to respect the chartered rights *burgi nostri de Irvyne*.¹ On 10 November 1397 Robert III set the burgh of Renfrew *ad feodifirmam* to the burgesses and community at an annual reddendo of £10, 6s. 8d.; no other market was to be held within the barony of Renfrew, and the burgesses were to be as free from toll and petty custom *sicut aliqui burgenses regni Scotie*.² Prior to 1400, therefore, alienations of king's burghs outnumbered accessions by eleven to two.

Between the two groups of burghs in this period, besides the definite movements in one direction or the other (and, in the case of Renfrew, in both), lay an intermediate subgroup, halving, so to speak, the difference. During the reigns of Malcolm IV and William provision was made for near relatives of the king by the allocation to them, *inter alia*, of entire burghs. In 1153×1165 Countess Ada, mother of Malcolm and William, gave the priory of St. Andrews a toft *in burgo meo de Haddington* ³ and about 1170 William confirmed a similar gift by his mother to the priory in the burgh of Crail.⁴ Not later than 1195, again, Robert de London, natural son of the king, granted Lindores *vnum plenarium toftum in burgo meo de Inuerkeithin*.⁵ Such transfers seem to have been personal arrangements within the royal family, and they did not survive the lifetime of the grantee; since William was his mother's heir and Robert de London died childless, all three burghs reverted to the Crown.⁶

¹ *Ib.*, i, 11-14. Both grants were confirmed by Robert III and James I : *ib.*, 17-18, 22.

² The transaction was confirmed by James V's charter of 28 June 1542 : *R.M.S.*, iii, 2705.

³ *R.P.S.A.*, 207.

⁴ *Ib.*, 226. There is also record of toft-grants by the countess in each of these towns to Dunfermline and Cambuskenneth : *Reg. de Dunfermelyn*, 88 ; *Reg. de Cambuskenneth*, 44, 88, 252-3, 279. The words *in burgo meo* reappear in her confirmation of David's gift to Dryburgh of a *manerium* in Crail : *Liber de Dryburgh*, 10-11.

⁵ *Chartulary of Lindores* (S.H.S., 1903), 91-2. So, too, Robert confirmed (*ante* 1200) a gift to Inchcolm by Malcolm IV in that burgh (*in burgo meo*) : *Charters of Inchcolm*, 7.

⁶ For Haddington as one of William's burghs, see Raine, *North Durham*, App. no. L (p. 10). For Crail under William, see *R.P.S.A.*, 228-9 (*bis*) ;

The grant of two other burghs at this time differed in kind and in duration from these arrangements. By a charter of 1178 × 1182 King William gave his brother David the earldom of Lennox, along with lands and the towns of Dundee and Inverurie.¹ There is nothing to suggest that these two places were already burghs, but in the late 1190s Earl David granted to his new foundation, the monastery of Lindores, *unum toftum in burgo meo de Dundee* and another *in burgo meo de Inuerurin*²; other charters by Earl David and by his son, Earl John 'the Scot', record gifts of land and rents in the two 'earl's burghs'.³

After Earl John's death without issue in 1237, Dundee (though full documentation is lacking) seems to have become one of the 'king's burghs' without any loss of status or privilege. In 1325, at all events, after Robert I had commissioned his chancellor and his chamberlain to inquire into the position in the time of Alexander III, the finding was that the burgesses of Dundee had *eandem libertatem emendi et vendendi per aquam et per terram sicut aliqui burgenses per totum regnum Scocie . . . habuerunt . . . videlicet, in mercato, in nundinis, in libero portu . . . cum gilda mercatoria et aliis libertatibus vniuersis, sicut liberi burgenses regni semper ab inicio pacifice permanentes*.⁴ Mediatisation within the royal family apparently cost

Liber de Dryburgh, 11; *Liber de Lundoris*, 9; *Chartulary of Lindores*, 108; and under Alexander II, *Liber de Balmorinach* (Abbotsford Club, 1841), 27; *R.P.S.A.*, 234. For Inverkeithing as a king's burgh in 1229, see *Reg. de Aberbrothoc*, i, 85-6; and under Robert I, *Reg. de Dunfermelyn*, 231-2, 247.

¹ *Chartulary of Lindores*, 1.

² *Ib.*, 3-4, 103, 181-2 (Earl David's own charter and the papal and royal confirmations).

³ Earl David's grant (1191 × 1204) to St. Andrews priory of a toft in, and one mark from the fermes of, his burgh of Dundee is in *R.P.S.A.*, 238-9, with a royal confirmation of 1228 (*ib.*, 235). After his succession in 1219, Earl John confirmed previous toft-grants in his burgh of Dundee to Arbroath (*Reg. de Aberbrothoc*, i, 95-7) and to St. Andrews priory (*R.P.S.A.*, 240). In 1229 × 1232, too, John gave Balmerino a toft, described as being in *villa de Dundee* (*Liber de Balmorinach*, 25). And in 1232 × 1237 he conveyed to Lindores an annual sum of 20s. from *terra quam burgenses mei de Inueruri tenent de me ad firmam* (*Chartulary of Lindores*, 20-1).

⁴ *Munic. Corp. Comm. Local Reports*, i, 229, 238-9. For the inquest's composition and significance, see *infra*, pp. xxxiv.

Dundee nothing: it might be loosely styled a 'Crown burgh' throughout its history.

Inverurie's case is less clear, mainly because of its early association with the lordship or earldom of the Garioch, held by the two earls in succession.¹ After coming into the possession of the Bruces,² the lands were alienated by Robert I in 1326, but the burgh seems to have been retained in the king's hands.³ In the fifteenth century the bailies and burgesses acted in the same way and by the same laws as did those of any other king's burgh,⁴ and, though the anomalous connexion with the Garioch persisted for long,⁵ there was a charter of re-erection in *liberum burgum regalem* in 1558.⁶ The early transfer of Inverurie, like that of the other four burghs mentioned, was essentially a personal and temporary arrangement, without effect on its later status.

By 1400, therefore, the king's burghs had suffered fairly heavy losses—a net reduction of ten by alienation,⁷ besides two by enemy action (Berwick and Roxburgh) and two by lapse (Clackmannan and Airth)—and gained only one by promotion (Irvine); the burghs holding from subjects had

¹ Cf. A. Smith, *New History of Aberdeenshire*, ii, 754; J. Davidson, *Inverurie and the Earldom of the Garioch*, 19. Davidson wrongly styles Inverurie 'a royal burgh' before 1195.

² Davidson, *op. cit.*, 24.

³ Robert gave Sir Andrew de Moravia and his wife, Christian, the king's sister, *omnes terras nostras de Garviauch tam infra burgos nostros quam extra . . . in liberum maritagium . . . adeo libere . . . sicut quondam David comes de Huntingdone predictas terras . . . de predecessore nostris regibus Scotie . . . tenuit*: *R.M.S.*, i, App. i, 70. The burgh was not included in the grant, and the words *burgos nostros* suggest its retention: cf. Davidson, *op. cit.*, 27.

⁴ For sales and sasines of burghal lands, see *R.E.A.*, i, 286-7, 295-7, 311 (A.D. 1464, 1466 and 1476).

⁵ Some of the regality lands were in Inverurie: Davidson, *op. cit.*, 29, 54. Regality courts were held within the burgh in 1424 and 1432: *Collections of Aberdeen and Banff* (Spalding Club, 1843), 555-6. As late as 1663 Inverurie, as being, though a royal burgh, 'the most convenient and fitt place', was appointed head-burgh of the regality, for keeping of courts, proclamation of brieves, etc.: *A.P.S.*, vii, App., 97.

⁶ *Antiquities of Aberdeen and Banff* (Spalding Club, 1847-69), iii, 478-80; *R.M.S.*, iv, 1287.

⁷ Of the eleven burghs alienated during the period (i.e., exclusive of the five that were temporarily transferred within the royal family) only Renfrew (1397) had been recovered by the Crown by 1400.

meanwhile increased through the transfers, while suffering very few lapses (Urr and Buittle). The Crown's readiness to part with its burghs, no less than the lack of protest on their part (an attitude that would have been unthinkable in later times), is striking testimony to the absence of differentiation in real powers and privileges.

The one sharp distinction in early times between the two groups of burghs concerns political function. The close link between king's castle, king's burgh and sheriffdom,¹ which supplied the strength of the medieval system of local administration and which endured down to the end of the fourteenth century,² had no counterpart among the ecclesiastical and baronial burghs. True, the burgh might be the *caput* of barony or regality,³ but this was a matter of local convenience and local significance, in no way comparable to the shrieval associations of the king's burghs. Again, the protection of a nearby castle accounts for the location of most of the early baronial burghs, as it does for most of the early *burgi domini regis*.⁴ Thus, Kirkintilloch's 'Peel', on the site of a Roman fort,⁵ the coastal fortress of Dunbar, Tower-Lindsay at Crawford, the Crichtons' castle at Sanquhar, the Bruce strongholds of Lochmaben and Annan,

¹ G. Neilson, *Juridical Review*, xiv (1902), 129-40; W. C. Dickinson, *Sheriff Court Book of Fife* (1928), 368-85; G. S. Pryde, *Juridical Review*, xlvii (1935), 271-83; W. C. Dickinson, *Early Records of the Burgh of Aberdeen* (1957), xvii-xxxi, cl-cli.

² For Rothesay (1385-1401) and Renfrew (1397-1414), see *Sheriff Court Book of Fife*, 364-5, 385 note 4. Down to that epoch, indeed, about three out of four king's burghs were *capita* of sheriffdoms. Montrose, Inverkeithing, Kinghorn, Dundee, Kintore, Inverurie, Cullen, Airth, Rosemarkie (?), Lauder and Inverbervie (i.e., 11 out of 45 certain or probable creations down to 1401) were unconnected with sheriffdoms. For the emergence of sheriffdoms, see *ib.*, Appendix D, pp. 347-68; to the list there given Rutherglen, Jedburgh and Fyvie should be added under date 1296: *Rot. Scot.*, i, 25, 27, 28; cf. *S.H.R.*, xxviii, 156.

³ Thus, the head-courts of the bailliery of Cunningham were held at Prestwick: *Prestwick Burgh Recs.*, 114. So, too, the abbot of Kelso held his court in Wester Kelso: *Liber de Calchou*, ii, 349.

⁴ Prior to 1400 only Haddington and Inverkeithing seem to have developed without reference to a royal castle.

⁵ T. Watson, *Kirkintilloch, Town and Parish* (1894), 73-4, 78; *N.S.A., Dumbarton*, 188-9. The castle was recognised as one of the country's strongholds in the thirteenth and fourteenth centuries—*nostrum castrum* to Edward I in 1296 and to Edward II in 1309: *Rot. Scot.*, i, 35, 80.

the exceptionally large Mote of Urr,¹ the Balliol fortification at Buittle and Barntalloch castle hard by Staplegorton each fostered a baronial burgh. There was a little tower situated in and (until 1540) apparently belonging to the burgh of Newton-upon-Ayr,² while the link between Seton castle and village, in Tranent parish, was close long before, in the reign of Queen Mary, George, fourth Lord Seton, built his sumptuous 'palace'.³ If the protective 'pull' of the castle was the most potent factor in determining the siting of baronial burghs,⁴ the element of 'attractive growth' is too obvious in the case of the ecclesiastical burghs to require emphasis: proximity to cathedral, bishop's castle or palace, to abbey or priory, decided the location of almost⁵ all the early burghs of the Church.

In a few instances, indeed, 'attractive growth' can be studied in stages, for episcopal or monastic privilege in the economic sphere might create the nucleus of a burgh that was to grow in a natural and almost inevitable way. The best-known of the early extra-burghal grants was made by David I (and confirmed by William) to the bishop of Brechin *de foro imperpetuum habituro in villa per dies dominicos adeo libere sicut episcopus Sanctiandree forum habet*.⁶ Now, while St. Andrews was a burgh, Brechin was not one until much later: styled a city in 1450,⁷ though seemingly enjoying in practice full burghal rights,⁸ it was

¹ For this 'almost unique' defensive site, see two articles by R. C. Reid, 'Mote of Urr', in *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xi (1923-24), 204, and xxi (1936-38), 11-19; and cf. McKerlie, *Lands and their Owners in Galloway*, v, 331. Grose's engraving is in Frew, *Parish of Urr*, facing p. 6.

² D. Murray, *Early Burgh Organisation in Scotland*, ii, 176-8.

³ MacGibbon and Ross, *Castellated and Domestic Architecture*, iv, 187.

⁴ Exceptionally, a few of the early baronial burghs seem to have grown up without castles—North Berwick (whose connexion with the great Douglas fortress of Tantallon, some three miles away, was fortuitous), Prestwick, Irvine, Langton and Rattray.

⁵ Here the exceptions are Dunfermline's dependencies of Musselburgh, Queensferry and Kirkcaldy.

⁶ *R.E.B.*, i, 3; and, for Robert I's confirmation, *ib.*, 8; cf. A. Ballard, in *S.H.R.*, xiii, 18.

⁷ *R.M.S.*, ii, 377.

⁸ Thus, a charter of 1451 ratified, *inter alia*, Robert I's confirmation of the bishop's right to hold *forum in civitate*: *ib.*, ii, 494. Another charter

declared to be a free burgh (*liber existit burgus*) only in 1488.¹ In a more modest way, William allowed the monks of Kelso and their vassals in Wester Kelso certain liberties to be exercised on any day of the week except Roxburgh's market day, namely, to sell fuel, building materials and corn in the town, to buy such goods from strangers, and to expose for sale in their windows bread, ale, meat, and also fish (if bought in by themselves)²; Kelso, as we have seen,³ was a burgh by 1237.

But the natural growth, from such economic activities, of a Church burgh was not quite an automatic process. The canons of Scone enjoyed from Malcolm IV *licentiam habendi apud Scon tres ministros scilicet unum fabrum unum pelliparium et unum sutorem*⁴; the presence of smiths, skinnners and shoemakers would seem a likely basis for a burgh, but, so far as is known,⁵ none developed here. Or, again, the process might be a protracted one. William gave the canons of the Isle of May not only the usual freedom from toll for their own goods, but also a petty custom of the tenth penny from all ships coming to their ports of Pittenweem and Anstruther *causa piscandi vel piscem vendendi*.⁶ The lands of Mauchline in Kyle-Stewart, the gift of the Stewarts to the abbey of Melrose,⁷ were con-

of the same year gave its *liberi cives* the trading rights of burgesses, authorised their bailies to repledge them and their goods at the city cross, and warned the men of Montrose, Forfar and Dundee to respect these privileges: *R.E.B.*, i, 169-72.

¹ *Ib.*, ii, 122-3. But cf. *infra*, p. xxxi and note 7.

² *Liber de Calchou*, i, 15; Ballard, *loc. cit.*

³ See *supra*, p. xii and note 8.

⁴ These craftsmen were allowed, while in the service of the canons, every liberty and custom, within and without burgh, *quas burgenses mei de Pert melius habent in burgo meo de Pert uel extra*: *Liber de Scon* (Bannatyne Club, 1843), 9.

⁵ The evidence is simply the absence of any reference in a royal charter to *burgo meo*. William did give the abbey *plenarium toftum in Scon* (*ib.*, 17), but tofts could be given in places that were not burghs, like Stracathro (*Reg. de Aberbrothoc*, i, 50-2) or Kilrymont, as distinct from St. Andrews (*R.P.S.A.*, 124, 181, 189). It is just possible that Scone (like those other *capita* of sheriffdoms, Kincardine and Kinross) was, or was designed to be, one of the king's burghs.

⁶ *Recs. of Priory of Isle of May*, ed. J. Stuart, 9-10.

⁷ The original grant came from Walter FitzAlan in 1165×1174 (*Liber de Melros*, i, 55-6), and the cell set up by the monks evolved in time into the parish church. Cf. Chalmers, *Caledonia*, iii, 518-19.

firmed to the monks in 1266, along with full rights of justice,¹ freedom from toll (in Prestwick burgh) and *libertatem uendendi et emendi in quocumque foro uel loco uoluerint*.² It is true that the burghs of Pittenweem, Anstruther Wester and Mauchline were not erected until the sixteenth century, but it is not fanciful to detect their remote origins in these grants to their monastic superiors of extra-burghal privileges.

Besides ease of movement between groups of burghs and the existence of non-burghal markets, of crafts and of petty trading rights, our records reveal, in the economic practices of the early ecclesiastical and baronial burghs, much that does not conform to later rules and ideas about burghal classification and differential privilege. Glasgow's charter of foundation (1175 × 1178) endowed the bishop's burgh with a weekly market (the first recorded grant of the kind to any burgh), *cum omnibus libertatibus et consuetudinibus quas aliquis burgorum meorum . . . habet*,³ extended to the burgesses the king's firm peace *per totam terram meam in eundo et redeundo*, and forbade any disturbance, vexation, injury or abuse of them or their goods.⁴ Later grants included an annual fair and amplified the gift of the king's peace,⁵ while any question as to whether these chartered rights were observed, so to speak, 'on the ground' is

¹ The abbot and convent may hold their pleas where and when they will, *cum omnibus libertatibus quibus ego et heredes mei curiam nostram de prestwich tenemus*, they may take forfeitures, escheats and fines, and the Steward's bailies and men will support the abbot's court and maintain his jurisdiction. Cosmo Innes alludes to these rights in *Sketches of Early Scotch History*, 95 note 1.

² *Liber de Melros*, i, 286-7.

³ Murray, noting Glasgow's 'most favoured' status, but neglecting the time factor, reached the extraordinary conclusion that 'there was no essential difference' between a royal burgh and a burgh of barony or regality: *Early Burgh Organisation*, i, 148-50.

⁴ *R.E.G.*, i, 36.

⁵ The grant of the annual fair, again with the king's firm peace (*ita libere . . . sicut aliquae nundine in aliquo burgorum meorum . . . tenentur*), was made in 1189 × 1198: *ib.*, 38. This was expanded in a charter ante 1211, which afforded the king's peace to all frequenters of the fair—*ad veniendum illuc et ibi standum et inde iuste redeundum ita ut faciant quod iuste et secundum assisam burgorum meorum et terre mee facere debebunt*: *ib.*, loc. cit.

answered in the reign of Alexander II, when the officers of the king's burgh of Rutherglen were forbidden *ne . . . tolneum aut consuetudinem capiant in villa de Glasgu, set illa capiant ad crucem de Schedenestun [Shettleston] sicut illa antiquitus capi solebant* (1226), and the Dumbarton men were warned against interfering with the Glasgow men, who *in Ergadium et in Leuenax et per totum regnum nostrum ire possint ad emendum et vendendum . . . ita libere . . . et sine aliquo impedimento balliuorum nostrorum de Dunbretan . . . sicut dicti burgenses . . . antiquitus . . . facere potuerunt antequam burgum apud Dunbretan fundari fecimus* (1243).¹ And in the next reign we may read of craftsmen among the Glasgow burgesses—Bryce the baker, Roger the skinner, Geoffrey the dyer and William the fuller.²

If Glasgow provides the clearest proof of the universal validity of burgess-right, regardless of whether the superior was king, bishop, abbot or earl, the main reason is the fortunate survival of the episcopal register, which makes it one of the best documented of the ancient burghs: but its privileges were by no means unique. The burgesses of Canongate were licensed to buy and sell *res suas uenales . . . in foro meo . . . sicut mei proprii burgenses*,³ and no one was to take their bread, beer or cloth by force or without consent (1143 × 1147).⁴ Malcolm IV's charter of 1153 × 1157 conceded *burgensibus episcopi S. Andree omnes libertates et consuetudines quas mei burgenses communiter habent per totam terram meam et quibuscunque portubus applicuerint*.⁵ Here, too, as the record down the centuries shows, the bishop's men could maintain their rights against neighbouring king's burghs: David II's charter of 1363 authorised

¹ *Ib.*, 114, 148-9.

² *Ib.*, 198, 181.

³ I.e., the Edinburgh burgesses, with whom those of Canongate were to have 'communion', or common right, in the Edinburgh market.

⁴ *Liber S. Crucis*, 4-6. William's confirming charter (*ib.*, 22) allows the Canongate burgesses *meliores custumas quas habet aliqua ecclesia in terra mea*—which would seem to put Canongate on a par with St. Andrews and Glasgow.

⁵ J. Grierson, *Delineations of St. Andrews* (1838 edition), 231; cf. Ballard and Tait, *British Borough Charters*, ii, 381; for a facsimile reproduction, see *N.S.A., Fife*, facing p. 477.

the citizens to buy wool, woollfells and hides (the country's staple wares) in the burgh of Cupar or anywhere else in Fife or Fothrif or within the bishop's lands,¹ and the Crown sustained this claim in 1370 when it was opposed by the merchant guild of Cupar.² The abbot of Arbroath got licence in 1178 × 1182 not only *faciendi burgum* but also *habendi portum et habendi forum vnaquaque die sabbati*, while his indwelling burgesses of Arbroath, and also his burgesses dwelling in his tofts within the king's burghs, were made free from toll.³

The basic economic privilege of the dependent burgh was the weekly market,⁴ sometimes in conjunction with an annual fair,⁵ but freedom from toll and, where appropriate, a free port were the *libertates* most sought after by them or by their superiors. Thus, a case was heard at Forfar on 17 July 1348 before the justiciar-depute beyond Forth, over the sum of one penny taken from an Arbroath man at Dundee *pro tollonio regis*: this was found to be improper, the bailies of Dundee repudiated the action, the penny was returned, and the offender bound himself not to repeat the error.⁶ So, too, grants of custom, cocket or free port were prized: Thomas Randolph, earl of Moray, had his cocket of Lochmaben in 1328,⁷ the abbot of Arbroath got the custom (great and petty) of the burgh, port and regality, with his own cocket, in 1351,⁸ the bishop of St. Andrews enjoyed the great custom and cocket of his burgh (1363),⁹

¹ *R.M.S.*, i, 134.

² *A.P.S.*, i, 509, 536-7; Murray, *Early Burgh Organisation*, ii, 560.

³ *Reg. de Aberbrothoc*, ii, 533-4. The curious and (for Scotland) rare concept of burgess-ship here indicated recalls Maitland's 'tenurial heterogeneity': *Domesday Book and Beyond* (1921), 197-203.

⁴ Thursday was appointed for Kirkintilloch in 1211 × 1214, and Tuesday for Newburgh (Fife) in 1266; *S.H.R.*, xxix, 67; *Liber de Lundoris*, 8.

⁵ Whithorn was granted both a weekly market and an annual fair by its charter of 1325: *R.M.S.*, i, App. i, 20.

⁶ *Reg. de Aberbrothoc*, ii, 20-2.

⁷ *E.R.S.*, i, 99; cf. G. Neilson, 'The Burghs of Annandale', in *Trans. Dumfries & Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., iii (1914-15), 57-76.

⁸ The king's precept directed that the abbot's cocket be received *sicut koketa burgorum nostrorum . . . recipiuntur*: *Reg. de Aberbrothoc*, ii, 23-4. Parliament confirmed the grant in 1357/8: *A.P.S.*, xii (Supp.), 11.

⁹ *R.M.S.*, i, 134.

and William, earl of Douglas, held the *liberem portum* of North Berwick (including great custom, cocket and tron) in 1373.¹ Commercial opportunity and commercial gain figured prominently in early municipal life.²

Down to the end of the fourteenth century, indeed, trade and wealth counted for more among the burghs than tenure and status. The custumar's receipts during the period 1366-1376³ show that the episcopal city of St. Andrews and (from 1370) the baronial burgh of Dunbar, ranking, on an average, as eighth and ninth of the great custom ports, made payments to exchequer which, while far short of those of the greater burghs,⁴ were still substantial; in 1376, too, North Berwick stood tenth out of fourteen ports.⁵ The accounts of the direct taxation (*contribucio*) levied from clergy, sheriffdoms and burghs during four years in the period 1366-1374⁶ list 42 places as *burgi*, whether compearing or non-compearing, and these include eleven dependent burghs—St. Andrews, Glasgow and Brechin⁷ (episcopal), Arbroath, Dunfermline, Canongate, Musselburgh and Kirkcaldy (abbatial), Irvine, Dunbar and North

¹ Douglas promised to surrender these privileges if his intromission therewith should ever prove *dampnosa vel notabiliter nociva* to the kingdom or to the burghs: *Carte de Northberwic*, 27-8. As already noted (*supra*, p. xvi), the first charter reference to the burgh is of date 1381 × 1388, but this mention of the *liber portus*, together with the testimony of the *Exchequer Rolls* (to be noticed shortly), makes it likely that the burgh was in existence by the 1370s.

² For a variant form, in the case of Buittle, of the usual trading privileges, see *supra*, p. xv and note 3.

³ The accounts are tolerably full at this time: *E.R.S.*, ii, between pp. 254-5 and 470-84. The quadrupling of the rate of custom made it a vital source of national revenue: *ib.*, lxxii.

⁴ The first seven at this period (averaged over the ten years) were Edinburgh, Aberdeen, Linlithgow, Haddington, Dundee, Perth and Montrose. The contrast with the order of the trading burghs in the years 1327-1333 (*ib.*, i, 74-83, 95-100, 170-5, 274-80, 313-22, 366-74 and 420-7) is of interest: Berwick, Aberdeen, Edinburgh, Dundee, Perth, Cupar, Linlithgow, Inverkeithing, Stirling, with occasional contributions from Ayr, Montrose, Dumbarton, Wigtown and Kirkeudbright.

⁵ *Ib.*, ii, 471.

⁶ *Ib.*, ii, 257, 341-2, 353-4, 431-2, 457.

⁷ As already noted (*supra*, p. xxvii) charter evidence shows Brechin not to have been, in a formal sense, a burgh until 1488; but, as an incorporated city with a market and a system of local government long before that date, it could be (and clearly was) treated as a burgh for purposes of national taxation.

Berwick (baronial).¹ Although it is again clear that the ecclesiastical and baronial burghs stood well below the greater burghs of the Crown,² it is equally clear that they were treated simply as burghs, contributing *pro rata* to national taxation.

The grant of burghal privilege was formally in favour of the burgh's overlord, and it was under his patronage and in pursuance of his right that burgh and burgesses flourished taking their place alongside those holding from the Crown. Still, without a viable burgh, the superior's *libertas* would have been pointless, and his economic needs *per se* could have been satisfied by a simple grant of freedom from toll *de propriis catallis*,³ or by licence to buy and sell *omnia quibus opus habuerint ad sustentationem et utilitatem domus sue*,⁴ or by the authorised use *unius navis ad necessaria domus sue transportanda*,⁵ or even (if lands and rents were the aim, rather than trade and imports) by the gift of tofts in the king's burghs—which (bestowed lavishly on the greater houses⁶) might be either leased or feued for profit

¹ In addition to these 11 burghs and to 28 holding from the Crown three other places are listed as liable for *contribucio*—North Leith, South Leith and Nungate (*iuxta Hadymgtoun*). Their inclusion is puzzling, but, since there was never at any time a suggestion that South Leith and Nungate were burghs, and since the evidence for North Leith as an early burgh is not convincing (*supra*, pp. xiii-xiv), it would perhaps be best to regard these three places as burghal 'suburbs' brought into the lists along with Edinburgh and Haddington through 'attraction'.

² St. Andrews ranked ninth (equal with Stirling) among all the burghs, Irvine fourteenth, Dunbar sixteenth, Arbroath twentieth, Dunfermline twenty-first, and Glasgow no higher than twenty-third.

³ The abbot and canons of Holyrood enjoyed this right throughout Scotland by award of David I, confirmed by William: *Liber S. Crucis*, 6, 23. A precept of 1388 by Robert, earl of Fife and chamberlain of Scotland, ordered all provosts, bailies and custumars to respect this immunity: *ib.*, 100-1.

⁴ Cf. Fraser, *Book of Carluherock*, ii, 403.

⁵ The priory of Isle of May got such a concession from William (1165 × 1177): *Recs. of Priory of Isle of May*, 7-8. In the days of Anglo-Scottish amity, trading rights might be extended to England and Flanders. Thus, King John in 1205 gave the monks of Arbroath freedom from toll throughout England for their own goods (*Reg. de Aberbrothoc*, i, 330), while Henry III licensed the abbots of Melrose and Coupar Angus each to send a wool ship to Flanders (Bain, *Cal. of Docs.*, i, 904, cited in *Charters of Coupar Angus*, i, xxxv).

⁶ Thus, Arbroath had one in each of the king's burghs, and the abbot's burgesses dwelling in these tofts, like the burgesses of Arbroath, enjoyed

to a local inhabitant¹ or used as a *hostillagium* or *hospicium* for the entertainment of the abbot or his officers on occasional visits.²

Burghal privilege, transcending all such semi-private concessions, extended as far as the defence of commercial rights and immunities against encroachment by neighbouring king's burghs. To parallel the trade monopoly of the *burgus regis* within its own sherifffdom, the baronial burgh had sole rights of trade within its own barony,³ and in some cases the baronial trade precinct was comparable to the shrieval: thus, the barony of Renfrew, astricted to the burgh, actually became a sherifffdom early in the fifteenth century.⁴ Irvine enjoyed a monopoly within the baronies of Cunningham and Largs,⁵ Prestwick within the bailiery of Kyle-Stewart.⁶ A charter of 1370 provided for an

freedom from toll throughout Scotland (*Reg. de Aberbrothoc*, i, 3-4, 14, 53; cf. *supra*, p. xxx and note 3; those occupying the toft outside Perth given by William (c. 1200) had *communione vendendi et emendi et alias rectitudines habendi* with the Perth burgesses (*ib.*, 13, 78). In 1437 the abbot had a burgess of Perth as bailie of all his lands in Perth, to make tacks, collect rents and hold courts (*ib.*, ii, 70).

¹ For the terms of tenure of tofts at Glasgow in 1175 × 1199, see *R.E.G.*, i, 37; at Dunbar and Berwick c. 1242, *R.P.S.A.*, 387-92; at Linlithgow, Berwick, Crail and Haddington in 1282, *ib.*, 343-5; at Perth (holding from Lindores) c. 1280, *Misc. Scot. Hist. Soc.*, iv, 319-20; at Montrose in 1304 and Renfrew in 1326, *Charters of Coupar Angus*, i, 170-2, 229-30; at Crail in 1362 × 1390, *Reg. de Neubottle*, 236; and at Edinburgh in 1413, 1415, 1467 and 1482, *ib.*, 237-8, 265-70, 275-6.

² In the latter case, the occupier might undertake to provide hall, bedchamber, spence, kitchen and stable, fuel and white candles, rush and straw, tables and trestles, salt, dishes and necessary utensils. For the terms on which *hospicia* were held from the abbot of Arbroath at Edinburgh in 1226 × 1239 and again in 1428, see *Reg. de Aberbrothoc*, ii, 320-1, 57-9; at Cullen in 1250, ii, 5-6; at Aberdeen in 1276 and 1320, ii, 325, 302-5; at Crail in 1280, i, 204; at Stirling in 1299, i, 276-7; at Peebles and Inverkeithing in 1317, i, 300-1; at Dundee in 1327, i, 315; at Auchterarder and Perth in 1330, ii, 6-8; and at Forres in 1332, ii, 11. In 1300 Edward I confirmed the rights of Newbattle abbey in the town of Berwick as comprising one tenement in *proprio usu* and rents of 46s. 8d., 20s. and 20s. from three others: *Reg. de Neubottle*, 154.

³ Cf. *Court Book of the Barony of Carnwath* (S.H.S., 1937), lxvi.

⁴ *R.M.S.*, iii, 2705; *Sheriff Court Book of Fife*, 364-5.

⁵ Confirmed in 1372, this was declared to have been enjoyed for 60 years and upwards, 'beyond the memory of men': *Muniments of Irvine*, i, 11-14.

⁶ In 1446 (and presumably for a long time before) all inhabitants were obliged to present their merchandise at the market cross of the burgh: *Prestwick Burgh Recs.*, 114.

exchange of rights between the burgesses of Haddington and Dunbar, licensing the former to trade within the earldom of March, the latter within the constabulary of Haddington¹: this reciprocity strongly suggests the parity of the two burghs, despite their tenurial difference. A similar conclusion must be drawn from the composition of the inquest for the Dundee commission of inquiry of 1325.² It comprised ten landowners, and burgesses of Berwick, Aberdeen, St. Andrews, Forfar, Arbroath and Montrose—that is, the two chief towns of the kingdom, two neighbouring king's burghs and two neighbouring ecclesiastical burghs.³ That such a delicate question as the effect of 'mediatisation' on Dundee's privileges should be referred to such a body (quite apart from the verdict that there had in fact been no loss of liberty) is clear testimony to the lack of discrimination between the groups of 'free burghs' down to the fourteenth century.

It was burgage tenure that was common to all and bound them together in uniform observance of a standard code of conduct: this much is apparent from the slender documentation of the time. Sales of burgages at Glasgow in the second half of the thirteenth century,⁴ and a sasine of 1293 (*per intol et vttol super solum vt moris est*),⁵ were carried out *secundum legem burgorum*, or *secundum consuetudinem civitatis nostre*: general burghal law operated here, as in the king's burghs. Three head courts were held in the year, at which all members of the community (*cives* or *burgenses*) were expected to attend, and an inquest or jury of twelve burgesses was appointed for formal business. The restrictions on the disposal of a burgage conformed to the normal

¹ *R.M.S.*, i, 340. For Dunbar, as well as for Renfrew and Irvine, cf. Ballard, in *S.H.R.*, xiii, 17.

² For the finding of the inquest, see *supra*, p. xxiii.

³ *Munic. Corp. Comm. Local Reports*, i, 229, 238.

⁴ There are records of such sales in ×1268 (mis-dated 1280-90 in the *Tabula*: *R.E.G.*, i, 197-8); in or about 1283 (*Reg. de Passelet*, 382-7); in a charter of 1285, which, incidentally, contains our earliest reference to the Glasgow bridge (*ib.*, 399-401); again c. 1290 (*R.E.G.*, i, 198-200); and, finally, in 1295 (*Reg. de Neubottle*, 144-5).

⁵ *ib.*, i, 210-11. On the penny of in-toll and of out-toll to seal a bargain, cf. *Early Recs. of Aberdeen*, lxxxvi, note 3, and p. 6.

rules : poverty and need must be proved, the tenement must be thrice offered at head courts *propinquioribus parentibus et amicis*, and security must be given for payment of the burgh ferme. The common seal of the city was in use from 1268, generally reinforced by the official's seal : there was here a real corporate life. At Arbroath, too, the sense of community emerges, for example, from the lease of one particate of land to a burghess in 1318 : he undertook to pay 12d. *per annum, et faciet . . . dictam terram edificari in fronte secundum modum burgi infra primos tres annos*.¹ House building on a burghal tenement, we are reminded, was a duty owed to the community rather than a matter of private convenience.² And at Kelso, in 1323, when the abbot charged the burgesses with usurping his rights in the admission of new burgesses, stallangers and brewers, they replied (*per prolocutorem*) that, while those rights had belonged to the abbot as long as he held the burgh *in manu sua*, the case was different since he had set the burgh *ad firmam* to themselves : now such new entrants should present themselves *secundum morem legis burgorum*, so that they might be shown to be *idonei et sufficientes ad habendum vicinitatem inter ipsos*.³

From 1319, starting with Aberdeen, the king's burghs attained fiscal autonomy through individual charters of feu-ferme,⁴ and the process spread to the Church burghs from 1395, when the abbot and convent of Dunfermline set to the alderman and community in feu-ferme all the burghal revenues, including petty customs, stallages and issues of court, *adeo libere . . . sicut aliqui burgenses domini regis aliquem burgum in regno de . . . domino rege ad feodi*

¹ *Reg. de Aberbrothoc*, i, 302.

² Cf. the primitive grant of 'kirseth' (*kersetum*), or exemption from payments pending the building of a house on the toft : Mackenzie, *The Scottish Burghs*, 34-6 ; Dickinson, *Early Recs. of Aberdeen*, xxxiii-iv, xli note 3. As late as 1540, we find a house with garden and croft in the little royal burgh of Falkland being feued by the Crown to William Stewart for an annual duty of 13s. 4d. *ac edificando mansionem cum politiis quemadmodum alii vicini et incole burgi de Falkland pro similibus terris fecerunt* : *R.M.S.*, iii, 2209.

³ As witnesses on the burgh's side appeared the clerk and two bailies : *Liber de Calchou*, ii, 349-50.

⁴ Cf. *Early Recs. of Aberdeen*, lxxii-vi.

firmam tenent ; the annual render was fixed at 13 merks.¹ The status thus acquired by the burgesses from the monastery was exactly that which the king's burgesses had acquired or were acquiring from the Crown.

Of the baronial burghs during these centuries we know less, for neither they nor their superiors had the clergy's scrupulous care to preserve the 'auld evidentis'. From a document of 1399, for example, we learn the bare fact of the survival of Kirkintilloch as a burgh.² More significantly Irvine had a common seal as early as 1260,³ Renfrew by 1280.⁴ Irvine's seal was attached to an agreement between the burgesses and a local landowner, Sir Godfrey de Ross, regarding the rights of the former to pasture and wood⁵ on property held by the latter from the burgesses for a yearly payment to them of two and a half merks. In another document, probably of 1305,⁶ the burgesses and community of Irvine set land in feu ferme to Bryce of Eglinton for an annual duty of 10s. ; the *curia burgensium* is mentioned.⁷ Again, uniformity of practice in landholding in the different burghs is to be inferred from the grant of certain lands in North Berwick to Alan de Lawedyr *adeo libere . . . sicut aliquae terre in burgo domini nostri Regis vel alicujus comitis vel baronis poterit dari* (1381 × 1388).⁸

Down to the end of the fourteenth century, by which time (because of losses, lapses and transfers) the king's

¹ *Reg. de Dunfermelyn*, 276.

² The lands and mill of Duntiblae were given as endowment for a chaplainry in the burgh of Kirkintilloch : *R.E.G.*, i, 296-8.

³ *Muniments of Irvine*, i, 5-7. For the use of burgh seals (from 1212), see *Early Recs. of Aberdeen*, xlix-li, lxxxviii-ix.

⁴ The date is stated as 1180 in the text, but, much more plausibly, as 1280 in the *Tabula* : *Reg. de Passelet*, 375-6.

⁵ The rights (which were carefully defined) were in the lands of Hormissok, identified as Armsheugh by A. McJannet, *Royal Burgh of Irvine* (1938), 68.

⁶ This deed, of which only a late, garbled and mis-dated version survives, concerns 20 acres of land given to Irvine by Bryce's elder brother, Ralph, *dominus* of Eglinton. For an examination of it, see 'The Burghs of Ayrshire', in *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, 2nd ser., iv (1955-57), 13-19.

⁷ *Muniments of Irvine*, i, 1-3.

⁸ The witnesses to this charter included Warinus, then bailie of the burgh : *Carte de Northberwic*, xxxvii.

burghs no longer outnumbered the others,¹ it was financial worth, and more especially commercial wealth, that served to differentiate one grade of burgh from another. True, most of the king's burghs were the *capita* of sheriffdoms, acquiring thereby an administrative significance denied to others; moreover, the trade monopoly area of the *burgus domini regis* tended to be larger than the mere baronial precinct. But a minority of the king's burghs—about a quarter of them²—were unconnected with sheriffdoms and had therefore no special function as political centres (where, for example, royal proclamations might be read or the justiciar might hold his courts); and, again, when several king's burghs had to share a sheriffdom, their trading areas were diminished, to the point at which they could be justly compared to the baronial precinct.³ Under such conditions, tenure from the Crown mattered less than flourishing trade.

Yet the second half of the fourteenth century brought two developments which presaged the later medieval system—the advent of burgh representation in Parliament, and the formulation and ratification of general burghal privilege.

Burgess members may have been summoned to the Cambuskenneth Parliament of 1326,⁴ and they certainly attended General Council from 1357 and Parliament from 1366⁵; since St. Andrews was associated with the group of burghs that acquired this privilege under David II,⁶

¹ Not more than 68 of the 74 burghs noted above (see especially pp. xvii, xxi-xxii, xxiv-xxv) survived as active burghs in 1400, and of these the king's burghs numbered at most 32.

² Cf. *supra*, p. xxv, note 2.

³ Thus, Inverkeithing's precinct stretched from the Leven to the Devon; see its charter of 1399 in *Munic. Corp. Comm. Gen. Report*, App., 7-9. Cf. the area of Irvine as a baronial burgh—the Cunningham division of Ayrshire.

⁴ See Rait, *Parliaments*, 239-40, and, for a contrary view, E. W. M. Balfour-Melville, in *E.H.R.*, lix (1944), 79-87.

⁵ *A.P.S.*, i, 515, 498.

⁶ Only two fourteenth-century attendance lists survive. The Great Council at Perth in January 1357 was attended by burgesses from Edinburgh, Aberdeen, Dundee and Perth, while these four burghs, along with Montrose, Haddington and Linlithgow, were represented on the Committee appointed in 1367 'for holding Parliament': *ib.*, 515, 501. (The remarkable extent to which commercial affluence dictated the choice is

there would seem to have been, from the start, a desire to include in 'the burghess estate' all the greater and wealthier burghs, regardless of tenure, and to this extent to modify the constitutional doctrine that membership of the king's high court of Parliament be confined to his tenants in chief.¹

If there was nothing to show that the newly instituted 'third estate of the realm' was intended to be limited to the king's own burghs, the same lack of differentiation applies in the field of statutory law. An Act of 1357 (the very year when burghess members attended the General Council) confirmed all burghal privileges, without distinction and in the most comprehensive terms—*quod omnes burgi et burgenses libere gaudeant omnibus suis juribus libertatibus et priuilegiis*.² Moreover, it is far from clear that the general charter of 1364, directing foreign commerce to 'the fre burrowis', was originally, in intent or effect, restricted to the *burgi domini regis*,³ though that was the gloss that later ratifications put upon it. While it remained true in the fourteenth, as in the twelfth or thirteenth, century that a burgh was taken for what it was itself worth, without reference to the question of who was its superior, a radical change was now pending, for which the immediate prelude was to be the invention, in the fifteenth century, of new and crisp legal terms to distinguish the different categories.

THE PRE-REFORMATION BURGHS IN BARONY, 1401-1560

The charter of erection of Rothesay, dated 12 January 1400/1, included the terms *burgus regius* (twice) and *regalis*

apparent: these seven are identical with the first seven burghs in the customars' lists (*supra*, p. xxxi, note 4)). A longer list, however, shows 17 burghs appointing delegates, in September 1357, to treat with the English Council over David's release and to bind all the burghs to help in the payment of his ransom; included among the 17 was the episcopal city of St. Andrews: *ib.*, 517.

¹ This is confirmed by the recording of St. Andrews as being represented in Parliament in 1456 (the tenth burgh so recorded), of Brechin in 1478 and of Glasgow in 1546: *ib.*, ii, 46, 121, 471.

² *Ib.*, i, 492.

³ *R.C.R.B.*, i, 540.

burgus (once),¹ and this seems to be the first occurrence in any Scottish document of such a style.² The deed is something of a landmark in our 'institutional' history, though it can hardly be hailed as making a revolutionary change: the words of the charter, *per seruicium regium de regali burgo debitum et consuetum*, indicate that the conditions of the tenure were settled and well known, even if a new form of words to signify that tenure had been devised. The new term did not in fact come into immediate use, and the older phrases lingered on,³ so that the privileges of 'the kingis burrowis', 'the fre burrowis', or simply 'the burrowis' were still being safeguarded by sixteenth century legislation.⁴ In 1428, however, Cupar was granted to the burgesses by the king in *liberum regium burgagium*,⁵ Kirkwall's charter of 1486 recognised the recently acquired town as a city and royal burgh,⁶ and from 1517, when Auchtermuchty was erected in *liberum burgum regalem*,⁷ the newer style was more and more commonly used. The 1401

¹ *S.H.R.*, xxix, 66-9; also imperfect copy in J. E. Reid, *History of County of Bute* (1864), 257-8.

² True, Lucius III's bull of 1182 to Dunfermline, as printed in *Reg. de Dunfermelyn*, 154, bears to confirm the monks' holdings in *Berwich et Edenburg et aliis burgis regalibus*. But neither Lucius nor any other Pope, at this time or later, uses the term in any of the numerous confirmations of privilege. The absolute isolation of this passage suggests that, at some stage between the drafting of the supplication and the printing of the text for the Bannatyne Club, the normal form *burg. reg.* (= *burgis regis*) was wrongly expanded into *burgis regalibus*.

³ E.g., when an attempt was made in 1405 to broaden the basis of the *Curia Quattuor Burgorum*, two or three burgesses *de quolibet burgo domini regis* south of Spey were ordered to compare at the yearly meeting: *A.P.S.*, i, 703.

⁴ Thus, in March 1503/4, trade in wine, wax, silk, spices and other commodities was prohibited 'vtouth the kingis burrowis': *ib.*, ii, 245 (c. 37). See also the statutes of 1526, 1555 and 1594: *ib.*, ii, 315 (c. 8), 497 (c. 24), 499 (c. 37); iv, 94 (c. 97).

⁵ See National Library of Scotland, Advoc. MSS., 29.4.2., vol. vi, no. 89 (a reference for which the present writer is indebted to Mr. A. A. M. Duncan, of Edinburgh University); translation in *Charters of the Royal Burgh of Cupar* (1882), no. III. The date is the last day of February, *anno regni* 22, i.e., 1427/8 and not (as in *Munic. Corp. Comm. Local Reports*, i, 177) 1428/9.

⁶ W. R. Mackintosh, *Glimpses of Kirkwall* (1887), 2; J. Mooney, *Charters . . . of the City and Royal Burgh of Kirkwall* (1948), 3, 4.

⁷ *R.M.S.*, iii, 168; and for translation in full, *Charters of the Royal Burgh of Auchtermuchty* (1881), 1-3.

charter is thus best regarded as the *terminus a quo* of the Scottish royal burgh, for the fifteenth century developments—the statutory regulation of burgh government, the evolution of almost standard ‘setts’, the recognised place of the burgh estate in Parliament and in national taxation—fostered a strong corporate sense among the royal burghs and prepared the way for the formal establishment of the Convention of Royal Burghs in the next century. Their distinctive place in political and economic life was sharply defined just at the time when a new type of burgh, undoubtedly inferior in privileges and functions, was coming into being, to lend emphasis to their own favoured position.

In the fourteenth century, as we have seen, a baron might have his dependency erected in *liberum burgum . . . sicut aliquis comes vel baro aliquem burgum . . . tenet aut possidet*¹: nothing handier than this kind of periphrasis had been devised. By a curious coincidence, the year of the Rothesay charter brings us also what appears to be our earliest premonition of the late medieval idiom indicative of the dependent burgh. On 29 April 1401 Robert III empowered Sir James Douglas of Dalkeith *quod ipse et heredes sui habeant de cetero villam suam de Dalketh . . . in liberum burgum baronie cum eisdem libertatibus . . . sicut ceteri barones regni nostri suis burgis baronum . . . gaudent et utuntur*.² Here, in one document, we have the alternative forms *burgus baronie* and *burgus baronis*; and some time elapsed, and some verbal fumbling occurred, before a short and neat turn of expression came into general use. On 6 July 1445 James II forbade the earls of Moray and Ross (who held the former Crown burghs of Elgin, Forres and Nairn) to summon the men of the bishop of Moray *ad aliquas curias camerarie seu justiciarie burgorum baroniarum vestrarum seu regalitatum de Narn Fores aut Elgyn*, since they ought to compear only at the royal courts of chamberlainry and justiciary *in burgis nostris propriis*; and in a

¹ *R.M.S.*, i, App. i, 42, 90; cf. *supra*, p. xv (Port Seton).

² *Reg. Hon. de Morton*, ii, no. 209 (p. 198). This was a new creation, for earlier deeds (1370-93) call Dalkeith simply *villa*: *ib.*, nos. 113, 178, 198-9 (pp. 88-9, 157, 187-9).

royal letter of the same date to the bishop the form *burgus baronis* (as in the Dalkeith charter) is implied in the words *ad curias . . . baronum seu burgorum eorundem*.¹ On 24 August 1446 an inquest at Prestwick used another possible variant, *burgus infra baroniam*.² The form that was adopted, and remained in fairly³ steady use for nearly a century and a half, was not *burgus baronie* (though this ultimately did become the favoured version), nor *burgus baronis*, nor *burgus infra baroniam*, but *burgus in baronia*.⁴

A series of charters of erection of burghs in barony, so nearly standardised as to indicate a new basic pattern or type of municipality, begins with that of Strathaven (in favour of William, earl of Douglas) on 23 April 1450, followed by three more in the next year (Biggar, Carnwath and Spynie).⁵ The question at once suggests itself—are these charter grants to be regarded as mere accidents of survival, or do they rather point to a brand new concept in burghal development? Admittedly, the Great Seal Register, our main source of information in these matters, is exceptionally full just at this period,⁶ while it has very large gaps in the first half of the fifteenth century. Yet there are other good ‘runs’ of charters in the Register shortly before this time,⁷ and these yield no burghs in barony; moreover, no *burgus in baronia* earlier than 1451

¹ *R.E.M.*, 220-1.

² *Prestwick Burgh Recs.*, 114. For later parallels, see the Lochow charters of 1541 and 1542 (. . . *burgum de Inverara infra dictam baroniam*): *R.M.S.*, iii, 2306, 2812.

³ For the exceptional form *burgus et baronia*, see the charters to Portsoy (1550) and Fordoun (1554): *ib.*, iv, 541, 939; *A.P.S.*, iii, 238. As early as 1551-52 (long before it became common) the term *burgus baronie* recurs in the Clackmannan and Prestonpans charters: *R.M.S.*, iv, 572, 720. For *burgus in baroniam* (Turrieff, 1512) see *R.E.A.*, i, 354; and cf. *Reg. Hon. de Morton*, ii, p. 303 (Dalkeith, 1664). For the variant plural form, *burgi in baroniis*, as well as the regular *burgi in baronia*, see *R.M.S.*, iv, 396 (Newburgh and Dysart, 1549).

⁴ If we supply the definite or indefinite article missing in Latin, these forms are seen to be descriptive rather than definitive—‘burgh in (within, of) a (the) barony (baron)’.

⁵ *Ib.*, ii, 340, 439, 448; *R.E.M.*, 221-2. Cf. Dunlop, *Life and Times of James Kennedy*, 342-3.

⁶ It has 304 abstracts between December 1449 and August 1452.

⁷ There are 107 charters from May 1424 to December 1427, 81 from May 1429 to May 1431, and 68 from May 1439 to June 1441.

emerges from the chartularies of the feudal magnates or the religious houses, although these provide no fewer than six of them (Spynie, Roslin, Leslie, Kirriemuir, Abernethy and Douglas) during the decade 1450-1460. Pending the appearance of fresh evidence, therefore, we must assume that what was to become the Scottish burgh of barony was in process of emerging in the first half of the fifteenth century, and that the name and reality of the *burgus in baronia* date only from the year 1450.¹

Since something like one in twenty² of the medieval baronies enjoyed the higher jurisdiction of the regality, the situation of a burgh within such a holding would, sooner or later, raise a further question of designation; what needs to be noticed, however, is that it was later rather than sooner that any such question was mooted. Many modern writers have made no difficulty of attributing the burgh of regality, as an established institution, to the early middle ages, and some have obviously been under the impression that the term was specially applicable to the ecclesiastical burghs, or even to the greater of these.³ Now, the evidence will not support any of these propositions: rather the reverse. The greater bishoprics and abbacies were held from the Crown as regalities,⁴ but each of the episcopal

¹ The new usage did not at once displace the old. Six erections of the period, though in the usual terms, were stated to be *in liberum burgum*—Whithorn (1451), Fortrose (1455), Newburgh in Fife (1457), Kincardine (1532), Cowie and Durris (along with Kincardine, 1541). Both Whithorn and Newburgh were subsequently styled burghs in barony.

² The writer has noted 1,040 Scottish baronies prior to 1560, including 54 regalities.

³ In the mid-seventeenth century Gordon of Straloch provides an example: *Macfarlane's Geographical Collections*, ii, 393. Cf. in modern times J. and R. Hyslop, *Langholm as it was* (1912), 187; R. Renwick and Sir J. Lindsay, *History of Glasgow* (1921), i, 209; W. M. Mackenzie, *The Scottish Burghs*, 78-9.

⁴ The Arbroath regality court is recorded in 1313: *Reg. de Aberbrothoc*, i, 211. For Dunfermline as a regality, 1312 × 1328, see *Reg. de Dunfermelyn*, 232-3; for Holyrood in 1342, *Liber S. Crucis*, 90, 105; and for Kelso somewhat later, *Liber de Calchou*, ii, 444. Between April 1450 and August 1452 charters of regality were granted for Glasgow, Paisley, St. Andrews and Spynie: *R.E.G.*, ii, 375-7; *Reg. de Passelet*, 72; *A.P.S.*, ii, 73-4; *R.E.M.*, 225-6.

burghs of St. Andrews, Glasgow, Old Aberdeen, Brechin, Kirkwall, Dunkeld and Dunblane was commonly *civitas*,¹ sometimes *civitas seu burgus*,² but never apparently during the middle ages *burgus in regalitate*, while two of them became *burgi in baronia* (Old Aberdeen in 1489 and Dunkeld in 1512 or earlier³); again, of the abbatial burghs, Canon-gate, Musselburgh, Kelso and Kirkealdy appear frequently as *burgi*, though all would have qualified as burghs of regality had the term been in ordinary use. Moreover, the charter of 1488 erecting Paisley in *liberum burgum in baronia* includes these significant words—*adeo libere . . . sicut burgi de Dunfermelyn, Newburgh et Abirbrothok aut aliquis alius burgus in baronia . . . tenetur*.⁴

The burgh of regality is not wholly absent from our medieval records. The words used by James II in 1445 of Nairn, Forres and Elgin—*burgi baroniarum vestrarum seu regalitatum*⁵—foreshadow the later usage. Next, the endowments of the church of Alloa in 1497 included rents in *burgo sive villa regalitatis de Alway*.⁶ Again, on the re-grant in 1540 of the lordship, barony and regality of Dalkeith, the town of Dalkeith was *de novo* erected in *liberum burgum in baronia et regalitate*.⁷ And a signature of 1553 declares that 'the toun of Rosmarkie wes infeft and creat of auld in fre burgh of regalitie'.⁸ But it is only in

¹ For early references to these *civitates*, see the writer's 'The City of Glasgow', in *The College Courant*, ii (1949), 26-33.

² *R.E.G.*, ii, 430-3; *R.M.S.*, ii, 1915; *R.E.A.*, i, 330.

³ *R.M.S.*, ii, 1910, 3689; *R.E.A.*, ii, 304.

⁴ *Reg. de Passelet*, 263-4; *R.M.S.*, ii, 1768. A confirmation of 1513 varies the phrase to *sicut burgus et civitas Glasgoensis, burgi de Dunfermelyn et Abirbroyth sive aliquis alius burgus in baronia . . . : Reg. de Passelet*, 269-71.

⁵ See *supra*, p. xl.

⁶ *R.M.S.*, ii, 2377. Cf. *ib.*, no. 705, note 1, for a fragmentary reference to Alloa as a *burgus* in 1459.

⁷ *ib.*, 2213. James V's signature for the charter says he has 'of new infeft . . . the toun of Dalkeith . . . in fre burgh and barony and regality': *Reg. Hon. de Morton*, ii, no. 246 (p. 265). But in many other documents of the years 1540-1543 it is styled burgh in barony: *ib.*, pp. 261-93 *passim*.

⁸ *R.S.S.*, iv, 1916; but ten months later a precept for a new charter makes Rosemarkie a burgh in barony: *ib.*, 2344.

such rare phrases ¹ that we get advance intimation of what was essentially a post-Reformation classification.

The record evidence of the period 1450-1560 comprises, for the most part, charters of erection, of which 76 ² have been noted, while in addition eight baronial charters give power or licence to create or build (*creandi, erigendi, edificandi*) a burgh in barony, and nine privy seal precepts, relating to burgh erections, have survived, in each case without the corresponding great seal charter.³ To supplement these 93 acts of creation or intended creation, there are (as has already been noted) casual charter references to existing burghs in barony, whose actual erection is unrecorded—to Hamilton in 1475,⁴ to Dunfermline and Arbroath in 1488, and to Alloa in 1497.⁵ Even these 97 authenticated cases do not exhaust the tale of the pre-Reformation burghs in barony. It is quite clear that many charters of erection or confirmation are lost, and it would be pedantic to exclude places known to have been viable burghs at this time, simply because the label *burgus in baronia* (or *regalitate*) is not affixed to them in a con-

¹ In citing the charter of 1475 (for which see *infra*, note 4) the Municipal Corporation Commissioners (in *Local Reports*, ii, 73) styled Hamilton a 'burgh of regality', but that charter says nothing of the sort, while the charter of 1548/9 says, *burgus in baronia perprius fuit*; cf. *R.M.S.*, iv, 270.

² These include 24 baronial grants incidentally creating burghs in barony, as well as the six erections of *liberi burgi* mentioned *supra*, p. xlii, note 1. They also include re-erections, in the new style, of six of the ancient ecclesiastical and baronial burghs noted previously—Whithorn (1459), Sanquhar (1484), Newburgh in Buchan (1509), Langton (1510), Crawford (1511) and Kirkintilloch (1526). They exclude the numerous confirmations of the period.

³ These are Auchterhouse (1497), Belliehill (1500), Auchinleck (1507), Kildrummy (1509), Scrabster (1527), Saltcoats (1529), Newbigging, in Auchtertool parish (1541), Tranent (1542) and Rosemarkie (1554)—some of them with great seal charters long afterwards, some entirely without such deeds.

⁴ On 23 October 1475 James, lord Hamilton, gave certain lands *communitati et balliuis burgi mei de Hammilton*: original charter *penes* Burgh Librarian (to whom the editor is indebted for a facsimile copy of this and the 1548/9 charter). This was, of course, no charter of erection, as suggested in *Hamilton Past and Present* (Hamilton, 1932), 16-17. The erection is ascribed to 1456 in *O.S.A.*, ii, 182, in Chalmers, *Caledonia*, iii, 685, and in *N.S.A.*, *Lanark*, 283, but on what grounds does not appear. Cf. *supra*, note 1.

⁵ For these three burghs, see *supra*, p. xliii.

temporary deed. The ancient burghs of St. Andrews, Canongate, Glasgow, Musselburgh, Kirkcaldy and Queensferry, each destined to be called a burgh of regality after the Reformation, are well documented during our period, as are Prestwick and Newton-upon-Ayr, Kelso, Fyvie and Rattray, all subsequently styled burghs of barony. Moreover, if some old burghs, like Roxburgh, Staplegorton and Auchterarder, decayed to the point at which burgh fermes and other burghal subjects could be conveyed as negotiable possessions,¹ a few newcomers made their appearance as simple 'burghs', without qualification, and these too are probably best regarded as pre-Reformation burghs in barony—Innermessan, recorded as being in existence as early as 1426,² Dunoon, in Argyll, from the reign of James V,³ and Little Dunkeld, as distinguished from the city of Dunkeld, from 1558.⁴ Four other cases are admittedly quite obscure or enigmatic—those of Dunblane,⁵ Old Wick,⁶ Alyth⁷ and Brechin⁸—but each one of them has some claim to be ranked alongside the better attested burghs in barony, and, if all were to be accepted, the grand total for pre-Reformation times would be 115.

¹ In Roxburgh they went to the Friars Minorite in 1477: *R.M.S.*, ii, 1312. In the seventeenth century they belonged to the Kers of Cessford: *Inquis. Return. Abbrev.*, *Roxburgh*, 36, 341. Lord Drummond was the beneficiary at Auchterarder in 1536, and there are many later confirmations: *R.M.S.*, iii, 1560, 1895, 2825; *Inquis. Return. Abbrev.*, *Perth*, 1094, 708. For rents in Staplegorton in 1532, see *R.M.S.*, iii, 1199.

² *Ib.* ii 185; Sir A. Agnew, *Hereditary Sheriffs of Galloway* (1893 edn.) i, 242; ii, 243. For seventeenth century glimpses of this once substantial burgh, see *Inquis. Return. Abbrev.*, *Wigtown*, 150, and Macfarlane's *Geographical Collections* (S.H.S.), ii, 92, and iii, 129; and cf. Chalmers, *Caledonia*, iii, 408.

³ Dunoon (without a charter) and Kilmun (erected in 1490) are recorded in 1553 as having been *capitalia burga de Ergadia* during the reign of James V: *R.M.S.*, iv, 756.

⁴ It appears in four documents dated between 1558 and 1572 and all confirmed on 28 April 1587: *ib.*, v, 1188, 1189.

⁵ See *supra*, pp. xvi, xviii.

⁶ See *supra*, p. xvi.

⁷ For Alyth no charter evidence exists, but only a local tradition and the date '1488' in the burgh's arms: *O.S.A.*, vi, 397; *N.S.A.*, *Perth*, 1114; Bute, *Baronial Burghs*, 22; A. Porteous, *Town Council Seals of Scotland* (1906), 13.

⁸ See *supra*, pp. xxvi, note 8, xxi, note 7.

From the abstracts of charters entered in the Great Seal Register, and more clearly from the original charters preserved in full, whether in one or other of the chartularies, or in the rescripts that form part of subsequent parliamentary ratifications, the standard pattern, the essential similarity, of the early burghs in barony emerges unmistakably. We can detect three phases in the development of this new municipal institution.

The earliest group of charters (e.g., those of Spynie, 1451, Leslie, 1453, Kirriemuir, Abernethy and Douglas, all in 1459, down to Myreton, 1477, and Sanquhar, 1484), after erecting the town *in liberum burgum in baronia*, conveyed four basic rights—(1) of buying and selling *in ipso burgo* any goods coming thither (*quecunque bona et mercimonia illuc advenientia*); (2) of having bakers,¹ brewers, fleshers, vendors of flesh and fish and other appropriate artificers (*ad libertatem burgi in baronia spectantes*); (3) of having a market cross and a weekly market (*crucem et forum*) on a stated day; and (4) of holding an annual fair (*nundinas publicas quolibet anno*) on a fixed day and for the week following. Shops, crafts, markets and fairs—the economic urge behind the formation of the early burgh in barony was obviously strong.

The second phase dates back to the Inveraray charter of 1474.² The buying-and-selling clause became more specific (*vina ceram pannum laneum et lineum latum et strictum aliaque mercimonia*), but the characteristic feature is the insertion of two new clauses,³ constitutional, not economic, in nature and conveying the right to have burgesses and to elect bailies and other needed officers (*pro gubernacione burgi necessarios*). At Inveraray the burgesses were empowered to elect their officers, at Paisley (1488) the nomination was retained by the abbot, while at Torry (1495) an intermediate position was taken, the burgesses being allowed

¹ The Spynie charter (*R.E.M.*, 221-2) has *piscatores*—almost certainly an error for the customary *pistores*.

² *Hist. MSS. Comm.*, 4th Report, App., 474, no. 17.

³ These normally (but not always) follow the clause relating to crafts, so that the market and fair grants now become the fifth and sixth clauses.

to elect with the consent—*cum consensu* (*avisamento*)—of the superior. One of these variants of the political clause was adopted in most of the later charters, which divide not unevenly between the three.

The addition of a seventh, or territorial, clause marks the third phase. The charter to Newburgh in Aberdeenshire (1509) gave power to the superior to feu (*in perticatas burgales*) to the burgesses and others the tofts, crofts and gardens of the burgh. The like privilege recurs in the charters to Strathmiglo and Mauchline (1510), to Crawford, Auldearn and Dunning (1511), and to most, though not all, of the burghs subsequently erected. Sometimes, when the feuing of the kirklands or glebe of the parish gave rise to a new burgh, the right to feu went, not to the baron, but to a local clergyman—as at Cumnock (1509),¹ Turriff (1508-1521),² Kincardine O'Neil (1511),³ and Maybole (1516).⁴ This economic policy accorded well with the national trend towards feus, which had been commended by Parliament as early as 1457/8, and again in 1503/4 and 1540/1,⁵ and was heartily endorsed by John Major in 1521.⁶

In essence, the charters of erection of the late medieval burgh in barony defined and limited the kind of privilege and usage which had been accorded to the earlier ecclesiastical and baronial burghs. Trading was sharply restricted (*in ipso burgo*), and, in contrast to the express rights of burgesses in the royal burghs, the erection was in favour of the baron, his burgesses' liberties being incidental and at his discretion⁷; any additional privileges went to the superior.⁸ It was thus the prior, not the burgesses, of

¹ *R.M.S.*, ii, 3376.

² *R.E.A.*, i, 352, 354, 386; *R.M.S.*, ii, 3714.

³ *R.E.A.*, i, 354; *R.M.S.*, ii, 3667.

⁴ *Munic. Corp. Comm. Local Reports*, ii, 127; *R.M.S.*, iii, 112.

⁵ *A.P.S.*, ii, 49 (c. 15), 244 (c. 30), 376-7 (c. 35). Cf. I. F. Grant, *Social and Economic Development of Scotland before 1603* (1930), 265-70.

⁶ *History of Greater Britain* (S.H.S., 1892), 30-1.

⁷ See especially the charters to Langton, Strathmiglo and Dalnagairn (all in 1510): *R.M.S.*, ii, 3422, 3427, 3472.

⁸ The position is expressed with clarity in the charter of 1549 concerning Dysart and Newburgh (Aberdeen): while the grant to the Sinclairs included tolls, small customs, ports, harbourages and anchorages, all rights were at discretion, *non excedendo privilegia aliorum burgorum in baronia*: *ib.*, iv, 396.

Whithorn (1459), and the bishop, not the burgesses, of Dunkeld (1512), who were empowered to punish 'sornaris' or other malefactors,¹ while the ports and customs of Pittenweem and Anstruther Wester (1541) and of Prestonpans (1552) belonged to the ecclesiastical superior, not to the townsfolk.²

The economic aspect of the Scottish barony—its mill, its common smith, its brewery, its duty of fixing the prices of bread and ale, its insistence on 'good neighbourhood', especially in the management of arable and pastoral land³—served as the nucleus of a potential burgh; what was needed in addition (apart from baronial initiative and royal approval) was the existence of a small town, village or marketing centre within the barony, or even the hope that, with encouragement, such a community could be brought into being. In one case, that of Hawick, we have an actual record of the process whereby the enlargement of the barony's economic activities (including rights of buying and selling and of having crafts⁴) in 1507 led to the erection of the burgh in barony four years later⁵; here we see an intermediate stage between barony and burgh in barony, a step in the legal⁶ and (in suitable circumstances) natural evolution from the simpler to the more complex status.

Besides meeting local needs, however, the burgh in

¹ *R.M.S.*, ii, 733, 3689.

² *Ib.*, iii, 2294; iv, 720.

³ Cf. *Court Book of the Barony of Carnwath*, lx-lxix.

⁴ On 4 June 1507 the provost of Trinity College, Edinburgh (which had acquired Soutra hospital in 1462) feued to William Douglas of Drumlanrig, for 10s. per annum, the *Soltrelandis iacentes infra baroniam et villam de Hawik . . . cum plenaria potestate . . . inhabitantibus . . . emendi et vendendi in eisdem vina ceram pannum laneum et lineum latum et artum aliaque mercimonia . . . habendi . . . pistores brasiatores carnifices et tam carniū quam piscium macellarios aliosque arcium operarios: Collegiate Churches of Midlothian*, 79-82. Precisely the same words were used in the first and second clauses of the charters erecting burghs in barony.

⁵ On 15 June 1511: *R.M.S.*, ii, 3576.

⁶ Many years later, the Court of Session held, in the Greenock case (1794), 'that the erection of a burgh of barony, within a barony previously created, is merely an amplification of the right of the baron, obtained by his own desire, and chiefly for his own advantage': Morison, *Dictionary of Decisions*, 7714-17. True, this was a peculiarly reactionary bench, and the liberal minority dissented: the conservative majority expressed the 'traditional' orthodoxy of earlier centuries.

barony, it is apparent from the preamble to many a charter, was expected to serve a wider purpose—to foster the trade, travel and general welfare of the nation. Rayne (1493) was chosen for its convenience (*locum hostilagii et hospitacionis*) between Aberdeen and Elgin,¹ Torry (1495) for the ease of travellers coming from the mountains and wishing to cross the water of Dee,² Merton (1504) for the advantage of pilgrims bound for Whithorn,³ Pencaitland (1505) to help those proceeding southward from the sea or towards Peebles from the east,⁴ Findhorn (1532) because it stood four miles *ab omni regis burgo* and was the principal port on the water of Findhorn,⁵ Fraserburgh (1546) as a haven *in quo naves et cimbe per tempestates invase refugium habere possent*,⁶ Clackmannan (1551) to provide accommodation for the lieges, especially the barons and freeholders attending the sheriff courts,⁷ and Fordoun (1554), lying *apud pedem montis et terrarum silvestrium*, for the better reception of wayfarers from the north.⁸

Can we accept charter evidence as proof of the actual existence of a burgh in barony? In general, the permissive rather than mandatory nature of grants of privilege would urge caution here, and there are good grounds for some scepticism. A precept of 1529 under the signet records the intention of erecting Saltcoats, but, because of extraordinary delay (*per negligentiam*) in 'passing the seals', this was not done until 1576.⁹ Moreover, it is well to bear in mind that royal charters contained, and could contain, no clause of warrandice: the Crown was not accountable for conflicting grants of the same subjects. Such a conflict seems to have arisen in the years 1540-45 over the feuing

¹ *R.M.S.*, ii, 2132; cf. *R.E.A.*, i, 370.

² *R.M.S.*, ii, 2292; *Reg. de Aberbrothoc*, ii, 292-3.

³ *R.M.S.*, ii, 2794; cf. G. Donaldson, in *Trans. Dumfries and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xxvii (1948-9), 153.

⁴ *R.M.S.*, ii, 2846.

⁵ *Ib.*, iii, 1172.

⁶ *Ib.*, iv, 25; *A.P.S.*, iii, 170.

⁷ *R.M.S.*, iv, 572.

⁸ *Ib.*, iv, 939.

⁹ *R.S.S.*, i, 4059; *R.M.S.*, iv, 2560; cf. Porteous, *Town Council Seals*, 265.

of the kirklands of Arbuthnot, in Kincardine, and to have led to a burghal erection in favour of one baron¹ being followed and superseded by the grant to another baron of an annual fair and a weekly market, *simili modo ac si dicta villa in liberum burgum erecta foret*² : we must here conclude that the burgh, though planned and formally erected, failed to come into being and that the inhabitants had to content themselves with a non-burghal market and fair.³

Most tentative, least convincing, of the charter grants were the licences to create a burgh, wherein the scope for *negligentia* was almost limitless ; these, the town-planning exercises of their day, were as likely as not to be still-born. Of the eight burghs licensed in this way before 1560, we can be reasonably sure of the viability of Langton (1510), Strathmiglo (1510) and Wemyss (1511), but assuredly not of Dalnagairn (1510), Kirkmichael, Balnakilly and Balnald,⁴ or of Corshill-over-Inchgall⁵ (all in 1511).⁶ Besides these five, and apart from Saltcoats and Arbuthnot, there are at least a dozen other nominal 'burghs' about which, despite charters of erection or precepts for such charters, little or nothing is known⁷ ; if any one of these had actually

¹ On 14 May 1540 Cardinal Beaton feued the lands to David Barclay of Matheris, and the royal confirmation of 25 April 1543 erected Arbuthnot as a burgh in barony in Barclay's favour : *R.M.S.*, iii, 2905.

² On 10 February 1540/1 Beaton feued the same lands to Robert Arbuthnot *de eodem*, and the Queen's confirmation, including the words quoted, was dated 10 February 1544/5 : *ib.*, 3065.

³ Ballard's assertion (*S.H.R.*, xiii, 22, 28) that no non-burghal market or fair was granted between 1517 and 1571 is incorrect.

⁴ 'Dalnagarne juxta . . . Kirkmichaell' (about $\frac{1}{2}$ mile north of the village), granted to Scott of Balwearie with the barony of Glendowok (May 1510), is not to be confused with Kirkhill of Kirkmichael, given to Wemyss *de eodem* with the barony of Wemyss in Fife (August 1511) : *ib.* ii, 3472, 3636. Balnakilly is at the west end of the village, Balnald some two miles ENE. of it. (These identifications have been missed by previous commentators.) The co-existence (without leaving a trace) of these four 'burghs', within two miles of each other in this remote parish, is too fantastic for belief.

⁵ Inshga or Inchgall, in Lochoreshire, Ballingry parish, Fife

⁶ Rather surprisingly, there are later confirmations of all these charters, but these must be labelled documents of style rather than fact, repeating earlier grants *de verbo in verbum*.

⁷ Spynie (1451), Kingussie (1464), Myreton (1477), Dunglass (1489), Auchterhouse (1497), Merton (1504), Auchinleck (1507), Scrabster (1527), Dryburgh (1527), Pitlessie (1541), Durris (1541) and Newbigging, in Auchtertool parish, Fife (1541) ; and the burghal status of Largo (1513) and

come into being and survived for, say, a century, it would have had a fair chance of being mentioned in a retoured inquest, a topographical description, or other factual notice. It is thus safe to write off about twenty pre-Reformation erections as frustrated projects, or 'parchment burghs'.

Of the (say) 95 actual burghs, our records, amid much that is obscure, yield glimpses and hints. We may read, for example, of the town house in Maybole acquired by its baron in 1520,¹ of the tenements and annual rents of Kirriemuir in 1540,² of eight merklands of Old Extent in the burgh of Newmilns in 1546,³ of the ancient market crosses of Carnwath,⁴ Clatt, Cumnock, Pencaitland and Rayne,⁵ of the baron-bailies of Dunning and Earlston, of the market and fair of Glamis, and of the burgh seal of Kinloss.⁶ Burghal feus, commonly buttressed by conditions relating to social and economic welfare, are recorded, during the period 1450-1560, at Kildrummy,⁷ Hamilton,⁸ Old Aberdeen,⁹ Aberdour West,¹⁰ Torry¹¹ and Keithick (near Coupar Angus).¹² In the achievement of feu-ferme tenure, often accompanied by¹³ the participation of the burgesses in the

Fordoun (1554) also seems doubtful. For Myreton and Merton—both in Wigtownshire, with indistinguishable pronunciations, and often confused—see *Trans. Dumfries and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xxix (1952), 101-2.

¹ *Charters of Crossraguel*, ed. F. C. H. Blair (1886), i, 68-70.

² *R.M.S.*, iii, 250.

³ *Ib.*, iv, 11.

⁴ Somerville, *Memorie of the Somervilles*, i, 409, as cited in J. A. Wilson, *Contribution to History of Lanarkshire*, i (1936), 120-1.

⁵ Bute, *Baronial Burghs*, 114, 148, 434, 459.

⁶ *Ib.*, 187, 197, 233, 307-8.

⁷ Feus of burghal subjects were being granted here in the years 1458-60: *E.R.S.*, vi, 435, 513, 621-2, 648; cf. Dunlop, *Life and Times of James Kennedy*, 340. This was long before any surviving evidence for a formal 'erection'.

⁸ *R.M.S.*, v, 2295, 2297.

⁹ *R.E.A.*, i, 380-2, 343, 345-6, 354.

¹⁰ *Charters of Inchcolm*, 61-2.

¹¹ *Reg. de Aberbrothoc*, ii, 383.

¹² For 'good neighbourhood' tacks in and after 1505, see *Charters of Coupar Angus*, ii, 115-16, 193-5, 225, 263-4; and, for feus in 1558-59, *R.M.S.*, iv, 2053; v, 809, 827.

¹³ But, as Professor Dickinson reminds us, feu-ferme brought financial control, not complete or automatic self-government: *Early Recs. of Aberdeen*, lxxvi.

election of bailies and councillors, the pioneer, Dunfermline,¹ was followed not only by the great Church burghs of Kirkcaldy (1451),² Musselburgh (1466),³ and Paisley (1490)⁴ but also by the lesser (and secular) burghs of Kirkintilloch (1520),⁵ Kilmaurs (1527)⁶ and Hawick (1537).⁷

In most of these burghs, whatever the tenure, land-rights—due cultivation, privilege of pasture, ‘commonry’—formed the broad base of the economy, while trade and crafts supplied merely the superstructure. Thus the men of Keithick must ‘keip gud nyctburhed and thair land fra guld’,⁸ the 40 burgesses of Kilmaurs were essentially small-holders, though obliged to dwell in the little urban centre, to which, also, the crafts and the merchandise of the whole barony were ‘banned’,⁹ and the 74 tenements of Hawick, on the north and south sides of the public street, were allocated to the burgesses along with a share of common pasturage.

The best documented—as well as the most clearly typical—of the baronial burghs is Prestwick, with records extant from 1470. Here the bailies, with the consent of the community, made regulations about the upholding of dykes, the restraining of swine and geese, the sowing of pease. Any undue cutting of peat or turf, pulling of bent, of shearing of grass was forbidden, as was the keeping of ‘scabyt horse’ or the gathering of more sea-wrack than

¹ In 1395: *supra*, p. xxxv.

² *Reg. de Dunfermelyn*, 318-19; but a copy of the indenture in Register House, Douglas Bequest (for a transcript of which I am indebted to Dr. A. I. Dunlop), bears date 20 Oct. 1450.

³ *Reg. de Dunfermelyn*, 357-8.

⁴ *Reg. de Passelet*, 264-8; the burgesses paid *multuram ad tricesimum vas* at the abbot’s mill—a preferential rate, as other tenants paid *vicesimum primum vas*: *R.M.S.*, v, 1297.

⁵ Note in *Wigtown Charter Chest*, no. 883; cf. *Munic. Corp. Comm. Local Reports*, ii, 109 (where the date is 10 Dec. 1525).

⁶ *Ib.*, 104; McNaught, *Kilmaurs Parish and Burgh*, 336-40.

⁷ *Munic. Corp. Comm. Local Reports*, ii, 81-2; *R.M.S.*, iii, 3107.

⁸ Again, land must be put to all possible ‘polcey and gudding’.

(‘Guld’=corn-marigold, a great enemy of farm crops.)

⁹ Cf. McNaught, *op. cit.*, 223-5; Murray, *Early Burgh Organisation*, ii, 296.

could be carried off.¹ At Prestwick, as elsewhere, out-dwelling burgesses were warned to come in and take up residence, 'or ellis to bruyk na fredome'.² Burgh court cases comprised debt actions, 'strublanse', 'flyting', slander, the deforcement of an officer, boundary disputes, and the varied 'faltis of nychtborheid'. If all of this sounds much like the proceedings at a baron court, there was here a more elaborate administrative machine, as well as a keener sense of community. At the Michaelmas elections two bailies, a sergeand, a clerk, a common herd and other officers were chosen, and soon after that the old bailies presented their compts, accounting for stallangers' fees, receipts from peat-mosses and salt-pans, and showing expenditure on legal affairs, on wax and ale, on repairs to the kirk.³ Yet the tone of corporate life was not wholly authoritarian: sergeands, ale 'cunnars' and the bailies themselves were on occasion fined for misdemeanors.⁴ The picture is that of a closely-knit body of self-governing freemen, who were mainly (though not exclusively) crofters or small-holders; the population of all ages probably numbered between 200 and 300.⁵

Prestwick is characteristic, for many a burgh in barony, part-urban, part-agrarian, served its economic purpose by providing marketing facilities and craft-work, and fulfilled an administrative function by giving homely and realistic lessons in citizenship and local government. But, if genuine commercial and social needs played their part in promoting the foundation of burghs, so, too, did the spirit of emulation and rivalry among the landowners. Thus, the grant of Strathaven to Douglas in 1450 may well have inspired Angus to secure the erection, within eight years, of Kirriemuir, Abernethy and Douglas.⁶ Again, in 1510-11, the two

¹ *Prestwick Burgh Recs.*, especially pp. 57, 63.

² *Ib.*, 15; cf. Murray, *op. cit.*, ii, 215-16; Mackenzie, *Scottish Burghs*, 134-6.

³ *Prestwick Burgh Recs.*, 16, 19-20, 23.

⁴ *Ib.*, 29, 36-7, 52.

⁵ The inquest held on the burgh lands in 1470 showed 56 holdings (not all of them with houses): *ib.*, 1-6.

⁶ Cf. Dunlop, *Life and Times of James Kennedy*, 342.

Fife lairds, Scott of Balwearie and Wemyss of Wemyss, professed to set up no fewer than six burghs on their scattered estates.¹ And it was surely no mere coincidence that the three Ayrshire earls, Cassillis, Glencairn and Eglinton (not the most peaceable of neighbours) sought to establish burghs within a space of little more than twelve years.² By 1560, accordingly, over half the earls and about a third of the lords had their burghs, or were licensed to have them, besides eight of the 13 bishops and about half of the abbots; a sprinkling of priors and lairds completed the list of burgh superiors. About one-third of the pre-Reformation burghs in barony were on the coast, and the remainder inland.³

From several sources, meanwhile, the royal burghs were receiving accessions to their numbers. There were six *de novo* erections of royal burghs during the period,⁴ while the Crown, in the course of the fifteenth century, recovered six of its previously 'mediatised' burghs⁵; moreover, there were at this time seven formal 'promotions' (six of them operative) of baronial and ecclesiastical burghs to royal tenure.⁶ The total destruction, by 1460, of Roxburgh, and the final loss, in 1482, of Berwick, left the tally of fully functioning Scottish royal burghs at the close of the middle ages standing at 45, that is, exactly half the number of the effective burghs in barony.

¹ But only two of these, Strathmiglo and Wemyss, seem to have 'taken root'.

² Cf. 'The Burghs of Ayrshire', in *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, 2nd ser., iv (1955-57), 27-9.

³ Their distribution among the sheriffdoms resembled that of the baronies themselves: erections were most numerous in Fife (15), Aberdeen (11), Perth (11) and Ayr (10), and almost wholly lacking in the Highlands, north and north-west.

⁴ Rothesay, Tain, Falkland, Kirkwall, Auchtermuchty and Burntisland; but here the effective increase, in the national sense, was four, since Falkland and Auchtermuchty were only technically 'royal burghs', with no part in Parliament, Convention or taxation.

⁵ Jedburgh, Wigtown and Kirkeudbright in the south, Elgin, Forres and Nairn in the north; cf. *supra*, pp. xix-xxi.

⁶ The evidence is straightforward for North Berwick, Dunbar, Lochmaben, Whithorn, Annan and Pittenweem (the last only 15 years after erection as a burgh in barony). Hamilton was exceptional in that the charter of 15 January 1548/9 was not effective: *R.M.S.*, iv, 270.

From the mid-fifteenth century onwards, the 'burgess estate' took clearer shape and became more broadly representative in the Scottish Parliament,¹ while from 1552 the Convention of Royal Burghs was meeting regularly for the defence and advancement of the interests of its members.² The opportunity was, therefore, increasingly offered, and accepted, to concert measures 'for the commoun weill of the merchandis of the realme', and specifically to maintain a rigidly defined monopoly of overseas commerce. It was thus enacted on 21 January 1466/7 that none should 'sale nor pas in merchandise out of our realme bot fre men burges duelland within burgh or thar familiaris factouris or seruandis'³; a statute of 15 March 1503/4, in confirmation of the 'ald fredomes and priuilegis', extended the principle by ordering those living outwith the burghs not to sell wine, wax, silks, spicery, woad, 'nor sik like stuf nor yit stapill gudis'⁴; again, on 15 March 1540/1 it was reiterated that no one should pack or peel, load or unload wool, hides or skins 'outwith fre burgh and priuilege thereof'⁵ and, finally, a general ratification of 20 June 1555 authorised letters to be directed at the instance of the burghs against all who infringed their liberties.⁶ In legislating against 'unfreemen', who defrauded the lawful merchants by trading while avoiding their burden of taxation, the Convention of Royal Burghs followed Parliament: thus, on 18 September 1555, it denounced the practice of freemen 'bindand thame selfis in societie with

¹ Only 11 burghs are recorded as having been represented in Parliament before 1460, but James III's reign brought such an increase that by 1488 the total was 33; it was 35 by 1560. See Rait, *Parliaments of Scotland*, 249-50; Mackie and Pryde, *The Estate of the Burghesses* (1923), 3-4.

² There is record of 32 burghs being represented at the first four minuted Conventions (two in 1552, two in 1555): *R.C.R.B.*, i, 1-2, 5, 6, 10.

³ By traditional exemption from this rule, prelates, clerks, lords and barons might send their own goods out of the country and buy 'thingis nedeful to thar propre vse': *A.P.S.*, ii, 86 (c. 1).

⁴ And no one was to pack or peel in Leith or other places 'vtouth the kingis burrowis', under pain of escheat of the goods: *ib.*, 245 (c. 37), 252 (c. 29).

⁵ *Ib.*, 375 (cc. 25, 26—the former another general confirmation).

⁶ *Ib.*, 497 (c. 24).

vnfremen and vtheris . . . and cullouring vnfremenis geir, vnder the pretence of thair libertie'.¹

While statutory sanctions were invoked against individual assailants of the burghs' commercial monopoly, neither Parliament nor Convention seems to have been concerned about the 'unfree burghs', of whose very existence, indeed, their acts and decrees reveal only a dim awareness. Some of the statutes go so far as to list 'free' and 'unfree' indiscriminately together,² or, again, where a distinction is drawn between them, the same legislation is to apply.³ It cannot be said that the late medieval royal burgh envisaged the 'unfree burgh' as a formidable rival.

It is true that the localities yield evidence of a sharper spirit of competition. The older burghs thought of trade in terms of their 'ancient bounds' (including an often extensive monopoly area), and some of them at least fought strenuously against any infringement of their rights. Local conflicts and inter-burghal jealousies developed, especially, if we may accept the testimony of surviving records, in the south-west, where both the commercial activities of burghs in barony and the promotion of new royal burghs aroused opposition. Thus, on 18 October 1488, six of the western burghs⁴ had to be ordered not to 'vex, trubill or inquiet' the abbot of Paisley 'in the peaceabill broiking and jousing' of the privileges of his burgh in barony, erected just

¹ Offenders against this statute were threatened with loss of freedom and further punishment 'as accordis vnto sic defemit, mensworne, and periurit personis': *R.C.R.B.*, i, 11-12.

² It was enacted in 1503/4 'that all tovnis and portis standand on the sey sid sik as Leth Inuerkethin Kingorn Disert Crale and otheris war [expend] thar commone gudis on the wallis of thar toвне to the sey sid with portis of lyme and stane': *A.P.S.*, ii, 243 (c. 20). Dysart was certainly not dependent on the Crown, and Leith's burghal status is doubtful.

³ Thus, an Act of 1493, for pressing idle men into service on the fishing boats to be built at the seaports, was to be enforced by the magistrates of 'ilk burch of the rialtie' and by the sheriffs in respect of each 'burgh of barronis': *ib.*, 235 (c. 20). Again, James I's Act restricting begging to the crooked, blind, impotent and weak was ratified in March 1503/4, when action was to be taken by 'the schireffis provestis ballies within burrowis baith of rialte and regalite spirituale and temporale': *ib.*, 251 (c. 14).

⁴ Most significantly, James IV's precept was directed to the burgesses of 'oure burrowis of Are, Erwyne, Renfrew, Dunbartan, Ruglene and Glasgou': *Reg. de Passelet*, 274.

two months previously.¹ Then, from 1513 (two years after Whithorn's erection in *liberum burgum*), Wigtown sought the prohibition of foreign trade (in wine, wax, iron and great salt) at the Isle of Whithorn, where such commodities were being sold to Englishmen, Manxmen and Irishmen, where also wool, skins, hides and other staple wares were being offered, to the loss of great and petty customs, while ships were being diverted to the Isle 'and uthiris unfree places' from the parts between the Irish sea and the river Cree, 'quhilkis ar the boundis of the said burgh' [of Wigtown].²

To one group of dependent burghs the royal burghs never applied the derogatory term 'unfree'. St. Andrews, represented in a General Council as early as 1357, was in Parliament from 1456, Brechin was admitted in 1479 and Glasgow in 1546,³ though none of them could claim to be a tenant-in-chief before the seventeenth century. From 1435, too, St. Andrews, Dunfermline and Arbroath were contributing to national taxation,⁴ as were, in addition, Brechin from 1483,⁵ and Glasgow, Dysart and Kirkcaldy from 1535,⁶ while full membership of the Convention, from its early years, was enjoyed by the first five of these seven

¹ A few years later Renfrew was challenged for illegal proceedings, including 'the wrangwis distruction and castine doune of ane market cros of thar toune of Paslay': *ib.*, 403-6.

² *Acts of Lords of Council in Public Affairs*, ed. Hannay, lxxvii, 127, 142, 397-8. Again, markets in rural kirks and kirkyards attracted notice. In 1538 the burgh of Ayr sent 'ane bill to the kingis grace anent chepmen at landwert kirkis': *Ayr Burgh Accounts* (S.H.S., 1937), 78. In the same year Irvine complained against the merchants and chapmen making 'plane mercattis' on Sunday at the parish kirks of Kilmarnock, Beith, Dalry and Largs, to the ruin of the burgh, which is 'of auld infest in fre burrowage, and hes broukit the samyn within the boundis of Cunynghame': *Muniments of Irvine*, i, 41.

³ *A.P.S.*, i, 517; ii, 46, 121, 471.

⁴ The list of contributors (which looks incomplete) includes besides the three named burghs, Nairn, Forres and Elgin, which were still mediatised: *E.R.S.*, iv, cxxx-ii, 639-65.

⁵ The stent-roll of the northern burghs for that year shows St. Andrews, Brechin and Arbroath paying their shares: *R.C.R.B.*, i, 543.

⁶ The first complete stent-roll of the burghs (42 in all) shows St. Andrews in sixth place, Glasgow 11th, Brechin 12th, and the others further down the list; later rolls, down to 1557, tell a similar tale: *ib.*, 514-15, 518-26.

burghs.¹ Wealth and importance could, it is clear, overcome any tenurial disability: the royal burghs disregarded—and Crown and Parliament acquiesced in their view—the inferior status of such of the dependent burghs as joined them in the discharge of their fiscal obligations. So, when Parliament or Convention insisted on the restriction of mercantile privileges to ‘the estate of burgessis’ or ‘the kingis burrowis’, it was understood that the implied exclusion did not affect these exceptional places.² For all practical purposes, seven of the largest non-royal burghs were, at the close of the middle ages, reckoned to be, so to speak, on the right side of the fence.³

FROM THE REFORMATION TO THE RESTORATION, 1560-1660

The century that followed the Reformation, while it brought a modest and grudging increase in the number of royal burghs,⁴ witnessed an impressive accretion to the nominal total of the dependent burghs. It is true that the recognition in new charters of a dozen pre-Reformation burghs (including ten really ancient towns) as burghs of barony or regality⁵ was something of a formality⁶; still, quite apart from these changes of style, the genuine *de novo* erections were numerous enough to equal or slightly to exceed those dating to earlier times.

In some instances, no charter of erection has survived, but we have an incidental reference to an already existing

¹ *Ib.*, 1-2, 5, 6, 10.

² The precept of 1488, already cited (*supra*, p. lvi, note 4), puts the matter beyond question, for therein the king named Glasgow among ‘oure burrowis’; that is, the western city, holding from the bishop, had earned the working right of being conjoined with the royal burghs.

³ Cf. Rait, *Parliaments of Scotland*, 255-7, where the *de facto* right of ‘the five big Church burghs’ is noted, but no mention is made of Kirkcaldy or Dysart.

⁴ Cf. *infra*, pp. lxxiv-lxxv.

⁵ Musselburgh (1562/3), South Queensferry (1576/7), Canongate and Glasgow (1587), Dunfermline (1588/9), Kildrummy (1593/4), Newton-upon-Ayr (1595), Newburgh in Fife and Prestwick (1600), Kelso and St. Andrews (1614), and Alloa (1620).

⁶ Moreover, five of these, on promotion to the status of royal burgh, passed out of the group altogether.

burgh. There are, for example, feu charters of burghal lands in Cramond (1569/70) and in Melrose (1605),¹ and a retoured inquest for the burgh of Aberlady in 1605.² Fifeness is listed, along with the other burghs of East Fife, in a letter of September 1565, appointing the custumar in these parts,³ while Kilbucho is mentioned as an established burgh of regality in a sub-contemporary description of Tweeddale (c. 1650).⁴ Above all, the Privy Council Register introduces us to at least nine burghs which were in working order during the period, but for which no charter of erection is known.⁵ We must therefore bear in mind that some sixteen⁶ burghs of barony or regality, for which no charter of erection or confirmation of the time has survived, were in being, or came into being, in the period under review.

Nevertheless, in the great majority of cases—amounting to 109 in all—a charter of foundation, expressly erecting a named town as a new burgh of barony or regality, is extant, sometimes in full, more often as an abstract in the Great Seal Register. Taken together, then, the evidence for these hundred years indicates a total of not less than 125 new burghs of barony or regality.⁷

Compared with those of pre-Reformation times, this group of charters shows changes of style rather than of substance. The term *burgus in baronia* remained in use for

¹ *R.M.S.*, iv, 2860 ; vi, 1599.

² *Inquis. Ret. Abbrev.*, Haddington, 26.

³ *R.S.S.*, v, 2327.

⁴ *Macfarlane's Geographical Coll.*, iii, 151.

⁵ Borrowstouness (1574), Kinneil (1580), Birrarnie in Ross (1599), Kilconquhar (1627), Cousland (1630), Scalloway and Torryburn (1633), Coldstream (1636) and Linktown of Abbotshall (1637).

⁶ To those already mentioned should be added Dornoch (1607) and Campbeltown (c. 1618).

⁷ An analysis of the evidence would show :

New erections of burghs of barony	16
Barony grants with burgh erections	69
Burghs of regality (new erections)	9
Licences to create new burghs	15
Other references to new burghs	16

125

In this reckoning the Gogo and Largs charters of 1595, 1629 and 1631 (*infra*, p. lxi, note 3) are treated as one 'licence to create'.

a generation, but in August 1587 Stonehaven was endowed *cum . . . omnibus privilegiis burgi baronie*,¹ while in February 1587/8 Maxton was erected *in liberum burgum baronie*²; the old and new terms existed side by side for about a dozen years, but thereafter the new style was generally adopted, though not without a return now and then to the earlier fashion.³ For the alternative and more sonorous (though not necessarily more dignified or powerful⁴) class of dependent burgh, the common form was *burgus regalitatis*, varied sometimes to *burgus baronie et regalitatis*, or again to *burgus capitalis* (or *principalis*) *regalitatis*.⁵ From Musselburgh in December 1562⁶ and South Queensferry in February 1576/7,⁷ at least 25 burghs of regality⁸ were erected *de novo*, 'promoted' (from burgh of barony) or otherwise recognised within the period 1560-1660.⁹

¹ *R.M.S.*, v, 1341.

² *Ib.*, 1456.

³ E.g., in the charters of Meigle (1608), Cromdale (1609), Crook of Devon (1615), Drem and Dalmeny (both in 1616): *ib.*, vi, 2135; vii, 97, 1261, 1537.

⁴ While it is true that the class included (from 1587 or later, and in some cases for only a short time) such great burghs of the Church as Paisley, Glasgow, Dunfermline and St. Andrews, it also included quite small places, like Inverbrora (1601), Polmont (1611) and Kirkliston (1621), whose privileges differed in no way from those of the burgh of barony. The 'spread', so to speak, of the burgh of regality was much the same as that of the burgh of barony: in each case it extended from the bustling centre of commerce or industry to the tiny but viable township and the mere shadow, the 'parchment burgh'. For both groups of burghs, local government (and any measure of self-government) depended on the arrangements made locally with the superior, and the one group was no better placed to secure concessions than the other. The two terms could, indeed, be interchanged and confused: for Tynningham as a burgh of regality in 1591, see *A.P.S.*, iv, 36-7, and again, as a burgh of barony in 1622, *R.M.S.*, viii, 425.

⁵ E.g., in the charters of Langholm (1642) and Falkirk (1643): *A.P.S.*, ix, 344; VI. i, 255.

⁶ That is, if we can rely on the verbal accuracy of the recital of a charter of 1562 in one of 1632: *R.M.S.*, viii, 2100.

⁷ *Munic. Corp. Comm. Local Reports*, ii, 349.

⁸ This total includes Burntisland and Kirkcaldy, designated burghs of regality by the Convention in 1583 and 1588 respectively (*R.C.R.B.*, i, 165, 288), and also Kilbucho (for which see *supra*, p. lix), but not Arbroath, erroneously described as a burgh of barony and regality in 1642 (*A.P.S.* VI. i, 232; and cf. *infra* p. lxxviii).

⁹ I.e., the number was much larger than is suggested by Ballard in *S.H.R.*, xiii, 22.

Included among the burghs thus erected or given a new status were many places of importance in the economic and social organisation of the kingdom: some indication of their standing is afforded by the fact that, during the century now under consideration, no fewer than 18 of them were advanced to the rank of royal burgh.¹ A few other ancient burghs now reappearing as burghs of regality or barony were also noteworthy towns—Musselburgh (1562), Canongate (1587), Airth (1597), Prestwick (1600) and Kelso (1614)—and there is record evidence of continued municipal life at such substantial and well-established burghs of the preceding age as Dalkeith, Dunkeld, Kirriemuir, Kirkintilloch, Maybole and Paisley. So, too, the genuine *de novo* creations of the time were often of burghs that took firm root in the civic and commercial life of their region. In the far north, for example—where burghs were a rarity—there were now Inverbrora (1601) and Thurso (1633); in the north-east, Keithinch (or Peterhead) and Stonehaven (both in 1587); in the midlands, Edzell (1588), Ferry Port on Craig (1599), Coupar Angus (1607), Meigle (1608) and Errol (1648); on or near the shores of the Firth of Forth, St. Monans (1596), Elie (1599), Falkirk (1600), Leven (1609) and Tranent (1619); in the south-east, Greenlaw (1596), Eyemouth (1598), Galashiels (1599) and Coldingham (before 1638²); in the south-west, Kilmarnock (1592), Minnigaff (1619), Portpatrick (1620), Langholm (1621), Largs (eventually in 1631³), Greenock (1635), Moniaive (1636) and Moffat (1648).

Some caution is called for in considering this series of charters. The Great Seal Register appears to be tolerably full for those hundred years, but we know that it is in fact

¹ Cf. *infra*, pp. lxxiv-lxxv.

² The burgh of barony was re-erected in that year, when its commerce had decayed, and there were doubts as to the superiority: *R.M.S.*, ix, 815.

³ This grant in effect superseded two earlier attempts at erection, one in 1595 in favour of Brisbane of Bishopton, the local landowner (Newtown of Gogo), and the other in 1629 in favour of Sir William Alexander of Menstrie, the great speculator of his day (Largs); in the end the conflict was settled by a victory for the local man. Cf. *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, new ser., vol. 4 (1955-57), 33.

far from complete. Thus, there are parliamentary ratifications of charters that are otherwise missing.¹ Moreover, among the surviving charters are many more known confirmations of earlier grants than presumed erections: the ratio is at least as high as five to two.² Now, it is generally hard to distinguish, with any certainty, the one from the other merely from the text, and in some cases it is clear from other sources that a charter, which might be deemed (because of apparent priority) to be an original erection, was in fact merely a confirmation of an already existing burgh. Thus, the Privy Council were addressing letters and charges to the magistrates of the burghs of Coldingham and Eyemouth in 1570, of Tranent in 1576, of St. Monans and Elie in 1589,³ and were ordering proclamations to be published at the market cross of Borrowstouness in 1574, of Melrose in 1580, and of Falkirk in 1584⁴; now, if we were to accept at its face value what seems to be the testimony of the Great Seal Register, we should infer that not one of these eight burghs had been erected at the time in question. Yet the Privy Council must be credited with a better knowledge of the Scotland of their day—and of Scotland, as it happens, within fifty miles of Edinburgh.

It is thus clear that more, probably many more, and especially earlier, charters were granted than have survived. If, however, the Register does not tell us the whole story, it is also true, in another sense, that it tells us too much. That nominal erections might well indicate advanced planning rather than the recognition of present realities is best shown by the fact that the well-known Act of 1597, for the 'planting' of burghs in Kintyre, Lochaber and the Lewis,⁵

¹ E.g., those of Kirkliston (1621), Greenock (1635) and Dalgarnock (1636): *A.P.S.*, iv, 636; v, 440, 562.

² The writer has counted 308 charters that are definitely confirmatory and 120 that bear to be original erections.

³ *R.P.C.*, 1st ser., xiv, 54; ii, 530-1; xiv, 370.

⁴ *Ib.*, ii, 407 (cf. 439, 442); iii, 307, 656. Each of the eight 'new' burghs mentioned was associated in the relevant act with a number of known burghs, royal and other.

⁵ *A.P.S.*, iv, 139. The purpose of the Act was 'ffor the bettir intertenuing and continuing of civilitie and polecie within the Hielandis and Iles', and the three burghs were intended 'to be haldin in frie burgage of his Hienes'.

took effect 'on the ground' only after the lapse of many years—at Stornoway in 1607,¹ at Gordonsburgh (ultimately Fort William) from 1618² and at Lochhead (or Campbeltown) from about the same time.³ Alternatively, regard for family prestige rather than planning motives might underlie a charter grant—nowhere more obviously than in the 'erection' on 3 February 1602, in favour of the earl of Angus, of a group of eight burghs of barony—Kirriemuir, Abernethy, Douglas, Crawford, Preston (Berwickshire), Bothwell, Selkirk and Drumlithie.⁴ (Selkirk was, of course, a royal burgh, though the barony of Selkirk was an old Douglas holding; the inclusion in the 1602 charter of a supposed burgh of barony of that name was apparently sheer error, and yet it was repeated in a confirmation of 1631.⁵) Finally, a burghal erection might be the outcome of baronial rivalry—of such a competition between two 'developers' as we saw in the case of Largs.⁶

For one reason or another, therefore, a number of the burgh charters of the period 1560-1660 must be written off as inoperative. This comment applies to all Scotland, but, by way of local illustration, the position in the southern shires may be taken as a cross-section of the entire country. In Galloway (Wigtownshire and the stewartry of Kirkcudbright) nine new burghs of barony are recorded as having been erected within these hundred years, but only five of them seem to have been real burghs—Stranraer (1595), Amisfield (1613), Minnigaff (1619), Portpatrick (1620) and Moniaive (1636), the remaining four being mere dream-towns—a so-called Stewartoun, within the barony of Corswall in Wigtownshire (1623), Tantallochholme or Carsphairn (1635), a Newburgh on an unspecified site in Wigtownshire (1638), and Knockreavie, presumably in-

¹ *R.M.S.*, vi, 1982.

² *Ib.*, vii, 1951.

³ See A. McKerral, *Kintyre in the Seventeenth Century*, 23, 37. Campbeltown's formal 'erection' is attested by a charter of 1667: *R.M.S.*, xi, 1105.

⁴ *Ib.*, vi, 1283. The first four had earlier 'erections', but not the others.

⁵ *Ib.*, viii, 1750.

⁶ *Supra*, p. lxi, note 3.

tended to be located in Kirkcowan parish (1642). Dumfriesshire's three burghs of barony and regality of this epoch did, however, take root—Langholm (1621), Dalgarnock (1636) and Moffat (1648).¹ Ayrshire's tally of seven new ² burghs during our period shows four active municipalities—Kilmarnock (1592), Dalmellington (1607), Largs (1631) and Kilbirnie (1642)—and three that seem to have had no real existence—Fairlie (1601), Dundonald (1638) and Riccarton (? 1638).³ In Peeblesshire West Linton (1631) and Kilbucho (c. 1650), as viable if little-known burghs, are balanced by Skirling (1592) and Eddleston (1607), for which no evidence of vitality is apparent, while Roxburghshire ⁴ yields Melrose (1605) in the former category and Maxton (1588) in the latter, and Selkirkshire has only Galashiels, active and vigorous. And, finally, the eight new burghs of Berwickshire comprised four that were authentic—Greenlaw (1596), Eyemouth (1598), Coldstream (× 1636) and Coldingham (× 1638)—and four that left no imprint on our records—Preston (1602), Cockburnspath (1612), Longnewton (1634) and Hyndlawhill (1635).⁵ This sample check, then, suggests that 14 out of a nominal total of 34 burghs created *de novo* in south Scotland during the period under review should in all probability be classified as 'parchment burghs'.

A substantial number of charters of erection must thus be regarded as mere programmes for future action, which might or might not be carried out, and special caution is clearly called for in respect of the sub-group of grants—

¹ Cf. *Trans. Dumfries and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., vol. xxix (1952), 106-14, and references there cited.

² The new status conferred on the ancient burghs of Prestwick and Newton-upon-Ayr is omitted from this reckoning, as is the implementation in 1576 of the precept of 1529 in respect of Saltcoats (see *supra*, p. xlix).

³ Cf. *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, new ser., vol. 4 (1955-57), 31, 33-4, and sources cited there.

⁴ Kelso, re-erected in 1614 as a burgh of barony (*R.M.S.*, vii, 1055), is excluded from this reckoning of 'new' burghs.

⁵ The charter in the last-named case professed to erect *oppidum et villam super dictis terris edificanda in liberum burgum* . . . *Hyndlawhill nuncupandum* : *ib.*, ix, 402.

numbering as many as sixteen ¹ within our period—which conveyed the right to build a burgh at a site still to be selected or precisely defined; some such form of words occurs in the charters relating to Edzell (1588), Tynningham (1591), Alford (1594/5), Laggan, in Islay (1614), Drem and Dalmeny (erected together in 1616), Kilsyth (1620), Campbeltown of Cawdor (1623), Forgan, or Forgandenny, and Innerwick (both in 1630).²

If, however, some degree of circumspection is to be observed in the handling of charters of erection, scepticism can be carried too far ³ in assessing the real existence of the smaller and more obscure burghs of barony or regality: it is unsafe to dismiss them all out of hand as 'unlikely' because little written testimony about them is readily available. A case in point is that of the tiny Lanarkshire burgh of Carnwath, erected in 1451,⁴ but never mentioned in the Court Book of the barony, which runs from 1523 to 1542.⁵ Surely here are strong reasons for inferring that the burgh had not come into being 'on the ground'? But no: we learn from the Privy Council Register that in 1611 the burgh's annual fair provided competition (which was duly resented) to that of Hamilton,⁶ and that in 1632, on supplication by its baron, the weekly market of the burgh of Carnwath was changed from Sunday to Friday.⁷ So, too, along with fleeting but convincing glimpses of the continued vitality of some of the pre-Reformation burghs,⁸

¹ To the ten instances about to be mentioned, there should be added six which have already been glanced at—Gogo (1595) and Largs (1629), perhaps best taken as one; the four still-born Galloway projects, Stewartoun (1622), Carsphairn (1635), Newburgh (1638) and Knockreavie (1642); and Hyndlawhill (1635).

² *R.M.S.*, v, 1579, 1914; vi, 225; vii, 1187, 1537; viii, 82, 414, 1513, 1583.

³ As it is, for example, by the Marquess of Bute and his collaborators in their valuable *Arms of the Baronial and Police Burghs of Scotland*, wherein too much use is made of some such glib dictum as 'We find no indication that it ever enjoyed municipal government'.

⁴ *R.M.S.*, ii, 448.

⁵ Ed. W. Croft Dickinson, Scottish History Society, 1937.

⁶ *R.P.C.*, 1st ser., ix, 182-3.

⁷ *Ib.*, 2nd ser., iv, 451.

⁸ E.g., for Kincardine in 1607, *ib.*, 1st ser., xiv, 480; for Clatt in 1615, *ib.*, x, 363; for Drummochy with its 'coilheuchis' in 1618, *ib.*, xi, 301; for Newmilns and Turriff in 1629, *ib.*, 2nd ser., iii, 43, 420; for Biggar in

we can cull from the same source sure evidence that a number of the new erections of the period 1560-1660 took root and flourished. Thus, in 1629, while Duns and Greenlaw each had its tolbooth, Eyemouth had only 'the pitt' for the warding of accused persons, who might therefore be misused by the craftsmen of the burgh.¹ We hear of the activities, during the reign of Charles I, of the bailies of the burghs of Moffat, Largs and Melrose.² Again, certain of the creations of the time made their impact on contemporary and later topographers: Inverbrora in the north,³ Edzell and Coupar Angus in the midlands,⁴ West Linton in the south (noteworthy for its great sheep market),⁵ all appear in local descriptions compiled in the seventeenth century, while Airth in east Stirlingshire⁶ and Doune in Menteith⁷ still had a vigorous municipal life in 1723-24. Testimony of this kind is a reminder that, while a substantial proportion—of the order, if we can accept as a guide the sample survey of the southern shires, of 40 per cent.—of the grants made in 1560-1660 represent 'parchment burghs', it is unwise to press the argument too far on mere negative impressions or apparent improbabilities. It would thus seem that not fewer than 75 out of the 125 new creations were real enough burghs.

Once again, much interest attaches to the statement, often made in the preamble to the charter, of the reason for the foundation, whether achieved or only intended. Fishing and the fish trade underlay the erection of Kilrenny (1578) and Garmouth (1587).⁸ A suitable site for a port

1632, *ib.*, iv, 474; for Mauchline in 1637, *ib.*, vi, 468, 505; and for Kilmaurs in 1627, *ib.*, viii, 380.

¹ *Ib.*, iii, 41, 145.

² *Ib.*, iv, 48-9; vi, 454-5, 481; viii, 78. For the provost of Moffat in 1635, see *ib.*, vi, 141-2.

³ *Macfarlane's Geographical Collections*, ii, 467.

⁴ *Ib.*, ii, 21; iii, 223.

⁵ The portioners of this burgh of regality are named as being Douglasses, Giffords, Tweedies and Youngers: *ib.*, iii, 145.

⁶ Its tolbooth and fleshmarket were then under construction: *ib.*, i, 327.

⁷ *Ib.*, i, 337-8.

⁸ *R.M.S.*, iv, 2831; *A.P.S.*, iii, 167-9; *R.M.S.*, v, 1281.

was held to justify the choice of Peterhead (1587) and Innerwick (1630),¹ while a similar asset, reinforced by the value of costly local works at the harbour, explained Cockenzie (1591), St. Monans (1596) and Carrick in Orkney (1632).² A convenient market was the explicit motive for Newton of Gogo (1595), Ardgowan (1634) and Blairgowrie (1634),³ and, in addition to this factor, the distance from any existing burgh was stressed in such cases as those of Stranraer (1596), Magnusburgh (1624) and Carsphairn (1635).⁴ The political argument was stronger for the erection of Galashiels in 1599 (useful for the lieges near the confines of the kingdom), of Inverbrora in 1601 (intended to be the capital of the new sheriffdom of Sutherland), of Stornoway in 1607 (*pro incremento politie ubi nulla eatenus extabat*) and of Cromdale in 1609 (lying far from the sea in a savage region where the inhabitants lack civility and honest manners).⁵

After the Reformation, as before it, Prestwick, through the chance survival of its records, affords the best example of the typical burgh of barony. The prime driving-force of the social community was 'keiping gud nyctbureheid'. Thus, there should be fair shares for all freemen in the chance riches of land and sea. Bent or rush was not to be shorn until the morning after Lammass, when each freeman was allowed four hooks, 'and nane to entyr quhyl the sone be resin'.⁶ Similarly, sea-wrack should be gathered only between sunrise and sunset, each man having either horse and 'karris' (sledges) or else barrows—but not both forms of transport.⁷ Four 'dargs' were the limit for peat-cutting, and sales or gifts of peat were 'banned' to the town and

¹ *R.M.S.*, v, 1309; viii, 1583; *A.P.S.*, v, 106-7.

² *R.M.S.*, v, 1857; *A.P.S.*, iii, 641; *R.M.S.*, vi, 461; viii, 1894.

³ *Ib.*, vi, 385; ix, 107, 187. The Gogo charter emphasises the convocation of Irish and other strangers at the market held at the church of Largs.

⁴ *Ib.*, vi, 366, 424; viii, 689; ix, 374. The second Stranraer charter prohibits the erection of any other burgh and port, or of any market, within a distance of four miles.

⁵ *Ib.*, vi, 988, 1170, 1982; vii, 97.

⁶ *Prestwick Burgh Recs.*, 66 (20 Oct. 1562).

⁷ *Ib.*, 70 (16 Oct. 1567); cf. *ib.*, 89.

restricted to twelve loads a year.¹ All dykes within the town were 'to be maid fensabill fra beistis', while acts were passed against the keeping of sheep within burgh and of untethered cattle or horses 'in hanyng tyme'.² Prices were periodically fixed for corn, bear and rye, ale was prised, the common lands were 'delt and dewidit' for a certain span of years,³ thieves and resettlers were threatened or punished, and out-dwelling burgesses were warned 'to cum and duell thairin and stent and ward . . . conforme to the rest of the fremen'. Antique burghal law and custom were still observed: in October 1561 each freeman owning a horse was ordered to furnish himself with 'ryden geyr'—saddle, bridle, jack, steel bonnet and staff or axe, sword and buckler—while in December 1563 the inquest found that purchasers of freedoms should not be entered 'quhyl thay duel yere and day wythin the towne'.⁴

In the little neighbouring burgh of Newton-upon-Ayr (with records beginning in 1596), the community included mariners, fishermen and a webster craft,⁵ but in other respects conditions were similar to those in Prestwick. The common lands, comprising 200 acres of arable and 150 of pasture, were allotted by 'dail' among the 48 freemen; here the dail, originally annual, was for a time carried out once in eleven years and later (from 1666) every seven years.⁶ The machinery of government was both complex and democratic. The Michaelmas head-court, or *inquisicio*, annually elected provost, bailies and council, treasurer, procurator-fiscal (or suitor) and officers, and sometimes liners, conners of ale⁷ and quartermasters⁸; the clerk was

¹ *Prestwick Burgh Recs.*, 70 (16 Oct. 1567), 76 (12 July 1575).

² *Ib.*, 79 (23 Oct. 1581), 83 (Nov. 1597), 86 (2 Oct. 1605).

³ The period was fixed at 19 years in 1572, but it was reduced to 17 years in 1602; in the eighteenth century the term was nine years: *ib.*, 73, 85, 94.

⁴ *Ib.*, 66, 67.

⁵ Murray, *Early Burgh Organisation*, II, 251.

⁶ *Ib.*, 215-20.

⁷ The Michaelmas court also fixed the price of ale; the Scots pint (roughly 3½ imperial pints) stood in 1603 at 16d., in 1643 at 20d. and in 1662 at 2s. (Scots): *ib.*, 261.

⁸ These were appointed when the burgh had to be divided into quarters for police purposes, for taxation, or for special watch in time of pest.

appointed to serve *ad vitam aut culpam*.¹ The burgh statutes, annually renewed, regulated such matters as the gathering of wrack and sea-ware, the cutting of turves and the building of yard-dykes, while the ordinary burgh court dealt with cases of assault, interference with crops or grass-land, removings, rent-recovery and the payment of debts. In 1604, the son of a freeman was admitted as heir at a charge of four merks, a son-in-law for 14 merks.² In the ancient manner, the town herd took the burgesses' cattle out to the common pasture after blowing his horn in the morning, and returned them to close quarters in the evening; 'foilye' or manure might be sold only to a freeman; and poultry must be kept from 'skaything ane another in thair gers or corne' between seed-time and harvest.³

The picture is still one of a tight little community, closely tied to the soil and primarily concerned with land-use, yet supporting a superstructure of urban life and effective self-government. Prestwick and Newton-upon-Ayr closely resembled many another burgh of barony in their economic, social and political arrangements. Thus, the 40 'tenementers' of Kilmaurs each held seven acres in feu-ferme and free burgage from their superior, the earl of Glencairn: they were essentially small-holders or crofters, with the burgh as their commercial and social nexus.⁴ Our glimpses of Kirkintilloch, too, at this time stress the territorial aspect: we read of the burgesses, in 1630, disposing to the earl of Wigtown part of their commony and common muir, and again, in 1642, of the earl disposing to them the teinds of their own lands 'for 19 times 19 years'.⁵ And, at the very close of our period, the first four entries in the present record illustrate the agricultural and pastoral interests that bound together this burghal society: a whole or half Newland mailing was the share of the burgh lands which

¹ *Ib.*, 233-5.

² *Ib.*, 236-42.

³ *Ib.*, 245-6, 248-9.

⁴ Cf. D. McNaught, *Kilmaurs, Parish and Burgh* (1912), 225-7; Murray, *Early Burgh Organisation*, ii, 296-8.

⁵ *Wigtown Charter Chest*, no. 883.

qualified its possessor as one of the 'conburgesses', the holding of a portioner included two barns, two barn-yards and half an acre of arable, and, in admitting George Ralstoune as burgess *jure uxoris* in December 1659, the burgh reserved the right of 'carrgates¹ and ordinarie passadges' used and wont for the transport of turf, peat and fuel.²

The agrarian aspect of municipal life was not confined to the lesser burghs of barony. Hawick was a flourishing place in the early seventeenth century, with bustling trade and numerous crafts,³ but the pattern of social control was not unlike that which we have been considering. An Act passed by the bailies, council and community on 1 January 1640 lays down a general code of burghal behaviour.⁴ It imposes penalties (usually fines ranging from 10s. to £10, but also including confinement in the stocks) for 'bloods' and riots, theft and reset, unseemly language and disobedience, breaking ward and deforcing an officer, the use of false weights and measures, absence from the common riding, and taking complaints to judges other than the burgh bailies; it fixes charges for bills, decreets and burgess entries; it regulates the building of houses and stone dykes, the upkeep of calsays and thorn hedges. It illustrates the mixed economy of the typical burgh of barony, on the one hand, by requiring wholesome mutton and beef to be offered at market, butter and cheese to be bought at the proper time (not 'before the bell rings'), weaver-work to be sufficient, and all websters to convene at lawful craft meetings, and, on the other, by insisting that no horses or cattle go untethered, to the neighbours' scathe, between 15 April and harvest, that swine and geese be kept only on the Common from 1 March to 1 November, that grass be

¹ The 'carr' was the wheelless cart or sledge commonly used in rural parts, especially in the west of Scotland.

² See *infra*, pp. 1-6.

³ Among craftsmen mentioned in the burgh records during the years 1638-1660 are cordiners, fleshers, litsters, lorimers, maltmen, masons, skimmers, smiths, tailors, waulkers, websters and wrights: James Wilson, *Annals of Hawick* (1850), 40-73.

⁴ The code strongly resembles the 'acts and statutes' annually renewed by many a burgh at one of its head courts (often at Michaelmas): Dickinson, *Early Recs. of Aberdeen*, lxxxii.

not shorn 'thifteouslie' by night or day, and that no 'scabbit or other seik bestis' be held within burgh.¹

If left to its own devices, the average burgh of barony, it would seem, afforded a stable enough social unit, based on small-scale agriculture and pastoral farming, with a superstructure, so to speak, of petty trading and the needful crafts, endowed with some sense of community, and reasonably free from oppression or arbitrary misrule.² But this stability, this even and unexciting flow of life, could be threatened from one of two external sources. On the political side, the burgh of barony might encounter the aggression of an ambitious superior, real or supposed; and, on the economic side, it might have to face the sustained and vigilant hostility of the royal burghs.

Of the first of these hazards, perhaps the most glaring abuse turns on the fate of Prestwick and Newton-upon-Ayr. In a sense these burghs were atypical, in that they held, not from a lord or baron, but from the Prince and Steward of Scotland; and this unusual tenure involved, besides unusual honour, unusual danger. Prestwick's status and privileges were re-defined in a charter of 19 June 1600, those of Newton just eleven days later,³ the burgesses being motivated in each case by fear of the schemes of a neighbour laird.⁴ Wallace of Craigie had acquired the barony of Sanquhar-Hamilton (Newton) and insinuated himself into office as 'oversman' or provost of Newton (1571); he was now (1599) claiming possession of both towns and asserting a hereditary right to supreme control. Craigie, exploiting the 'power vacuum' left by a permanently absent landlord, had himself elected provost of Newton in 1603 and of Prestwick in 1605, and, for the rest of the seventeenth and

¹ Wilson, *op. cit.*, 44-51.

² By judgment of one of the Hawick bailies and the council in 1641, the other bailie was himself fined and put in the stocks for wrongfully 'bluiding' in the forehead a suspected witch: Wilson, *op. cit.*, 51-2.

³ The Newton charter superseded an earlier one, of 24 September 1595, granting an even 'freer' constitution: *Prestwick Burgh Recs.*, 120-4; *R.M.S.*, vi, 1042, 359, 1048.

⁴ The royal burghs themselves were not immune from this kind of encroachment. For some instances, see *Ayr Burgh Accounts* (S.H.S., 1937), xxiii, and references there cited.

most of the eighteenth century, the family's machinations succeeded only too well.¹

The second, or economic, threat to the well-being of the post-Reformation burgh of barony came mainly from the Convention of Royal Burghs. That assembly, it is true, did on occasion favour the claims of certain seaport burghs for help in the construction and maintenance of harbour works—at Elie in 1582 and 1613-14,² at Eyemouth in 1585 and 1612-13,³ at Stonehaven in 1600, 1611-12 and 1649,⁴ at Peterhead in 1619-20,⁵ and at Wemyss in 1621-2.⁶ In each case, however, the Convention's desire was to ensure 'for all schippis and boittis saifty in stormes of wether'—and most of these ships and boats belonged to the inhabitants of the royal burghs. Moreover, these were the only kind words ever directed towards those burghs which the Convention labelled the 'unfrie tounis'.

The general policy appears in a Convention decision of 1596 to seek redress for the grievance of 'erecting priuatlie of brughis of barroneis, kirkelachanis and vtheris small villageis, with als grit liberteis as the fre burrowis hes'.⁷ In the years 1631-33 the impending royal visit to Scotland offered a good opportunity 'to clear the differences betwixt royall burghs and burghs of barrony' and thought was given to the prevention of erections with 'priviledges which be the lawes of this kingdome are proper to burghs royall'.⁸ The outcome was the Act of June 1633, reaffirming in the widest terms the rights—especially the trading rights—of the royal burghs, and declaring that these 'ar onlie proper and competent to the frie borrowes royall that have vote

¹ For details of the sordid tale, see Murray, *Early Burgh Organisation*, ii, 78-80, 194-211; and 'The Burghs of Ayrshire', in *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, new ser., vol. 4 (1955-57), 25-6, 32-3, and references there cited.

² *R.C.R.B.*, i, 185; ii, 410, 451-2.

³ *Ib.*, i, 201; ii, 378, 410.

⁴ *Ib.*, 113, 302, 320, 351; iii, 345.

⁵ *Ib.*, 91, 108.

⁶ *Ib.*, 118, 133-4.

⁷ *Ib.*, i, 483.

⁸ *Ib.*, iv, 529, 530, 532.

in parliament and bear burdeine with the rest of the burrowes and to no others'.¹

At the local level the 'debate' with the burghs of barony was urged forward by the Convention, which was always ready to proceed against presumed infringements, to support individual royal burghs against neighbouring 'unfree places', to advocate vigorous action, and to require diligence to be shown by burghs suspected of laxity.

In the border region it was Hawick and Kelso that troubled Jedburgh,² while in the south-west Minnigaff, with a popular non-burghal market in existence long before its erection, was deemed by the royal burghs a greater menace than Stranraer, Maybole, or Ballinlach,³ and another unfree market, at St. John's Clachan (Dalry), also needed watching.⁴ In the west country Renfrew was expected to keep an eye on Greenock, and Irvine on Kilmarnock.⁵ In the midlands Clackmannan was viewed askance by Perth (some 36 miles distant),⁶ as Ferryport-on-Craig was by Dundee, Kirriemuir by Forfar, and Fettercairn and Stonehaven by Montrose.⁷ In the north-east, at one stage, Aberdeen faced an unusual double challenge by Fraserburgh, with its university charter and its commercial aspirations.⁸ In the remoter parts Forres complained of Findhorn, and Inverness took offence at any economic activity between the Chanonry and Thurso.⁹

It was along the shores of the Forth, however, that the chief competition arose: here many an unfree port or haven, under its enterprising laird, prospered with the

¹ *A.P.S.*, v, 42 (c. 24). The statute was hailed as 'ane excellent act of parliament' by the burgh commissioners, who voted 1,000 merks to 'their friends' for helping to procure it, and, a little later, awarded 2,000 merks to Provost Cockburn of Haddington 'for agenting and following furth the debate': *R.C.R.B.*, iv, 536-7, 539.

² *Ib.*, i, 170; iii, 86, 93-4.

³ *Ib.*, i, 488-4; ii, 52, 54, 78, 150, 280-1, 293-4, 350, 357, 400-1; cf. T. Pagan, *The Convention of the Royal Burghs*, 127-8.

⁴ *R.C.R.B.*, ii, 251, 274, 288.

⁵ *Ib.*, 310, 342-3; iii, 37, 57, 58.

⁶ *Ib.*, ii, 403, 454; cf. Pagan, *op. cit.*, 127.

⁷ *R.C.R.B.*, ii, 54, 310, 342-3, 401-2; iii, 157, 187.

⁸ *R.M.S.*, v, 2117; vi, 1167; *R.C.R.B.*, ii, 204.

⁹ *Ib.*, i, 104, 488-4; iii, 407.

expansion of the coal trade. Prestonpans, Wemyss and Leven were in the forefront,¹ but the centre of the trouble was further up the estuary. Stirling worried about Airth, but was also anxious over Alloa, Falkirk and Kilsyth,² while Culross and Dunfermline felt Kincardine and Torryburn to be uncomfortably close, and Borrowstounness was a thorn in the flesh of Linlithgow.³ By the mid-seventeenth century, the royal burghs were all too well aware of the competition of 'unfree trade', whether in the form of non-burghal markets in the landward villages,⁴ or in the more menacing shape of the illegal export and import, at burghs of barony, of staple wares and merchandise.

The only sure way for a dependent burgh to erase the stigma of inferiority was that of promotion, and this was in fact the way in which 18 of the 19 new creations of royal burghs came about during the period 1560-1660,⁵ to bring the total up to 65. Yet the avenue of promotion was not quite as clear-cut and straightforward as has been generally supposed, particularly by our institutional writers, with their eyes on legal concepts rather than local actualities: formal tenure in chief was important, but pragmatism, accident and sheer error also played some part. Thus, the ancient baronial burgh of Rattray, in Aberdeenshire, was erected in *liberum burgum regalem* on 6 March 1563/4,⁶ but its elevation (like that of Hamilton fifteen years earlier) was inoperative. Full charter right also came the way of the ecclesiastical burghs of Earlsferry (1589) and Newburgh

¹ *R.C.R.B.*, ii, 7-8, 28, 51, 463.

² *Ib.*, 35, 54, 93, 103; iii, 334.

³ *Ib.*, ii, 310, 242-3; iii, 14; iv, 550.

⁴ The Registers of the Great Seal and the Privy Council show these to have been much more numerous than was suggested by Ballard in *S.H.R.*, xiii, 22—at least 50 instead of the 11 he allows prior to 1660.

⁵ The sole exception, the *de novo* erection of New Galloway, was anomalous and unsatisfactory, for the charter of 19 November 1630 transferred to an unsuitable site (chosen because of favourable tenurial considerations) the liberties bestowed in an ineffective grant of 15 January 1629 on the Old Clachan of Dalry (perhaps the best location in the Stewartry); the planned 'new town' never prospered and remains today Scotland's smallest burgh. Cf. *Trans. Dumfries and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., vol. xxix (1952), 104-6.

⁶ *R.M.S.*, iv, 1511.

in Fife (1631),¹ but, never admitted to Convention or represented in Parliament, they joined the sub-class of non-functioning royal burghs of Fife.²

Of the eighteen burghs which were effectively promoted to royal rank during the period, twelve had previously had ecclesiastical superiors and six baronial. For half of the Church burghs, elevation merely transformed a *de facto*³ into a *de jure* status—Dunfermline (1594), Arbroath (1599), Glasgow (1611), St. Andrews (1620), Brechin (1641) and Kirkcaldy (1644). Three other burghs had been episcopal before promotion—Fortrose (1590), Kilrenny (1592) and Dornoch (1628)—three had formerly been monastic—Anstruther Wester (1587), Culross (1592) and Queensferry (1636)—and six had been baronial—Anstruther Easter (1583), Wick (1589), Dysart (? 1594),⁴ Sanquhar (1598), Stranraer (1617) and Inveraray (1648).

If in summary form the position seems normal and sensible, some of the detailed transactions, especially those affecting the burghs of Fife, present peculiarities. On 8 July 1578 Kilrenny had been erected,⁵ in favour of John Betoun of Balfour, as a burgh of regality, with the usual privileges, but in 1592 it was enrolled by the Convention and from 1612 it was summoned to Parliament⁶; the error (for such it was) may well have been due to the novel and unfamiliar term 'burgh of regality'. Once taken, however, the step could not be retracted: the burgh's attempt, from 1672, to retire from its false honours was

¹ *R.M.S.*, v, 1652; viii, 1714; A. Laing, *Lindores Abbey and its Burgh of Newburgh* (1876), 525-7.

² The other two were Falkland and Auchtermuchty; cf. Rait, *Parliaments of Scotland*, 253-4. It is noteworthy, too, that, on the analogy of the 'promotion' of the Stewart burghs of Irvine and Renfrew, 'royal' status might well have been bestowed on Prestwick, on Newton-upon-Ayr and, later, on Paisley; cf. *supra*, pp. xxi, liii note 2, lxxi; *infra*, p. lxxxv.

³ Cf. *supra*, pp. lvii-lviii.

⁴ Cf. *supra*, p. lvii, and *infra*, p. lxxvi.

⁵ Exceptionally, the erection bears to have been made, not by the crown, but by the archbishop of St. Andrews, though royal confirmation (by great seal charter and act of parliament) in the following year may be held to have removed any taint of illegality: *R.M.S.*, iv, 2831; *A.P.S.*, iii, 167-9.

⁶ *R.C.R.B.*, i, 371; *A.P.S.*, iv, 467.

frustrated by its fellows,¹ and it remained in possession of the status that had been thrust upon it.

Dysart's elevation seems to have been equally irregular. It was a burgh in barony, holding from Lord Sinclair, as early as 1510,² and it was still denominated a burgh of barony in 1699³; yet, as we have seen,⁴ it had been stented with the other burghs of the realm in 1535. From its appearance in Parliament in 1594, at latest, it must be reckoned, for all practical purposes, a royal burgh,⁵ though any evidence that a royal charter to that effect was ever granted, or even thought to have been granted, has eluded the search of this writer.

Dunfermline is commonly stated⁶ to have become a royal burgh by the charter of 24 May 1588, but that document is merely a crown confirmation of a charter of 1549, itself ratifying two fourteenth century grants by the abbots to the burgesses.⁷ In a charter of 11 February 1588/9 the town is described as *ex antiquo in liberum burgum regalitatis erectum*, and on 7 March 1593/4 the temporal lordship, with the burghs of Dunfermline, Kirkcaldy and South Queensferry, was conveyed in regality to Queen Anne.⁸ No later charter of re-erection seems to have survived, and it would appear that contemporaries (like modern commentators) misread the 1588 deed as making Dunfermline a royal burgh, or else that its holding from the queen as superior, in the charter of 1594, was taken as establishing its 'royal' tenure as a burgh. From January 1593/4, at all events—two months before the grant to Queen Anne—the burgh

¹ It was the opposition of Convention, unwilling to lose even one small contributor to its stent-roll, rather than of Parliament, which ultimately (by 1689) defeated the move: *R.C.R.B.*, iv, 70, 77; cf. Rait, *Parliaments of Scotland*, 260.

² *Notices from Dysart Records* (Maitland Club, 1853), 1-2.

³ Sir Francis Kinloch of Gilmertoun was then served heir to the barony and burgh of Dysart: *Inq. Ret. Abbrev.*, Fife, no. 1431.

⁴ Cf. *supra*, p. lvii.

⁵ *A.P.S.*, iv, 50.

⁶ E.g., in Rait, *Parliaments of Scotland*, 255.

⁷ The grants concerned the common muir and feu-ferme tenure: E. Beveridge, *Burgh Recs. of Dunfermline* (1917), xlviii-lxii; E. Henderson, *Annals of Dunfermline* (1879), 231-6; *R.M.S.*, v, 1548.

⁸ *Ib.*, v, 1629; vi, 75.

was represented in Parliament,¹ and no doubts about its status were thereafter expressed.

On occasion, therefore, the requirements of the law could be evaded : with no formal claim to hold directly from the crown, a town might win recognition as a royal burgh. *Per contra*, a burgh with impeccable charter evidence of its tenure in chief might be thwarted in its desire to assume its rights—as Whithorn had been before the Reformation, by reason of the opposition of Wigtown.² It was the hostility of Wigtown, too, that caused Stranraer's long wait (from 1617) before admission to Convention (in 1683) and to Parliament (in 1685).³

Inveraray's case is comparable to that of Hamilton, for their progress was hampered by the excessive local authority of their noble superiors : the prestige of the Campbells was inimical, that of the Hamiltons fatal, to the advancement of their burgh. A precept of 1554 indicates an intention to erect Inveraray *in liberum burgum regalem*,⁴ but the plan was apparently not carried out, and the effective date of the promotion seems to be 28 January 1648.⁵

Ecclesiastical superiors were even more reluctant than lay barons to surrender their former rights. Long after Burntisland's promotion in 1541, the abbey of Dunfermline, and later the inheritors of its temporalities, fought a delaying action. Though admitted to Parliament and Convention from 1586-87, it could not regard its position and its privileges as being completely secure until 1633. It is indeed clear that the powers previously wielded by the old Church tempted the cupidity of nobles and lairds, and that burghal superiorities, like feudal rights in general, were

¹ *A.P.S.*, iv, 50.

² Cf. *supra*, p. lvii. Though stented from 1535 and represented in Convention from 1574, Whithorn was not admitted to Parliament until 1641, in which year there was a confirming charter : *R.C.R.B.*, i, 514, 36 ; *A.P.S.*, v, 306, 489.

³ *R.C.R.B.*, iv, 39 ; *A.P.S.*, v, 53 ; viii, 453. For the shorter delays imposed on Anstruther Wester and Queensferry, see Rait, *Parliaments*, 259.

⁴ *R.S.S.*, iv, 2327, 2328.

⁵ *R.M.S.*, ix, 1901.

easier to re-grant than to destroy. When Glasgow became expressly 'royal' in 1611, the archbishop's right to nominate the magistrates was reserved, and the city even had to pay two burgh fermes from 1636. Relieved from these burdens during the 'Troubles', it had to submit after 1660 to arbitrary and sometimes scandalous appointments of its provost by the archbishop, or by Lennox as bailie of the regality; only in 1690 did a new royal charter and Act of Parliament make it really free.¹

Two others of the 'big Church burghs' were unable to make clean breaks with their past. Arbroath, re-erected as a royal burgh in 1599, reappears as a nominal burgh of barony belonging, with the lordship and regality, successively to the marquis of Hamilton (1625) and William Murray (1641).² These rights passed in 1642 to Patrick Maule of Panmure, *cum potestate nominandi ballivos burgi de Aberbrothok*³—an utterly incongruous condition for a royal burgh. Attempts were made to limit Panmure's right to merely monetary dues (1644 and 1661) and the provost protested in favour of his burgh's rights⁴; but a retour of 1671 bore the words *cum privilegio eligendi ballivos dicti burgi*.⁵ Meanwhile Brechin, from its elevation in 1641, was expressly subject to Panmure's right to choose one of its bailies,⁶ and this right was confirmed in 1661 and 1695.⁷ In practice, the Brechin routine was followed at Arbroath: both burgh setts (1709-10) allowed Panmure to choose one bailie from the council's leet.⁸

In the far north, it was the poverty as well as the remoteness of the small burghs that induced Convention in 1580 to declare that (whether ancient or new erections) they

¹ *Charters of the City of Glasgow*, vol. i, pt. ii, 278-83, 375-94; vol. ii, 236-40; *A.P.S.*, ix, 153-4. And see 'The City and Burgh of Glasgow, 1100-1750', in R. Miller and J. Tivy, *The Glasgow Region* (1958), 142-3.

² *Inquis. Ret. Abbrev.*, Forfar, no. 154; *R.M.S.*, ix, 1035.

³ *Ib.*, 1255.

⁴ *A.P.S.*, VI, i, 231-2; vii, 109-10.

⁵ *Inquis. Ret. Abbrev.*, Forfar, no. 450; cf. *ib.*, nos. 384, 502.

⁶ *A.P.S.*, v, 528 (c. 303), 542-3 (c. 315).

⁷ *Ib.*, vii, 347-8 (c. 373); ix, 510-11 (c. 132).

⁸ *Misc. of Burgh Recs. Soc.* (1881), 194-5.

were 'na frie burghis',¹ but, in fact, little was known in the south about burghal conditions beyond Inverness: thus, Thurso, created a burgh of barony in 1633, was erroneously listed in 1652 among the 58 royal burghs.²

Tenure in royal burgage, it is clear, was not quite self-evident, and did not necessarily offer a sure and infallible escape-route to the burghs of barony from their inferior status. Some burghs were admitted to 'the burgess estate' without any apparent right, while some others, formerly dependent upon ecclesiastical superiors, were for long in a state best described as 'semi-royal', and yet others, whose formal right seems from our records to have been indisputable, were either excluded or held at arm's length, mainly through the jealousy and rivalry of their neighbours. Sheer luck, good or bad, influenced events along with legal considerations: there was much that was arbitrary and accidental about the arrangements that were made to effect or hinder 'promotions' in the years 1560-1660.

CREATIONS OF THE PERIOD 1660-1707

Our knowledge of burgh erections between the Restoration and the Union is impaired by the fact that our main source, the Great Seal Register, has been published only down to the year 1668; for our purpose this record stops with the creation of the burgh of barony of Girvan, on 6 May 1668.³ Fortunately, however, the manuscript Register was carefully worked through by the Marquess of Bute, J. H. Stevenson and H. W. Lonsdale for their invaluable *Arms of the Baronial and Police Burghs of Scotland* (1903); from this compilation, and from such other original sources as the statutes, the retoured inquests and the Privy Council Register, it is possible to obtain a tolerably full picture of both the formal and the successful erections of the period. The figures, along with the comparable stat-

¹ *R.C.R.B.*, i, 104.

² *R.M.S.*, viii, 2207; *A.P.S.*, VI. ii, 794.

³ *R.M.S.*, xi, 1179.

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istics for the previous periods, can best be set forth in tabular form :

Creations of Burghs of Barony and Regality

	Formal erections	Viable Burghs	'Parchment Burghs'
1450-1560	115	95	20
1561-1660	125	75	50
1661-1707	110	40	70
Totals	350	210	140

While these figures are, because of the many marginal cases, doubts and obscurities, mere approximations, they do show the broad trends of the times. With the Restoration the number of burgh erections increased sharply, to reach a rate well above two a year. But alas ! for the visions of the planners : most of these new towns were 'ghost burghs', unknown in the districts which they were supposed to grace and to serve.

The Citadels of Leith (1662) and of Ayr (1663) were among these nominal burghs of the Restoration period, as were Caringtoun in Midlothian (1664) and Rutherford, alias Capehope (1666)¹ ; later we hear of Clerkington, or Nicolson, or Rosebery, or Ancrum (1669), of Wester Duddingston (1673), of Redford (1683), of Melfort (1688), of Covesea, Deskford and Heron (all in 1698), and of at least a dozen other non-corporeal burghs between that date and the Union.² Once again, it is true, we must be on guard against an excessively cavalier attitude to these chartered municipalities, for some that we might be disposed to dismiss as 'unlikely' did in fact come into being. For example, we have unchallengeable evidence about the bailie of the Hilltown of Dundee, or Rottenraw, in 1672, about the fairs, markets and courts of Tarbolton in 1673,

¹ *R.M.S.*, xi, 239, 506, 671, 929. For a further comment on 'Montgomeriestoun', or Citadel of Ayr, see *Collections of Ayrshire Archaeol. and Nat. Hist. Soc.*, vol. 4 (1958), p. 34.

² For these and many other details, see Bute, *Baronial Burghs*, *sub voc.*

about the market cross of Kilpatrick, the head burgh of its regality, in 1678, about the magistrates and tolbooth of New Dalgarno, or Thornhill, in 1678 and again in 1684, and about the late provost of Preston, in Kirkeudbright, in 1684.¹ And, a generation later, that assiduous and informed geographer, Walter Macfarlane, noted and left on record precise, physical details of no fewer than thirteen small but functioning burghs of barony in Aberdeenshire alone.²

Yet, when every allowance is made, the rate of both new creations and casualties among the burghs of barony and regality is equally impressive: it represents one aspect of a strong drive by 'the barons'—mostly lairds but including a few nobles—to play a decisive part in the political economy of their age and their country. Another facet of the same movement is to be seen in the establishment (generally, but not always, with statutory authority) of a very large number of non-burghal weekly markets and annual fairs—as many as 140 of the former and 150 of the latter authorised or observed before 1707.³

A third branch of the barons' post-Restoration economic initiative turned on their determination to abridge the claims of the royal burghs to monopolise commerce and to advance the trading rights of their clients, the burghs of barony. The resulting conflict between the two groups is a well-known tale,⁴ which calls for only summary treatment here. The royal burghs suffered a severe defeat in 1672, when the others were allowed to export corn, cattle, coal, salt, wool, skins, hides and other native commodities, to import timber, iron, tar and other requirements for

¹ *R.P.C.*, 3rd ser., iii, 599; iv, 26-7; v, 573, 436; viii, 662; ix, 391.

² *Macfarlane's Geographical Collections* (S.H.S., 1905), i, 4-105; cf. *Proc. of Royal Philos. Soc. of Glasgow*, lxxiii (1948-49), 46-7.

³ The former figure is based on an unpublished St. Andrews Univ. B.Phil. dissertation by Mr. A. M. Carstairs on 'The Distribution of the Population of Scotland, 1450-1750': he was using (and adjusting) Sir James Marwick's *List of Markets and Fairs* (1891).

⁴ See especially Rait, *Parliaments*, 260, 262; Mackenzie, *Scottish Burghs*, 143-53; Pagan, *Convention of Royal Burghs*, 139 *et seq.*

tillage or building, and to retail any goods.¹ Partial recovery was achieved in 1681 and 1690, when, successively, the dependent burghs' imports were declared to be for sale only for the use of the inhabitants of the barony or regality, and their trade in foreign wares applied only to such as were bought from freemen of the royal burghs.²

The challenge had been partially successful, and the royal burghs, learning the lesson of their limited victory, spent much time and labour, in the years 1691-1700, in the quest for a more harmonious and more durable diffusion of commercial rights. The agreed solution was the 'Communication of Trade', whereby sea-borne commerce was to be opened to such 'unfree' burghs as undertook to pay a just price for the privilege towards the relief of a portion (reckoned hopefully at 10 per cent.) of the royal burghs' stent. The new principles were embodied in a fresh statute of burghal liberties in 1698,³ and there ensued prolonged negotiation and sharp bargaining between the spokesmen of the royal burghs and the masters or magistrates of the others.⁴ Probably the most significant feature of the whole transaction is simply the willingness of the royal burghs to discuss and to compromise.

Undoubtedly, therefore, the heyday of the Scottish burgh of barony fell in the generation that preceded the Union. Our figures suggest that nominal erections up to that time had amounted to 350, but that from that total there should be deducted 140 inoperative grants. Not all the 210 remaining, or real, burghs survived until 1707: a second diminishing factor is that of lapse or decay. Thus, it is recorded that, in 1662, James III's charter erecting the burgh of Errol was still valid, 'but through the difficulties of the time the same has fallen out of use'; changing market-day from Monday to Wednesday, the king ratified the charter by letter of gift, and the Privy Council ordered

¹ *A.P.S.*, viii, 63-4 (c. 5).

² *Ib.*, xii (Supp.), 44b; ix, 152-3 (c. 15), and App., 146-7.

³ *Ib.*, x, 176-7 (cc. 38, 39).

⁴ *Ib.*, App., 107-48; cf. *Procs. of Royal Philos. Soc. of Glasgow*, lxxiii, 45-6.

publication thereof at the revived burgh's market cross.¹ In other cases the decline had gone too far to be arrested by the interposition of royal goodwill. On 27 February 1707 the town of Glenluce, in Wigtownshire, already erected as a burgh of barony, was appointed to be the head burgh of its regality, in place of the older burgh of Barnhill or Ballinlach, now become ruinous and deserted.² Such checks as I have been able to apply to what is often a confused and obscure situation suggest that some 60 once viable burghs had allowed their rights to fall into desuetude, leaving a total of about 160 active dependent burghs (including 84 burghs of regality) at the time of the Union.

DECLINE AND EXTINCTION

The protracted decay, and the almost (but not quite) total extinction, of the burgh of barony, constitute a story which has already been told, at least in outline, elsewhere,³ so that it will here be sufficient to indicate the main causes, stages and results of the process. In the period of 140 years following the Union, only 25 *de novo* erections have been noted.⁴ Among these were many that can only be termed 'parchment burghs', but some important new municipalities did appear, such as Port Glasgow (1774), Maxwelltown (1810), Pollokshaws (1818), Calton (Glasgow) and Stromness (both in 1817), Lerwick (1818), Oban (1820), Airdrie (1821), Anderston (1824) and Ardrossan (1846). It would, however, be quite erroneous to add the viable new burghs to the survivors at the time of the Union, and to suppose that the total would be valid for, say, the opening of the nineteenth century. For various reasons, the casualties among the burghs of barony were heavier in the eighteenth century than in any previous age.

¹ *R.P.C.*, 3rd ser., i, 258.

² *A.P.S.*, xi, 472, and App., 134; cf. Bute, *Baronial Burghs*, 234, and *Trans. Dumfries. and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., xxix (1952), 121-2.

³ See the writer's 'Scottish Burgh of Barony in Decline 1707-1908', in *Proc. of Royal Philos. Soc. of Glasgow*, lxxiii (1948-49), part iv, pp. 43-64. Mostly in Bute, *Baronial Burghs*.

For one thing, the Act of 1747 sharply curtailed the jurisdiction of the dependent burghs of barony, along with that of the baronies themselves, limiting their bailies to the trial of petty crimes (punishable by fine of not more than 20s. or by three hours in the stocks) and of civil causes (apart from rent-recovery) involving sums up to 40s.¹ It is true that such burghs as possessed a constitution and were therefore independent of their baron were to enjoy the powers of a royal burgh, but it was for the courts to interpret this provision, and, while law-suits of 1771 and 1805 were won on this point by Kilmarnock and Hawick, Greenock lost her case in 1794. The depressing effect of the statute on the lesser burghs must have been great and would not be mitigated by Parliament's sanction, in 1795, of the creation of new 'free and independent' burghs.²

The spirit of the times, and the impact of the Industrial Revolution, were inimical to the continued existence of an institution better attuned to the primitive economy of the seventeenth century. Market-towns like Auldearn and Buchlyvie, Moniaive and Turriff, kept their fairs but allowed their municipal privileges to lapse. At Roslin and at Preston (Kirkcudbright) only the old market-cross stood as a reminder of a lost heritage. Even flourishing seaports like Gourock and Portpatrick laid aside their burghal status. The semi-agrarian burghs of the west became ossified as their 'freedoms' were changed to perpetual tenure: Prestwick, Kirkintilloch, Newton-upon-Ayr and Kilmaurs survived, but Biggar and Crawford permitted their burgh charters to become dead letters.³

Slowly but surely, the old order was passing. As in the royal burghs, burgess and craft right was wholly or partially laid aside in many a burgh of barony. Further, the agreement for the 'Communication of Trade' was not well observed: much smuggling was carried on, and the relief to the royal burghs' burden of taxation worked out at about two, not ten, per cent., and, even at that level, was

¹ 20 Geo. II, c. 43, ss. 17, 27.

² 35 Geo. III, c. 122.

³ 'The Scottish Burgh of Barony in Decline', *loc. cit.*, 53-5.

hard to collect. Locally, the inadequacy or the breakdown of the mode of administration embodied in the charters is seen in the emergence of harbour trusts in the greater sea-ports and of feuars' committees elsewhere : such newer and more responsive agencies, unhallowed and unencumbered by tradition, took over large areas of local government untouched by the existing authorities.¹

Change, decay and lapse afflicted the burghs, and yet a fair cross-section of them kept in being, including fishing towns of the north-east, coal-ports of the Firth of Forth, some western trading burghs (headed by Greenock and Port Glasgow), a substantial number of small, inland market-villages, a few *de facto* county towns (Thurso, Stonehaven, Alloa, and, in Berwickshire, the rivals Greenlaw and Duns²), and, above all, a group of early erections well adapted to benefit from the industrial advances of the time—Paisley and Kilmarnock, Hamilton and Falkirk, Musselburgh, Hawick and Kelso. Hence, the 1830s found nearly 100 burghs of barony still in working order.³

¹ *Ib.*, 55-9.

² *Munic. Corp. Comm. Local Reports*, iii, 7-8, 153, 161 ; R. Gibson, *An Old Berwickshire Town : Greenlaw* (1905), 145-51.

³ To the 55 burghs reported on in 1835-36 by the Municipal Corporations Commissioners there fall to be added 16 others referred to in the *O.S.A.* and 20 in the *N.S.A.* Of these three groups the first appears in capitals in the following list, the second in italics, the third in ordinary type :—

Aberlour (Charleston of), ABERNETHY, *Aboyne (Charleston of)*, AIRDRIE, ALLOA, ANDERSTON, BATHGATE, *Blairgowrie*, BORROWSTOUNESS, CALTON, CANONGATE, Carluke, *Cartsdyke*, CASTLE DOUGLAS, Cetes, *Clatt*, *Creetown*, CRIEFF, CROMARTY, *Crook of Devon*, CUMNOCK, DALKEITH, Dalmellington, DUNKELD, DUNSE, Elie, EYEMOUTH, FALKIRK, Fettercairn, Findhorn, Fochabers, *Fordyce*, FRASERBURGH, FULLARTON, GALASHIELS, *Garmouth*, GATEHOUSE OF FLEET, GIRVAN, Greenlaw, GREENOCK, HAMILTON, HAWICK, Helensburgh, HUNTLY, *Insch*, KELSO, KILMARNOCK, KILMAURS, KILSYTH, *Kincardine (Perth)*, *Kinross*, KIRKINTILLOCH, KIRRIEMUIR, LANGHOLM, LAURENCEKIRK, LEITH, LERWICK, Leslie, Leven, Linktown, MACDUFF, Mauchline, MAXWELLTOWN, MAYBOLE, MELROSE, MUSSELBURGH, NEWMILNS, Newton-Mearns, Newton-Stewart, NEWTON-UPON-AYR, OBAN, OLD ABERDEEN, *Old Meldrum*, PAISLEY, PETERHEAD, POLLOKSHAWS, PORT GLASGOW, PORTSBURGH, PORTSOY, *Prestonpans*, *Prestwick*, ROSEHEARTY, St. Monans, STONEHAVEN, STORNOWAY, STRATHAVEN, Strathmiglo, Tarbolton, *Tarland*, THURSO, *Wester Wemyss*.

[Professor Pryde's lists of burghs show that he rejected nine places described as burghs of Barony in the three sources mentioned. These 'pretenders' are : *Alyth*, Banchory-Ternan, *Blairingone (Perth)*, COLDSTREAM, Craigrothie, DUNBLANE, GALSTON, GORBALS, PULTENEYTOWN.]

In the first three decades of the nineteenth century the way to reform was prepared by the passing of local 'police acts' or by the granting of new charters conveying comparable powers, 'police' in this early sense comprehending lighting, cleaning, water-supply, drainage, powers of assessment, and sometimes, but not always, watching. Among the burghs whose administration was thus modernised were Alloa (1803 and 1822), Paisley (1806), Kilmarnock (1810), Peterhead (1820), Gorbals (1823), Bathgate (1824) and Leith (1827), as well as the brand-new creations of Calton (1817), Airdrie (1821) and Anderston (1824 and 1826).¹ What came, however, to be called the 'police burgh' was brought into being by a general Act of 1833, allowing the £10 householders in burghs of barony, as well as in royal burghs, to adopt a police system²; and this privilege was extended in 1847 to the 13 'parliamentary burghs' of 1832 (12 of them already being burghs of barony),³ in 1850 (by 'Lock's Act') to 'populous places' of 1,200 inhabitants,⁴ and in 1862 (by 'Lindsay's Act') to those with merely 700 of a population.⁵ This legislation was consolidated and amended by Acts of 1892 and 1900, which abolished dual administration of burghs in the one town and, in effect, made all the statutory burghs 'police burghs'.⁶

From 1850, therefore, any further erections of burghs of barony would have been pointless. None was in fact created after Ardrossan, in 1846, and the statute of that year, which made it really a police burgh disguised as a burgh of barony, was to endure for 31 years⁷; at the end of that period, in 1877, Ardrossan duly became a full police burgh. Either 1846 or 1850 might thus be taken as the close of the era of the burgh of barony, and it could be maintained that the burgh of barony had been succeeded

¹ *Munic. Corp. Comm. Local Reports*, i, ii and iii, *sub voc.*

² 3 and 4 Will. IV, c. 46.

³ 10 and 11 Vict., c. 39.

⁴ 13 and 14 Vict., c. 33.

⁵ 25 and 26 Vict., c. 101.

⁶ 55 and 56 Vict., c. 55; 63 and 64 Vict., c. 49.

⁷ 9 and 10 Vict., c. clxxxvi.

and superseded by the police burgh, its modern counterpart. Certainly the Court of Session, when appealed to in the first decade of the twentieth century, found that, at Blairgowrie (1901), Leslie (1904) and Kirkintilloch (1908), the new town council had come in place of the old, and that the charters were now incompetent.¹

The burgh of barony was not, however, abolished, nor has it been abolished, any more than the barony itself, to this day. The new council would absorb and annex the old: but what if there were no new to act? Not every small town that housed a burgh of barony became a police burgh, and there was, and is, nothing to prevent the continued existence of a chartered burgh of barony whose inhabitants did not hanker after the powers and duties of a statutory municipality. Two such, and two only, to the present writer's knowledge, survived the Second World War. Kilmaurs, governed under its charters by two bailies and a town clerk, lived on until, on 25 April 1952, its formal decease was arranged, along with the transfer of its property to the Kilmarnock district council.² The other, Tarbolton, also in Ayrshire, has carried even further its defiance of both the march of progress and the legislative cold shoulder. Still holding its Yule meeting, it elects its bailies and councillors, appoints its town clerk, with an annual fee of 5s., and manages its affairs, as a live burgh of barony, under its baron and superior, Cuninghame of Enterkin.³

Perhaps it is no bad thing that a picturesquely archaic anomaly such as a burgh of barony should persist in a Scotland where drabness in the matter of local government nomenclature extends as far as to designate by numbers the districts of our most populous county. Perhaps, too, the burgh of barony in the past served the nation rather better than the systematic and democratic reformer might suppose. Arbitrary elements there were, ill attuned to

¹ 'The Scottish Burgh of Barony in Decline', *ut cit.*, 62-3.

² *Third Stat. Acct., Ayrshire* (1951), 464; *Kilmarnock Standard*, 3 May 1952.

³ *Third Stat. Acct., Ayrshire*, 583; cf. the local press, e.g., *Ayr Advertiser*, 29 Dec. 1955; *Ayrshire Post*, 30 Dec. 1955; *Kilmarnock Standard*, 29 Dec. 1956.

ideas of universal suffrage and bureaucratic controls, but there were compensating sources of strength which it is worth summarising.

What we have to bear in mind is a total of upwards of 200 burghs, of which the great majority were quite small. Prior to the rapid expansion induced by the industrial and commercial advances of the eighteenth century, only a few of them—possibly about a score—had a population running into four figures. Paisley, we know, had 1,129 persons above 16 years of age in 1695, belonging to 460 families, and a total population of about 2,200.¹ The ‘sad visitation’ of the disastrous fire of 8 April 1684 rendered 306 families of Kelso homeless, which suggests a population of the order of 2,000.² At the other extreme, Kincardine O’Neil, still a burgh of barony in 1725, with its Tolbooth and three yearly fairs, had about 30 families³—or, say, 150 inhabitants. Nearer the average would be Langholm, with 430 examinable persons in 1726, or Alyth, with over 500 in 1727.⁴

At the medial point of time in the history of the burgh of barony—the mid-seventeenth century—a town with no more than 500 indwellers would probably be typical. This small scale made detailed knowledge, intimacy and personal contacts between governors and governed easy and indeed inevitable. The bailies and, where they existed, the councillors, together with the assize of the neighbours, were able and ready to give their attention to the payment of petty debts, the punishment of theft, the fining of the turbulent or the drunken, the keeping of ‘good neighbourhood’ by man and beast alike. It would be wrong to undervalue such activities simply because the selection of men for positions of authority was not in accord with our ideas of representative government: it is not necessary to shut our eyes to the failings of these antique and petty

¹ *O.S.A.*, vii, 66; *N.S.A.*, *Renfrew*, 248; W. M. Metcalfe, *Hist. of Paisley* (1909), 359-60, 471 *et seq.*

² *R.P.C.*, 3rd ser., viii, 454-5.

³ *Macfarlane's Geog. Collns.*, i, 101-2.

⁴ *Ib.*, 109-10, 389-91.

institutions in order to appreciate that, as training grounds for practical citizenship at the local level, they had some advantages over our impersonal corporations and remote, amorphous councils, or to realise why they achieved what these others have not attained, and may never attain—a life of 400 years.

(4) THE COURT of the Burghe of Kirkintilloch hauldin within the Burghe thairoff vpon the aughteinth day of Junij, J^m vj^c and fiftie aught yeirs, be James Dalrymple elder and James Findlay, present Bailies of the said Burghe for the tyme. Court conveyed and lafullie fenceit. Suits callit. Dempster Johne Wolsone.

Assyss nominat and sworne

James Flemyng of Oxfang ¹	Robert Muire
Mr. James Flemyng of Balloch ²	Malcome Gudding
Malcome Flemyng of Carderloch ³	William Henrie
James Dollore	Johne Conyburgh
James Dalrymple younger	Andrew Stirling
Robert Dollore	William Morsoune
	Johne Conyburgh yonger
	Patrike Findlay
	Johne Andersoune

THE QUHILK day Robert Henrie in Haystoune⁴ eldest lafull sone to vmquhile William Henrie, elder, thaire, is

¹ Oxfang lies on the left bank of the Luggie, about $\frac{1}{2}$ mile E. of Town-head. This James Flemyng was baron-bailie of Lenzie in 1670: *infra*, p. 21.

² Balloch is 2 miles SW. of Cumbernauld and $5\frac{1}{2}$ miles E. by N. of Kirkintilloch. For the Flemings of Balloch, a cadet branch of the main family, see *Wigtown Charter Chest*, 245, 288; *Scots Peerage*, viii, 525, 527.

³ Cordarrach is now in the village of Chapelhall, Bothwell parish, and lies some $10\frac{1}{2}$ miles SE. of Kirkintilloch.

⁴ Hayston lies on the north bank of the Kelvin, $\frac{1}{2}$ mile WNW. of the town. It is mentioned in the charter of 1670; see Watson, *Kirkintilloch Town and Parish*, 152, and cf. *ib.*, 210, and Johnston, *Old Kirkintilloch*, 105.

be the haille Inqueist and wairde of Court all aggrieing in ane voice enterit and servit nearrest and onlie lafull aire to vmquhile William Henrie in Haystoune, his father, burges of the said Burghe, in and to all and haille those airshap guidis and geir, lands, heritages, annelrents and all uthers quhairin his vmquhile father died last vest, seaseit and att the faith and peice of our Soveraigne Lord the King. And especiallie in and to that pairt of the Comon lands of the said Burghe callit Newland mailling, as the samen is presentlie couchit,¹ lyand on the west syde of Luggie water, with all pairts, pendickles, annexis, connexis, pertinents, liberties, easments, fridomes, priviledges, Moss, Mure, Meiddow, Loch, Lochmoss, Mosses, Mure, pasturadge Greins,² with the haille priviledges and pertinents of the samen quhatsumevir, alseweill not nameit as nameit, pertaineing thairto, as pertaines to any Newland mailling in the said Burghe. Sicklyke the said Robert Henrie was made Burges and FRIEMAN of the said Burghe with full power and libertie to him to bruike and possess the said Newland mailling heretable with all the forsaid righteous pertaints and priviledges thairoff, as weill not nameit as nameit, knowne justlie to pertaine thairto. Togedder with all burgall right, heretable right and title, entres, kyndnes, liberties, easments, fridomes and comon comodities belonging to the said Burghe, effeirrand thairto, as effeirrs to any Newland mailling possesst be the conburgesses of the said Burghe, sicklyke and alse frielie in all respects as the said Roberts vmquhile father brukit the same of befor, or as any uther burges of the said Burghe possesses the lyke. And thairfor the said Robert Henrie faithfullie binds and obleisses him, his aires and executouris, that he sall come and dwell in the said Burghe against Whitsonday nixtocome or else be in the Tounes will. And that he sall watch, waird, scatt and lott with the Counsall and Comunitie of the said

¹ 'couchit' = laid out, allotted.

² These names, connoting parts of the common lands of Kirkintilloch, cannot all be readily identified; but the Loch, and no doubt Loch Moss, lay south of the town, between Oxbang and Garngabber (Watson, *Kirkintilloch Town and Parish*, 151) while Greens is about $\frac{1}{2}$ mile SW. of Townhead.

Burghe effeirand thairto as any conburgess does for the lyke in all tyme heirafter. And sall remayne and have his dwelling within the said Burghe. And sall be an true and faithfull burgess duireing all the dayes of his lyftyme. Quhairupon he gave his oath of fidelitie [etc.]

(1) [1659 ; Johne Conyburgh, present Bailie ; Assize : James Flemyng of Oxcang, James Dalrymple younger, William Conyburgh, James Henrie, Walter Bull ; Robert Dollore, Robert Wolsone, Robert Stevine, David Steinsone, James Findlay ; James Dollore, John Kincad, James Robisone.]

[Andrew Dollore, eldest son of umwhile Andrew Dollore, portioner of Kirkintilloch, was served heir to all his father's lands and goods, and in particular to a tenement of land, high and laigh, back and fore, with a little yard on the south side, lying on the east side of Luggie water within the burgh of Kirkintilloch, and bounded by the lands of Robert Dollore on the east and south, by the Hie gate on the north, and by the other lands of the said Andrew Dollore on the west.]

[1659 (?) ; Assize : James Dalrymple elder, James Dalrymple younger, William Conyburgh, James Henrie, William Henrie burgess ; Patrike Findlay, David Steinsone, Robert Dollore, James Robisone, James Findlay ; James Dollore, James Henrie in Calffnure,¹ Robert Stevine, Johne Morsone, Johne Stevine.]

[Elizebeth Henrie, eldest daughter of umwhile Malcome Henrie and Jonet Flemyng, portioner of Kirkintilloch, with William Henrie, her husband, for his interest, was served heir to Malcome and Jonet's lands and goods, and in particular to two tenements, high and laigh, back and fore, with two barns and two barn-yards, and half an acre of

¹ Calfmuir lies about 1 mile ESE. of Townhead.

arable land or thereby, lying in Tounehed, on the west side of Luggie water, within the burgh.]

(2) [Burgh court held by James Dalrymple elder and Robert Dollore, present bailies, within the Tolbooth on 27 December 1659. Court convened and confirmed. Assize : James Findlay, Johne Conyburgh, Walter Bull, Patrike Findlay, Robert Henrie ; William Henrie, William Stirling, Andrew Stirling, Johne Conyburgh elder, James Dalrymple ; Robert Muire, Johne Andersone, Johne Broune, Johne Wolsone.]

Compeired Margratt Flemyng, laufull dochter and on of the tua aires portiouners of vmquhile Robert Flemyng, burges of Kirkintilloch, gave in hir supplicatioun befor the Bailieis sittand in judgment desireing to be enterit, and Georg Ralstoun hir husband for his entres, in and to the just and equall halffe of all airshepe guids and lands aftermentionate. After publict reading, mature deliberatioun and rype advysment thairwith, finding hir desire reasounable, the haille Inqueist all aggrieing in on voice be the said James Dalrymple elder publictlie declaired and received the said Margratt Flemyng and Georg Ralstoun hir husband for his entres as an aire portioner in and to all airshep guds, geir, plenishing and uthers sowmes of money quhatsumevir, and in and to the just and equall halff of the third pairt of those lands latelie coucheit off, att Bogheid¹ on the west syde of Luggie water, lyand upon the west syde of the Sowann Myre, which is estimate to halff a Newland mailling, with all rychteous pertinents belonging thairto, presentlie to be intromettit with be him. Sicklyke the said George Ralstoun was creat burges and frieman of the said Burgh. Lykeas the said George Ralstoun renunes all rycht and title for evir of that Blake moss² unto the said

¹ Boghead, in the extreme SW. corner of the present parish, is about 1½ miles SW. of the old town—'Sowann Myre' must therefore have been very close to the modern Lenzie.

² No doubt named from the Black burn, a northern tributary of the Luggie, which it joined just below Oxbang.

Burghe with libertie to the said Burghe of carrgates¹ and ordinarie passadges as vseit and wont for casting, leidding, winning and away takeing all eard elding² that sall be castin in the Mountain moss³ be the said Burghe. Sicklyke vpon lauffull advertment made be the Toune officer unto my tennants and occupyers of these my lands I, the said George, faithfullie obleissis me to keip the Toune Courts of the said Burghe to watch, wairde, scatt and lott with the con-burgessis of the said Burghe, doe all uther duties, due services, obey all acts of court thairroff necessarie and requisit for the common weill and guid of the said Burghe, effeirrand to my halff Newland mailling of the said Burgh, and sall come and dwell in the said Burghe in all tyme comeing, or in caise of failyie faithfullie obleissis himselff, his aires and successouris to wnderly and come in the will of quhat the Inqueist sall impose upon him thairfor, or any sevine of the indwelling burgessis chosine be the forsaid Bailyeis or thaire successouris sworne for that effect. And faithfullie obleissis me to maintaine all impositions and uthers burdens quhatsumevir, alsweill not nameit as nameit, proportionallie. Giving full libertie and power to the said Bailyeis and thair successoris to poind and distrenyie and to uplift alsmuch of the first end of my maille and duties fra my tennents and forsaid occupyers of my lands to make up my pairt of all forsaid burdeins proportionalli. Morover the said George Ralstoune obleissis him and his forsaidis in caise that Patrike Flemyng, onlie aire male to the said vmquhile Robert Flemyng, sall come home, Then and in that caise thir presents to be null and of no effect as if the samen entrie hade nevir bein made in prejudice of the forsaid Patrike in any maner of way or in any maner of thing. And heirto the said Georg obleissis himselff and his forsaidis under the pennaltie of Fourtie Pounds Scots money in caise of failyie of any of the premissis. Quhairupon the

¹ 'carr-gates' = tracks or ways for 'carrs', wheel-less sledges.

² 'elding' = fuel (i.e. peat).

³ The Mountain Moss lay SSW. from the town, near Boghead. Cf. *infra*, p. 55.

said George gave his oath to be a true and faithfull burges [etc.]

(3) [6 December 1660; Bailies, James Dalrymple elder and Robert Dollore; Assize: James Flemyng of Oxgang, Maister James Flemyng, Robert Burnes, James Dollore, Robert Henrie; Malcome Guding, William Morsone, Malcome Flemyng, Patrike Findlay, Johne Conyburghe; William Henrie, Tomas Calder, Andrew Stirling, David Calder, Johne Wolsone.]

[John Smyth, son of umwhile William Smyth, cooper and burgess of Kirkintilloch, was served heir to all his father's lands and goods, and especially to the half Newland mailing on the west side of Luggie water, now possessed, since the 'late couching of the Comon lands of the said Burghe', by Kathrein Ewin, relict of William. John was made burgess and freeman, and, with Johne Conyburgh, younger, as his cautioner, gave his oath to watch and ward, scot and lot, and dwell within the burgh as a true and faithful burgess, etc.]

(5) [8 February 1664 (16 Charles II), within the Tolbooth 'about the first houre in the afternoone'. Inquest convened by Bailie Robert Dollore at the desire of Helen Smyth: Patrike Findlay, William Morsone, James Dalrymple elder; Johne Craufurde, James Burnes, Walter Ranking; Robert Wolsone, Johne Stevine, Walter Layng.]

[Helein Smyth, daughter of umwhile James Smyth and 'oy and appeareand aire' to the deceased William Smyth, sometime portioner of Kirkintilloch, was served heir (as one of two heirs portioner) to one-half of the house, barnyard and two roods of the Burrowrude land, lying on the west side of Luggie water within the Wester croft¹ of

¹ For references to some of the numerous 'croft' lands of Kirkintilloch, see J. Horne (ed.), *Kirkintilloch*, 16-17.

Kirkintilloch, and bounded by the lands of Robert Smyth on the north, the lands of Johne Flemyng of Wooddellie¹ and of Robert Dollore on the south, the Common lands of the burgh on the west and the Church gate² on the east, together with half the heirship goods of her 'guidshyre'.]

(7)³ [Whit Tuesday, 31 May 1664; Bailies, Robert Dollore and Johne Conyburghe; Assize: James Flemyng of Oxgang, James Dalrymple elder, Johne Conyburghe, Walter Bull, Johne Andersone; James Findlay, Johne Guding, Johne Pettingrew, Johne Wolsone, Johne Browne; David Calder, Thomas Calder, Patrike Findlay, Robert Henrie.]

Issobell Burne gave in hir bull of complaint against Margratt Bryce in Kirkintilloch and Walter Bull, hir lauffull sone, for foure pounds Scots money of bypast fie and a paire of shoone. The said Walter Bull compeired and acknowledged the said debt and alledgeit ane promise of her for another halffe yeare. The mater wes referred untill the said Margratt Bryce to heare quhat shoe could alledge in the contraire. After hearing whairoff, decernetore to be givine in favors of the said Issobell for the debt above-writine, quhilk wes accordinglie done vpon the fourth of June 1664.

Allexanders Baxster in Hillheid, portiouner of Kirkintilloch, gave in his bull of complaint against Allexanders Findlay, litster, as principall, and James Findlay, burges of this Burge, as cautioner for the said Allexanders Findlay, for not payment to him of the sowme of tuentie merks Scots money of principall sowme with bypast annelrents conforme to thaire subscryvit band thairoff, subscryvit be them in favors of Allexanders Baxster, datit att Kirkintilloch the second day of December J^m vj^c and sixtie tua years. Both principall and cautioner compearing personallie and

¹ Woodillee lay about 1 mile SE. of Kirkintilloch.

² Church gate may have been the older name of the Cowgate, running south from the Cross towards Townhead.

³ Page (6) of the MS. is blank.

acknowledged the said debt. And Thairfor the saids Bailyeis decerned the said principall and cautioner to make payment of the said debt conforme to the band thairoff within fyftein dayes nixt after thaire being chairgit thairvnto. And ordaines poynding and all lauffull executione to follow thairvpon iff neid beis.

(8) [20 June 1664 ; Bailies as before ; Assize : James Flemyng of Oxgang, James Dalrymple, Johne Pettin-grew, James Findlay, Patrike Findlay ; Johne Gudding, William Stirling, Johne Conyburg Tounheid, Robert Muire, Johne Morsoune.]

Annent forstalling of severall countrey waire vpon the mercatt dayes, it is appoyntit, ordained and decerned be the Bailyeis and Inqueist of the Burghe of Kirkintilloch that no merchand nor tounesman buy or forstall the mercat untill the Toun be servit of the saids countrey guidis and waire in buying them lauffullie at the Mercatt Croce, untill once it be past tua houres in the afternoone on the mercatt day, and then the merchand to buy the saids guidis in haille saille of the peleris¹ under the pennaltie of fyve pounds Scots money to be payeit be the pairtie found guiltie of forstalling of any guidis or geir befor it come to the Mercatt Croce, or buying of any guidis in haille saille befor it pass tua houres in the afternone on the mercatt day.

It is decerned that whosoever weids or broks uther folks corne or peass or sheares uther mens grass heirafter, under the pennaltie of fyve pounds Scots money of pennaltie.

It is decerned and ordained that whosoever beis found heirafter with false weights or measures whether merchands or any uther maner of persone within this Burghe in any maner of tyme heirafter shall paye fyve pounds Scots money for the first fault.

(9) [27 October 1664 ; Bailies as before ; Assize : James Dalrymple younger, Robert Muire, Patrike

¹ 'peleris' = traders, dealers in merchandise (here, country produce); cf. 'pack and peil' = trade and traffic.

Findlay, Walter Bull, Robert Henrie ; David Calder, Thomas Calder, Andrew Stirling, James Winchester, George Ralstoune ; Andrew Achesone, Malcome Flem-yng, Johne Pettingrew, James Findlay.]

Johne Henrie merchand gave in his bull of complaint vpon Jonet Smallie in Gartelosche.¹

James Dalrymple younger gave in his humble petitione unto the Bailieis and Inqueist of Court desireing to be enterit burges in and to ane Newland mailling on the west syde of Luggie water in Kirkintilloch. And for fullfilling of the said desire James Dalrymple elder compeirit in presence of the said Court and opinlie declairit to them that he renunceit the burgeshipe of that mailling in favors of the said James, his eldest laifull sone, who be the said Bailyeis wes declaireit burges and frieman of the said Burghe in and to the forsaid Newland mailling, to be bruikit conforme to any burges of this Burghe in the lyke possessione. Quhair-vpon the said James . . . tooke instruments . . . and gave his publict oath of fidelitie to be a faithfull burges in all tyme comeing.

James Dalrymple yonger for the west syde and James Findlay vpon the east syde are chosine be the haille innanymous vott of Court to exercise the office of magistracie in this Burghe onlie for ane yeire first to come. And gave thair oth of fidelitie in presence of the Court to improve their place and power for the guid of the said Burghe and shall indevore faithfulness in everie thing according to their knowledge.

(10) [15 November 1664 ; Bailies, James Dalrymple younger and James Findlay ; Assize : Robert Burnes, Robert Dollore, Johne Gudding ; Patrike Findlay, Johne Andersone, Thomas Calder ; Andrew Stirling, Johne Pettingrew, Johne Wolsone.]

The Bailyies decernes a decreit for the Toune teynde and ordaines all the possessors of the fyve pound land of

¹ Gartclash is nearly 2 miles E. of Hillhead.

Kirkintilloch to make payment of the teyndes unto the Bailieis within fyftein dayes and poynding to follow thairvpon if neid beis. And caused the officer publictlie declaire this abovewritine decernitore in presence of the Court that non of the inhabitants might pretend ignorance.

The quhilk day wes presentit an decreit raised at the instance of Patrike Bryce, maltman, burges of Glasgow, befor the Commissare of Glasgow against the aires and executours of the deceased James Dollore, burges of Kirkintilloch, for the sowme of fourtie nyne pound on shilling aught pennies principall sowme, with fiftie shilling of expensses. Vpon sight whairoff the Bailies ordaines all the taksemen of the said James Dollors lands of this present cropt J^m vj^c and sixtie foure yeirs to paye all the frie silver duties of the cropt sixtie foure unto the said Patrike Bryce within terme of law, and that in pairt of payment unto him of the principall sowme abovespecifeit. And poynding to follow thairvpon if neid beis.

(12) [16 June 1665, in the Tolbooth ; Bailies, James Dalrymple younger and James Findlay ; Assize : Robert Dollore, Robert Muire, Patrike Findlay, Johne Gudding, Johne Conyburghe ; Walter Bull, Thomas Calder, James Dollore, Johne Andersone, William Morsone ; Robert Henrie, Andrew Stirling, Johne Wolsone, David Calder, Johne Morsoune.]

[James Conyburghe in Tounheid, weaver in Kirkintilloch, was served heir to his father, umwhile Johne Conyburghe, burgess (his elder brother, Johne Conyburghe, having died at harvest-time, 1664, and his father in April 1665), in all lands and heritage, and was made burgess and freeman, with his father's whole Newland mailing, giving his oath of fidelity as a true and faithful burgess.]

(11) [16 January 1666.]

James Smart being found in the companie of ane notirious pyke purse named Helein Lowrie, in Robert

Plaines house, be thir presents enacts and obleisses himselff nevir to be found in this place in such companie in no tyme heirafter under the pennaltie of ten pounds Scots money and punishment as thocht good be the Bailieis. [Subscribed, etc.]

(13) [25 October 1666; Bailies, James Dalrymple younger and James Findlay; Assize: Robert Burnes, Robert Dollore, Johne Conyburghe, Andrew Stirling, James Dalrymple elder; Thomas Calder, Patrike Findlay, Malcome Flemyng, Johne Pettingrew, Johne Browne; Johne Gudding, James Dollore, Robert Dollore younger, Walter Bull, Johne Andersoune, James Conyburghe.]

[On the renunciation by William Morsone of his Newland mailing, on the west side of Luggie water, and of his burgess-ship, in favour of his eldest son, Johne Morsoune, the latter was served heir to his father's possessions (both 'couchit and uncouchit'), was made burgess and freeman, and gave his oath, etc.]

(14) [16 November 1666, 'about the first houre in the afternone'; Bailies as before.]

[Conform to a heritable band, dated at Glasgow 8 August 1666, given by Malcome Flemyng in Bogheid, burgess of Kirkintilloch, to Walter Donnaldsone, son of umwhile Robert Donnaldsone portioner of Robracetoun,¹ bearing in-feftment in Malcome's Newland mailing for security of the sum of 300 merks Scots, and redeemable upon repayment of that sum, Malcome renounced and resigned his mailing in the hands of James Dalrymple, bailie, who gave heritable state and sasine, upon the ground, to Walter, by deliverance of earth and stone; whereupon Walter took public acts, before these witnesses, David Dalrymple, brother germane to Bailie James Dalrymple, Allexander Baxster, officer,

¹ Robroyston, formerly in Cadder parish, Lanarkshire, but now within the city of Glasgow, is about 3 miles WSW. of Kirkintilloch.

Walter Rankings, elder and younger, in Bogheid, and Johne Robisone in Bogheid.]

(16) [28 May 1667 ; Bailies as before ; Assize : Johne Flemyng of Woddellie, Johne Gudding, Walter Bull, Robert Henrie, William Henrie ; Robert Dollore, Thomas Calder, Andrew Stirling, Johne Browne, Johne Andersone ; Patrike Findlay, Johne Wolsone, Johne Pettincrew, Johne Morsone, James Conyburghe.]

[Agnes Flemyng, daughter and one of the heirs portioner¹ of umwhile Robert Flemyng, burgess of Kirkintilloch, with her spouse, James Winchestir, bookbinder and burgess of Glasgow, for his interest, was served heir to half the heirship goods and lands of her deceased father, and to half of his Newland mailing, ' now latelie coucheit off ' at Bogheid, on the west side of the Sowan Myre, renouncing all right and title to Blake mosse, with liberty to the burgh of ' carrgates and ordinarie passadges ' for casting and taking away ' all earde elding ' from the Mountaine mosse. The said James undertook to keep the town courts, to watch, ward, scot and lot, to obey acts of court, to dwell in the burgh or to pay the bailies' imposition for outdwelling, and to sustain all public burdens. In the event of the return of Patrike Flemyng, only heir male of Robert, James, for himself and his spouse, agreed that this entry should be null. Under pain of £40 Scots for any failure, he gave his oath of fidelity as a true and faithful burgess, etc.]

(15) [7 November 1667 ; Bailies, Robert Dollore elder and Johne Gudding ; Assize : Robert Burns, James Dalrymple younger, Patrike Findlay, Malcome Flemyng, George Ralstoune ; James Findlay, Johne Pettingrew, Robert Hendrie, Walter Bull, Andrew Stirling ; William Hendrie, Thomas Calder, Johne Browne, Johne Conyburghe, Johne Andirsoune.]

[Johne Morsoune, eldest son, was served heir to his

¹ For Margratt Flemyng, the other daughter and heir portioner, see *supra*, p. 4.

deceased father, Johne Morsoune, burgess of Kirkintilloch, in his lands, houses and whole Newland mailing, on the west side of Luggie water, and was made burgess and freeman, obliging himself (with Johne Conyburghe, his mother's brother and burgess of this burgh, as cautioner) to watch, ward, bear stints, be indwelling, etc.]

(17) James Dollore,¹ lauffull eldest son and aire to vmquhile James Dollore, burges of Kirkintilloch . . .²

(18) [10 December 1667 ; Bailies as before ; Assize : James Dalrymple elder, James Findlay, Johne Muire, James Bull, Johne Dollore ; James Dalrymple younger, Allexander Stevin, Johne Stevin smyth, William Henrie, Andrew Achesone ; Allexander Steinsone elder, William Muire, John Geylles, Johne Bankeir, Malcome Playne.]

Bessie Allann, relict of vmquhile Robert Allann, wright in Drumcaville,³ gave in hir supplicatioune to be enterit aire to hir deceased brother Johne Allann in Kirkintilloch, to be enterit conforme to aires. The saids Bailies finding reasonable . . .²

(19) [12 May 1668 ; Bailies as before ; Assize : James Flemyng of Ofgang, James Dalrymple younger, James Findlay, David Dalrymple, William Henrie ; Malcome Flemyng, George Ralstoune, Walter Bull, Johne Pettin-crue, William Muire ; David Calder, Thomas Calder, Robert Henrie, Johne Browne, Patrike Findlay.]

Georg Ralstoune tooke ane act in my hand that Walter Ranking confessed in presence of the Court that he wes not wairnit from that land nor put from it be no law nor force, but onlie simplie quat it unto David Dalrymple . . .²

(20) Be the Bailies undersubscryvand and Counsell of

¹ For James Dollore's case the Assize shows one difference from that of Johne Morsoune's case, James Conyburghe being substituted for Johne Browne.

² Unfinished item, with the rest of the page left blank.

³ Drumcavil (marked on some earlier maps) was in Cadder parish, Lanarkshire, about $\frac{3}{4}$ mile E. of Chryston and 4 miles SE. of Kirkintilloch.

Kirkintilloch Walter Donnaldsone merchand (laufull son to vmquhile Robert Donnaldsone portiouner of Robracetoune) is made burges and frieman of Kirkintilloch be this present act of burgeshippe, and that allannerlie for his traffiquing and occupatioune of merchandice in sua farr as any merchands friedome heirintill be the trade of merchandise in buying and selling of laufull waires and merchand goods can be extendit without all prejudice, interest, or clame to any pairt of the Comone lands of Kirkintilloch. Also the said Walter Donnaldsone obleisses him to doe nothing hurtfull to the liberties and comone weill of this Burghe and shall be a true and faithfull burges in all respects and shall obey the Bailyies thairoff in things aggreeable to law, equitie and conscience and for the good of the said Burghe in all respects. And shall willinglie maintaine and defend the Bailyies thairoff in the executioun of their office with his bodie and goods, and for that effect hes givine his oath of fidelitie. So help me Lord. Subscryvit [etc.]

(21) [22 October 1668 ; Bailies as before ; Assize : James Flemyng, Johne Flemyng of Wooddelli, Robert Burnes, Johne Calder, James Findlay ; James Dalrymple younger, Walter Bull, George Ralstoune, James Winchester, Johne Pettierue ; Malcome Flemyng, Patrike Findlay, James Conyburghe, David Dalrymple, William Muire.]

Robert Dollore elder and Johne Gudding, present Bailyies, are be the haille Inqueist nominate and chosine be publict vott and innanimous consent of Court to keip in the office of Magistracie and Bailyiarie for the yeare of God 1669 nixtocome. Allexander Baxster wes made officer.

[24 December 1668 ; Bailies as before ; Assize : James Flemyng of Ofgang, Robert Burnes, Johne Calder, James Dalrymple younger, Johne Conyburghe ; Robert Henrie, Patrike Findlay, Walter Bull, William Henrie, Johne Wolsone ; Johne Pettingrew, James Conyburghe, James Findlay, Andrew Stirling, Thomas Calder.]

The Bailies with consent of the haille Burgesses decernes decreit against all the heretors and possessors of the fyve pound land of Kirkintilloch for the teynds of the cropt 1668 years, to be payed to the Bailies within fyftein dayes nixt after the date heiroff and be the officer gives publict advertisement apud acta.

The Bailies hath desired and the foirnamed Burgesses hath chosine James Flemyng of Oxcang, Robert Burnes, James Dalrymple younger, with James Findlay, Patrike Findlay and Johne Muire, by their judgement and counsell to assist the Bailies annent giving up a rolle of sufficient men for foorth going and laying on of a stent for upholding of them in airmes and all things necessarie.

Also the Bailies and haille Inqueist does heirby make nominate and constitute William Muire in Kirkintilloch to be Collectore unto the forsaid stent annent payeing of the souldors ilke a day of their randivow quhat paye shall be appoyntit for them and to give ane account of quhat money he receaves annent the Militia.

Allexander Findlay litster tooke ane act of his being frie of presenting Johne Kirkwoode, seeing he hade done it befor the Court, and Johne Kirkwoode in Masphinnan¹ answered for himselff.

Allexander Baxster tooke ane act that he hade and did give over gathering for Johne Calder stander² any farder and gave it over for doeing of it any farder publictlie before the Court.

(22) [1 June 1669 ; Bailies as before ; Assize : Maister James Flemyng—no other names entered.]

It is innanymouslie vottit and ordained that the twelve pounds Scots money to be givine to William Andersone, proveist of Glasgow, shall be layde on vpon the sextine

¹ Lying on the W. bank of the Tweed, about 1 mile SE. of Glenholm church, Peeblesshire, Mossfennan was a barony belonging to the Flemings, earls of Wigtown ; cf. *RMS*, iii, 1774.

² The lands of Kirkintilloch comprised 16 standers, each stander being computed at 16 acres.

standers ilke a stander to be 15s. Scots, to be collectit within foure days nixt after thir presents.

James Dollore gave in a complaint against Allexander Steinsone elder becaus his wife . . .¹ Plaine hade abused him with her tongue and desired that the said Allexander Steinsone might be made to remove out of his housses. Both complainer and defendare being heard, Bailyies ordaines the said tua pairties to reffer themselves to tua men and to stand to quhat those men shall ordaine be the Bailyies advyee.

[22 October 1669 ; Bailies as before ; Assize : Johne Flemyng of Wodellie, Johne Calder, Patrike Findlay, James Conyburghe, James Findlay ; James Dalrymple younger, James Winchestir, George Ralstoune, Andrew Stirling, Johne Pettingrew ; William Henrie, David Calder, Johne Browne, Johne Andersoune, David Dalrimple.]

It is actit be the haille Inqueist of Court and ordered be the Bailyies that iff any woman servant be out of honest service to such as requyres, that the woman servant paye fyve pound Scots money vnto the Bailyies of this Burghe, and the man servant to paye aught pounds Scots money unto the said Bailyies within fyftein dayes nixt after the said men and women servant be knowne to be out of service. And ilke a man that setts housses or sowes linyet to such persones to be actit in fyve pounds Scots money to be payed unto the said Bailyies within the fyftein dayes forsaid.

It is inactit be the Bailyies that Johne Smyth shall put Johne Wolsone away at Whitsonday nixt, quhiche is in anno 1670, and to paye to the Bailyies tenn pounds Scots money iff they shall requyre the same.

Bailyies decernes Jonett Smyth to paye fyve pounds Scots money of fyne unto the Bailyies within fyftein dayes nixt after shoe be chairgit thairto. And also decernes James Bull to make payment of the said fyve pounds Scots unto

¹ Left blank in MS. ; her name seems to have been Marie (*infra*, p. 57).

the Bailies out of the said Jonet Smyths harvest fie anno 1669, to be payed to the Bailies within fyftein dayes nixt.

(23) [26 October 1669; Bailies as before; Assize: Maister James Flemyng, James Flemyng of Oxfang, David Calder, Thomas Calder, James Dalrymple younger; Malcome Flemyng, Walter Bull, Patrike Findlay, James Findlay, Johne Wolsone; Johne Pettierue, Robert Henrie, James Conyburghe, Johne Conyburghe, Johne Andersoune.]

The Bailies with consent of Inqueist of Court hath vottit and ordainit that all tradsmen and merchands within the Toune to paye yearlie sume fyne unto the Balyies or else make themselves burges for licence in trading. And all brewars also are heirin includit.

Also it is ordainit that everie quarter the standers shall paye 12s. of officers fie presentlie within 15 dayes, for the yeare from Mertimes 1668 to Mertimes 1669.

The haille Counsell and Burgesses of Kirkintilloch hath vottit, electit and chosine Johne Conyburghe for the west syde and James Findlay for the east Syde in the place of Magistracie and Bailiieship of Kirkintilloch from the date heiroff unto this tyme 12 moneth in anno 1670. Quhilk Bailiieship the saids Bailies acceptit and hath givine thaire oath of fidelitie to be true to the Toune and faithfull in their office.

[17 December 1669; Bailies, James Findlay and Johne Conyburghe; Assize: James Flemyng of Oxfang, Woddellie, Robert Burns, James Dalrymple, Robert Dollore; Walter Bull, Robert Henrie, Johne Gudding, Patrike Findlay; James Conyburghe, Johne Wolsone, Johne Muire, Johne Andersone.]

Bailies decernes decreitt against Robert Gillespie for fortie foure shilling to Allexander Steinsone elder, it being arreistit of Robert Drews money in Robert Gillespies hand, it being the third Court day and no compeirance. James

Dollore tooke ane act of Andrew Flemyng haveing of ane seasing and a 40 merke band at he hes payed of. Andrew Flemyng tooke ane act that witnesses could not be heard be James Dollors word on his death bed to take away his just debt. Andrew Flemyng tooke ane act of James Findlay takeing the seasing out of the nottars hand. James Findlay Bailie tooke ane act that Andrew Flemyng could not prove nor produce nether writ nor witnes whairfor he hade James Dollors seasing nor Andrew could not produce nether writ nor witnes of any reasone that he hade to keip that seasing. Decreits Andrew supperplus in payment of the principall 40 merk band and Andrew to delyver the seasing bake agayn and both pairties befor 4 honest men to count if Andrew be not payed of the 40 merk band, (24) and if Andrew hes any more nor 40 merk and its annell to give James Dollore it bake agayne and the seasing of that rige.

James Findlay and Johne Conyburghe present Bailies of Kirkintilloch hath vottit and chosine in presence of the Court thir foure men underwrittine for the exercisse of pryzeing of corne and uther wrongs done be nighbors within the Toune, whose words of what they pryzed might be takine for truth : William Henrie and James Conyburgh in west syde Tounheid, William Henrie and Johne Andersone in east syde Hillheid, to be birlamen hath undertakine in presence of the Court to exercisse the office of birlamen for pryzeing of eatine corns and uther things relating thairto.

(26) [20 December 1669.]

I Andrew Flemyng, brother germane to James Flemyng of Oxfang, be thir presents inacts myselff and be the tennore heiroff . . . binds and obleisses me, my aires, executors, intromettars with my guidis and geir, successors to me in my lands and heritages, to delyver to James Dollore (lauffull son and entirit aire to vmquhile James Dollore burges of Kirkintilloch) or to the said James Dollore, his aires or assigneyes, or to any that hath a

heretable right, that Seaseing on parchement givine be Johne Dollore to James Dollore of ane halffe aiker and a halffe rudeing in the Eastir Croft of the west syde of Luggie water in Kirkintilloch heretableie pertaining to James Dollore, quhilk seasing is of the date the tuentie fyft day of October J^m vj^c and fiftie yeares and registrat Glasgow be Mr. Robert Govane conforme to the act of parliament. And that I shall delyver the said seasing haille and safe unto the said James Dollore his aires or assigneyes quhen-soevir I shall be requyred according to law, equitie and justice, under the pennaltie of Fiftie Pounds Scots money in caise of failyie, and that by and attoure the said delyverie thairoff. In Witnes I the said Andrew Flemyng have subscriyvit thir presents [etc.]

(24) [27 January 1670; Bailies, James Findlay and Johne Conyburghe; Assize: James Dalrymple younger, David Calder, William Henrie, Johne Andersoune, Walter Bull; Thomas Calder, Andrew Stirling, William Stirling, Johne Wolsone, Robert Dollore in Dub; Johne Dollore, Johne Muire, Johne Findlay, James Conyburgh, William Scott.]

Thomas Tailyoure weaver in Kirkintilloch presentit ane humble petitione unto the Bailyies and Inqueist of Court for entring him as aire to vmquhile Thomas Talyoure his father and for infesting him in all and haille ane litle house and yaird presentlie possest be him, and wes declaired and entrit aire to his vmquhile father. In presence of the Court Thomas Talyoure tooke ane act that he wes entrit and receavit aire to his deceassit father.

Bailyies ordaines that Gartelosche land shall be dealt and couthit to everie man his owne pairt and couth and that betuixt and the first of March nixt in this instant 1670, vpon this provisioun that everie man make up his land in so farr as it is wer in guding¹ nor the rest of the maillings their, be the sight of tua honest men.

¹ Inferior in manure.

The Bailies, Counsell and Communitie of the Burghe of Kirkintilloch finding the great losse and dissadvantage that many hes incurrit and does underly be James Dollore, lafull son and entrit aire to James Dollore, in wayes of defraude. Thairfor the saids Bailies and Counsell forsaid does heirin ordore, declare and ordaine that no persone buy block¹ nor bargane with the said James Dollore in no sort of bargainning for buying, under the pennaltie of on hundreth pounds Scots money and losse of their present bargane untill the tyme that he the said James Dollore satisfie his present creditours.

(25) [31 January 1670; Bailies as before; Assize: James Flemyng of Oxbang, Robert Burnes, James Dalrymple younger, David Dalrymple; William Muire, Johne Dollore, William Scot.]

James Dollore, lafull son and entrit aire to vmquhile James Dollore burges of Kirkintilloch, gave in his bull of complaint against Malcome Playne, lafull son to Malcome Playne elder in Kirkintilloch, complaining that the said Malcome Plaine yonger hade barganit with him for his tua westmost housses and a bed of his yaird for tua hondreth merkes Scots money of pryce to be instantlie payed be Malcome Playne yonger to the said James Dollore, whair-upon the said James Dollore hath made, subseryvit and givine a heretable dispositioun of the said tua housses and bed of yaird to the said Malcome Playne, and that Malcome Playne hade not givine him none of the pryce of the said house and bed of yaird. And farder that the said Malcome Playne hade assigned and disponned his right of the saids housses to Andrew Donnaldsoun, merchand, burges of Glasgow, for payment of tua hundreth merkes Scots money that Malcome wes owing to him and James Dollore taken be the said Andrew Donnaldsone to give him the full heretable possessioun and rights of securitie of the saids housses and bed of yaird, or else to paye to the said Andrew

¹ 'buy block' = trade or bargain.

Donnaldsoun the tua hundreth merkes Scots money of Malcome Playnes debt. The quhilk sowme of tua hundreth merkes Scots money James Dollore hade borrowed from his foure freinds viz. William Scott in Buridstoune,¹ Johne Dollore his vncles son, Johne Hendrie merchand and William Muire in Kirkintilloch, on a wodsett of the said James Dollors land and hade payed Andrew Donnaldsoun the sowme of tua hundreth merkes money forsaid. And humblie requseitit that Malcome Playne might be made to paye bake to the said James Dollore the sowme forsaid according to justice. James Flemyng of Ofgang, Bailye of the Barronnie of Leinzie, being present with the Bailyes forsaid, the saids Bailyes all with on consent interrogatt and requyred the said James Dollore . . .²

(27) [22 February 1670 ; Bailies as before ; Assize : Johne Flemyng of Wooddellie, Johne Gudding, David Dalrymple, Walter Bull ; David Calder, William Muire, James Conyburghe, Andrew Stirling ; Thomas Calder, James Dollore.]

Compeirit³ George Pryce fleshore and it being the third court dayes complaint against Johne Diksoun for flesh and skins fiftie shilling Scots money, James Henrie traveller, Robert Burns tennant in Kirkintilloch, became cautioner to the Bailyes for looseing of Johne Diksones arreistit hardne⁴ web which George hade arreistit. James Henrie confessed his cautionrie. Thairfor the Bailyes decernes James Henrie traveller to make payment of the said fiftie shilling with tua shillings Scots money of expensses of plea within 15 dayes nixt after the said James be chairgit to paye and ordaines poynding of the said James in caise of not thankfull payment.

Johne⁵ Bankeir gott a decreit of aught pound and thrie

¹ Birdston lies about $\frac{3}{4}$ mile N. of Kirkintilloch town.

² Unfinished entry, followed by blank half-page in MS.

³ *In margin* : 3 Court day.

⁴ 'harden' = coarse flax cloth.

⁵ *In margin* : 3 Court day.

stouks of stroe against Johne Diksoun of house maille in respect Elspett Meikle his spous acknowledged the debt.

The debt and claime betuixt Marion Steinsoun, relict of vmquhile James Neilsone, and Jean Neilsoun and hir husband. The Bailyies refferred it to William Mure and John Henrie.

[24 May 1670 ; Bailies as before ; Assize : Maister James Flemyng, Johne Flemyng of Woddellie, James Dalrymple younger, Johne Wolsoun ; Walter Bull, Johne Gudding, George Ralstoun, Thomas Calder, Andrew Stirling ; Patrike Findlay, James Conyburghe, Johne Browne, David Calder.]

The Court hath past and forgivine James Hendrie and Alexander Baxster for the said James Hendries service and the officer service to the Court of personall stents.

Sicklyke it is appoyntit that the outdwelling burgesses shall paye nothing for their dwelling without Burghe but that the outdwelling burgesses shall beare equall burdein with all the burgesses and burgall lands within Burghe conforme to their possessione.

Sicklyke the Court hath appoyntit James Dalrymple yonger and Johne Gudding on the west syde for assisting of the Bailyies and William Muire and Johne Dollore on the east syde for assisting of the Bailyies in onlaying of stents and in all uther matters of the Tounes affaires whairin the Bailyies shall desire their help.

It is confessed be the Bailyies and Burgesses of the Burghe that James Winchestir hath payed and compleitit both my lord Earle of Wigtone and the Towne for his owne entrie and his wives.

(28) [2 June 1670 ; Bailies as before ; Names of the Burgesses present : James Flemyng of Oxgang, Robert Burnes, James Dalrymple younger, Malcome Flemyng, George Ralstoun, David Calder ; Thomas Calder, Patrike Findlay, Johne Wolsone, William Hendrie, Andrew Stirling, James Dollore ; Johne Dollore, Robert

Dollore younger, William Booge, Walter Bull, Johne Muire, William Hendrie in name of his father Robert ; Johne Andersoune.]

The above writine Burgesses and remnant Members of the Court of the Burghe of Kirkintilloch hath votit and inanimouslie nominate and chosine and heirby vnnanimouslie votes, nominates and chooses thir six men afternameit for this present yeare viz. Robert Burnes, James Dalrymple younger and Johne Gudding, for the west syde, And William Muire, Johne Dollore and Johne Findlay, for the east syde. And that thir foirnamed six Burgesses shall frequentlie conveyne with the Bailyies of the Burghe for counsell, advysement and manageing of all maters and affairres concerning the haille Tounes rights, necessities, priviledges and for keipping of counsell within themselves for assisting of the present Bailyies, James Findlay and Johne Conyburghe, in so farr as they shall be requyred be the Bailyies in all things pertaining to the rights, necessities, priviledges and liberties of the Toune. And this appoyntment is ordainit to stand unalterable unto the ordinarie tyme at Luksesmes¹ nixt for changing of the Bailyies.

And at the changing of the Bailyies yearlie that it is at the will, optioun and pleasoure of the pluralitie of votes of the Burgesses and Counsell of this Burghe, for guide and reasonable causes and if neid beis, aither to nominate and choose the abovewritine sex men for the causses forsaid or else to choose uther men and to diminishe or augment the number in place and name of those abovenamed. And everie yeare att the Luksesmes att the changing of the Bailyies, the Bailyies and thir sex men is to give in ane accompt unto the haille Burgesses of the Toune Court yearlie off all what they have done and deburssed for the Toune duireing thaire exercise thairin.

[14 July 1670 ; Bailies as before ; Assize : James Flemyng of Oxgang, James Dalrymple younger, Patrike Findlay, William Muire ; Johne Pettierue, Robert

¹ ' Luksesmass ' = 18 October.

Dollore elder, William Hendrie, Andrew Stirling ; David Dalrymple, Johne Gudding, Johne Dollore, Robert Dollore younger.]

With consent of the Counsell it is appointit that the persones that is nominatt befor this and that must paye to the militia, iff they will not paye, to quarter soulders till they paye.

(29) Bailies absolves James Traquaire of threttie shilling of Johne Sim, waker,¹ red and gudding² becaus James Traquaire gave his oath he promised not to paye it to Ofgang.

[5 October 1670 ; Bailies as before ; Assize : Maister James Flemyng, James Flemyng of Ofgang, James Dalrymple younger, Robert Dollore elder, Patrike Findlay ; Johne Pettingrew, William Muire, James Conyburghe, Johne Browne, William Hendrie ; Johne Andersone, Johne Dollore, Thomas Calder, Robert Dollore, James Conyburghe, James Dollore.]

The Bailies with the innanimous vott of Court hath chosine and nominate thir men underwritine for stinting of thir housses about the Chaplandrie³ to help with the quarters payment of the severall standers viz. Maister James Flemyng, James Flemyng of Ofgang, James Dalrymple yonger, Johne Gudding, Robert Dollore elder, William Muire, Robert Burnes and Johne Dollore, or any sex of them with the Bailies, to lay on a stent upon those housses about the Chaplanrie for rectifieing and ordering a way for payeing of this present sowme to my Earle of Wigtoune and to Auchinvole.⁴

[William Hendrie, son of umwhile Robert Hendrie in Haystoune, was served heir to his father in his heirship

¹ 'waker' = waulker.

² 'red and gudding' = muck and manure.

³ The chaplainry comprised the lands of the chapel of the blessed Virgin, which, dating from 1379, became the church of Kirkintilloch in 1644.

⁴ Auchinvole is situated in the extreme NE. corner of the present parish about 4 miles ENE. of Kirkintilloch town and $\frac{3}{4}$ mile S. by W. of Kilsyth. It was a Fleming house in the seventeenth century ; cf. *RMS*, vii, 1366. Its laird was baron-bailie of Lenzie in 1676 : *infra*, p. 76.

goods and gear, and in his Newland mailing on the west side of Luggie water, and was made burgess and freeman, promising to come and dwell in the toun or pay as other burgesses do for out-dwelling, to watch and ward, etc., and giving his oath of fidelity.]

(30) [27 October 1670 ; Bailies as before ; Assize : Johne Flemyng of Woddellie, Maister James Flemyng, Malcome Flemyng, Johne Wolsone, William Muire ; Johne Calder, James Dalrymple younger, William Hendrie, William Hendrye, Johne Petticrue, Johne Andersone ; James Winchestir, Johne Gudding, David Calder, Thomas Calder, Andrew Stirling, Patrike Findlay.]

The Bailyies with the innanimous vott and consent of the Inqueist of Court hath receavit and enterit Johne Flemyng of Woddellie as burges of Kirkintilloch in and to that Newland mailling now possest be himselff in Bogheid on the west syde of Luggie water in Kirkintilloch and hath ordainit him to paye tenn pounds Scots money of fyne unto the Bailyies of Kirkintilloch with, to Earle Wigtoune, 9 li. 16s. of officers fie nixt aftir the date heiroff and all uther dewes as ane burges aire of Kirkintilloch does for ane Newland mailling. And ordaines his burges act to be extractit. And hath givine his oath of fidelitie to be a true and faithfull burges and subscryvit thir presents with his hand in presence of the Court.

The Inqueist of Court hath innanimouslie votit electit and chosine James Findlay burges on the east syde and Johne Gudding on the west syde to be Bailyies and exercise the office of Magistracie and Balieshippe of this Burghe of Kirkintilloch for this present yeare first comeing viz. from this day and date heiroff to this tyme tuellve moneth. And hath givine their oath of fidelitie for faithfulness thairin.

[4 November 1670 ; Bailies, Johne Gudding and James Findlay ; Assize (blank).]

The Bailyies ordaines and decernes all the heretors and portiounerspossessors of the fyve pound lands of Kirkintilloch

to make payment of the sowme of . . .¹ to the said Bailies and collectors thairoff within sex dayes nixt after the date heiroff, conforme to the present Stent Rolle thairoff, and that under the pennaltie of . . .¹ And ordaines the tennants and possessors of everie lands within Kirkintilloch whaire it is requyred to make payment of all moneys out of their maisters duties conforme to the present Stent Rolle and is appoyntit to be allowed be the maister to the tennant.

(31) [13 December 1670 ; Bailies as before ; Assize : James Flemyng, Andrew Aichesone, Johne Muire ; Robert Dollore elder, Johne Andersone, Patrike Findlay, William Hendrie, Andrew Stirling ; Johne Wilsone, Johne Pettingrew, William Muire, Walter Bull, Robert Dollore younger.]

In respect that severall persones wes citit to the Court and personallie apprehendit and could give no reasone of their absence, have ordaineit and decernit Margarat Harlie in 40s. for hir absence and also James Hendrie traveller in 40s. for the absence.

Johne Yong tooke ane act of court of overgivinge Agnes Findlayes house. Johne Yonge came in the Bailies wills for his wife stopping the officer.

The Bailies decernes and ordaines James Bull lyfrentare to paye the on halffe of this present confirmatione money.

Johne Bull is actit in fyve pounds Scots money for his keipping of his thrie dochters in house with him not fieing of some of them.

Issobell Geylles to be fiet within 24 hours. Issobell Hendrie is ordainit to be fiet after sex weikes present service with Andrew Achesone is to answer for hir. Jonet Neilsone is ordanit to be fied under the pennaltie of fyve pounds Scots money and in caise any uther take hir in unfied to paye fyve pounds Scots money.

[22 December 1670 ; Bailies as before ; Assize : James Flemyng, Robert Burns, Robert Dollore, Johne

¹ Left blank in MS.

Pettierue ; Andrew Stirling, James Conyburghe, Johne Conyburghe, Johne Wolsone ; Walter Bull.]

In respect of a generall complaint against so many that absents themselves from the Toune Courts altho lauffullie wairnit thairto viz. the tennants in Gartclosche being wairnit to this present Court did not compeir. With consent of the haille Counsell and Inqueist present the Bailyies decernes James Dollore in Gartclosche in tuentie shilling Scots of unlaw and Johne Dollore their in uther xx s. Scots of unlaw to be payed.

Bailyies decernes ane decreitt against all the heretors and possessors of the fyve pounds lands of Kirkintilloch to make payment of their teyndes to the Bailyies within fyftine dayes nixt after the date heirot.

The Bailyies decernes a decreit in favors of Agnes Findlay, hir aires, executors, currators, Johne Muire and James Findlay, decerning Johne Young and Marion Stinsoune spouses to paye sextine lib. Scots money for the said Agnes Findlayes housses and yairde within a fyftine dayes to the said Agnes Findlayes use for house maille for the yeare of God J^m vj^e sevintie years.

And ordaines the skayth of the raine weit in the housses to be allowed to Johne Young in the first end.

(32) [6 January 1671 ; Bailies as before ; Assize : Walter Bull, William Mur, James Counybrough, Johne Dollar, John Counybrough ; Johne Andersoune, William Hendry, Johne Findlay, John Pettecroo, Johne Smyth, James Flemyng of Ofgang ; Williame Bock, Robert Dollar, Williame Scott, David Dalrimple, Johne Will-soune.]

The Bailyies of the Brough of Kirkintilloch and Inquest of Court abouewrittin hath wnnanimuslie voytit, receivit and entered James Hendry Notar thair Burges and Friemane of the said Brough as the priviledg of that Newland melling disponet to him be James Dollar, burges of Kirkintilloch, lauffull sone and aire to vmquhill James Dollar, burges of Kirkintilloch, for all heritable right, and

Johne Dollar, his vnclis sone, Williame Scot his brother in law, Williame Mur, all burges of Kirkintilloch, and Johne Hendry merchant thair, All with on consent, for the right of woodset, as the samyne dispositioun in itselff of the dait the tuentie sixth day of December J^m vj^c threescore ten yeiris at mor length beires, with full power, right and priuiledg of burgeschip belonging thairwnto. With full power to the said James Hendry to bruik, joyse and possess the same conforme to his rights thairof as James Dollar his deceist father and as all his authores and predecessouris bruikit the same in tyme bygane. [Subscribed.]

And moreover farder He the said James Hendry presentlie hes given his oath to be faithfull burges annent ane Newland mailling with all burgall right . . . friedomes and comone comodities belonging to the Burgh . . . as effeirs to a Newland mailling possest be the comburgesses. . . . And that he shall watch, ward, beare scat and lott and doe all uther things with the burgesses of the said Burghe duiring all the dayes of his possessione of the heretable right of the said Newland mailling.

I James Hendrie portiouner of Kirkintilloch heirby binds and obleisses me to come in the will of the Bailyies of Kirkintilloch present for my entrie money in so farr as burgesses payes to the Toune for entring to a mailling and to my Lord Earle of Wigtoune as a buyer to the Toune. [Subscribed.]

(33) [14 January 1671; Bailies as before; Assize: Maister James Flemyng, James Dalrymple younger, Thomas Calder, James Hendrie, William Muire; Patrike Findlay, William Hendrie, Andrew Stirling, Johne Pettierue elder, Walter Bull, Johne Andersoune; Robert Dollore, David Dalrymple, Johne Conyburghe, Johne Dollore, Johne Wolsone, William Booge.]

The Court of the Burghe of Kirkintilloch hath layde on the maintainence callit tua moneths Cess for Commissioners fie in going up to Londone at our Kings Majesties command in anno J^m vj^c sevintie yeares, quhilk sowme comes to

Thriescoire thrie pounds. Minister's house Threttine pounds tenn shilling. Moneyes in the infesting to Auchinvolle Fourtie sevine pounds Scots money. To registrat the Tounes new seasing Twelve pounds Scots money. The Sowme in the haille is Ane Hundreth Threttie Fyve pounds ten shilling.

The Court and Inqueist hath ordainit thir foure men, James Dalrymple yonger, Johne Muire, Johne Findlay in Hillheid and Thomas Calder in Garngaber,¹ to goe upon the ground to sight Johne Gudding and Johne Conyburghes and Johne Smyth Calffnuire mailling to evin the samyne in all pairts in quantitie and qualitie within and betuixt and the tuentie day of Januarij instant.

[9 March 1671 ; Bailies as before ; Assize : Maister James Flemyng, Robert Burnes, James Dalrymple younger, William Hendrie, Patrike Findlay ; James Conyburghe.]

It is appoyntit be the Bailyies that honest men of perfect knowledge be chosine with the present Bailyies to sett marches about the yairds of all pairties complaining and to bring in faithfull witnesses and choose such men as non of the pairties hes any exceptione against.

Jonet Flemyng and Jonet Smyth, servant women to James Dalrymple yonger, being callit upon for a batterie and flytteing, compeirit not.

Johne Young complainit for sixtine pounds Scots money awand to him be Allexander Steinsoune yonger quhairoff be the sight of men tenn merkes Scots money wes allowed in the first end to Allexanders. Ordaines Allexander Stinsone yonger to paye fourtine merkes Scots money to Johne Yong within fyftine dayes nixt after the date heiroff. Johne Yong gott a decreit of this 14 merks.

(34) [27 March 1671 ; Bailies as before ; Assize : Maister James Flemyng, Robert Burnes, James

¹ For Garngabber, about 1 mile SSE. of Townhead, see Watson, *Kirkintilloch, Town and Parish*, 51, 123.

Dalrymple younger, Patrike Findlay, David Dalrymple ; Johne Andersoune, Andrew Stirling, William Scott, Johne Conyburghe, William Mure ; Johne Wolsone, Andrew Flemyng, David Muire, Johne Hendrie, James Dollore.]

James Morisone and Allexander Baxster being lauffullie admittit and solemplic deponned in maner following viz. that Allexander Steinsone younger said that he hade alsemeikle neid of the money as his father and that they hard nothing of the looseing of the arreistment of the 44s. in Robert Gillespies hand nether in word nor deid from James Findlay Bailie.

Malcome Adam lauffullie admittit deponned that he harde Robert Gillespie say comeing from Dumbartane that James Findlay Bailie wes ane false judge in giving out ane decreit against me on the third Court day.

William Scot and Johne Hendrie hath refferred the mater betuixt them annent James Dollors land in the Haugh to the Bailyies.

The Bailyies with consent of the Burgesses abovenameit hath ordained and decerned that everie persone that goes from the Toune Bailyies to trouble uther Judges with the maters within the Toune of Kirkintilloch, unles the Bailyies refuse them justice, that everie persone that goes away in the maters pertaining to the Bailies shall paye in unto the saids Bailyies fyve poundes of Scots money within terme of Law nixt after their way goeing. And that this act shall be relateing to everie persone within the fyve pound land of Kirkintilloch that goes away without libertie givine of the bailyies and counsell¹ of Kirkintilloch.

The Bailyies ordaines that quhair the yaird dykes is meane and equall betuixt nighbours within Kirkintilloch, betuixt and the fyftine dayes after the date heiroff to make their dykes fenceible.

Robert Geylles offerred to bring all his compts in presence of the Bailyies upon Fryday nixt the threttie one day of

¹ The words *some one of the Bailyies* have been deleted, and *the bailyies and counsell* inserted instead.

March instant for clearing betuixt him and James Dollore.

(35) [16 May 1671 ; Bailies as before ; Assize : Johne Flemyng, Robert Burnes ; David Dalrymple, Thomas Calder, Johne Wolsoune, James Conyburghe, William Booge ; Johne Dollore, Andrew Stirling.]

The Bailyies ordained Johne Cowane to paye . . .¹

Conforme to ane ordinance and act of my Earle of Wigtounes Court, the Bailyies with ane innanymous vott chused this Inqueist afternameit for tryeing of the quarters afternameit viz. James Flemyng of Oxgang, halffe mailling, to quhom it shall paye or whither it shall paye for a haill mailling or for a halff mailling, Robert Burnes, James Dalrymple yonger, Johne Dollore.

James Flemyng of Oxgang publictlic acknauledgit himselff that he hade a haille Newland mailling that with nighboure and uther aught and sould paye for foure aikers of land. And ane Inqueist neidit not for he declaired himselff content and willing to paye for his mailling as vthers payed for their foure aikers of land in presence of the Court in all tyme comeing heirafter, of teynds and all maner of payings heirafter as any uther burges payes for their Newland mailling in Kirkintilloch. [Subscribed.]

The Bailyies with the innanymous vot and consent of the haille Court hath ordained that the whole sextine standers everie gatherer thairoff shall upon the thirti day of Maij give up ane true accompt upon oath what aikers of land and housses is contained in their standard, quhairoff the names of the standers heir followeth :

Maister James Flemyng	James Findlay
Robert Burnes	Johne Calder
James Dalrymple yonger	Robert Dollore yonger
Johne Pettingrew	Walter Bull
Johne Hendrie	Johne Dollore
Johne Wolsone	Johne Muire
Johne Conyburghe	James Bull
Johne Gudding	William Hendrie

¹ Left unfinished in MS.

And it is also ordained that all the heretors and possessors of the fyve pound land of Kirkintilloch shall give up ane accompt of all quhat they have and iff they know any hide land¹ or housses that beares not burdein on the thirtie day of Maij beforwritine, under the pennaltie of fourtie shilling Scots money quho failyies.

[30 May 1671 ; no reference to Bailies etc.]

The Bailyies haveing takine ane inspectione and searche of all what is contained in everie stander and have refferred it to Whitsunday Tuysday for a farder search in that mater.

Also it is ordained that the aught quarters on the east syde furnishe thrie men and that the east syde shall not seike no men out of the west syde bot onlie a proportioun of money according to the proportioun, and no dearer nor to their owne west syde men. And also that the west syde aught quarters furnishe thrie men and to furnishe their owne men and no men out of the east syde, bot onlie a proportioun of money according as the west syde payes to their owne men.

(36) [Whitsunday, 13 June, 1671 ; Bailies as before ; Assize : Maister James Flemyng, James Flemyng of Oxgang, Johne Calder, Johne Wolsone, William Hendrie ; David Dalrymple, Malcome Flemyng, James Winchestir, Andrew Stirling, Thomas Calder ; William Hendrie, Patrike Findlay, Johne Browne, Johne Andersone, David Calder.]

It is statut and ordainit that thir thrie men, Johne Dollore, Johne Pettingrew and Andrew Dollore, shall entire presentlie this day to their burges lands in Kirkintilloch according to their heretable right and to paye thaire dewes to the Earle of Wigtoun and officers fie as the Bailyies shall requyre it and to paye their fyne to the Towne betuixt and Mertimes in this instant year J^m vj^c thriescoire

¹ The word 'hide' seems to be the O.E. term of land-measurement, but, as here used, it would clearly connote a much smaller holding, i.e., perhaps sufficient to maintain a family or household at a modestly low level of subsistence.

allevine yeares. And in caise they doe not obey this ordinance they are ordainit to paye all their dwes instantlie under the pennaltie of fyve pounds Scots money and that by and attore their entries presentlie.

We the Bailyies, Gentlemen, Inqueist and Burgesses of Kirkintilloch with the innanimous vot of all the Communtie thairoff all aggrieing in ane voice does be thir presents statute and ordaine that all the buyers of Kirkintilloch Muire maillings shall paye tuentie pounds Scots money to the Toune of Kirkintilloch of burges fyne and entir money as is to be payed to the Earle of Wigtoun.

And also it is statute and ordaineit that all the burgesses airs entring to Kirkintilloch Mure maillings shall paye tenn merkes Scots money to the Toune of Kirkintilloch of burges fyne and entir money and everie entrant both of buyers and burges aires to halffe maillings shall paye the just halffe of the sowmes forsaid and the lyke proportioun of money to the Toune. And that the sowme of entir money and fyne to the Toune shall not exceid a pennie Scots money above what is to be givine to the Earle of Wigtoun, but to make it just the lyke sowme as is the Earle of Wigtounes entir money in all tyme and all yeares and tyme coming heirafter for evir.

Also the haille mailling is to paye a officers fie for a yeare, and the halffe mailling the halffe of a years officers fie ; and the fie and the Bailyies infeftment money is by and attoure the forsaid entire money. [Subscribed.]

Androw Stirling
Dawid Dallrymplle
William Henrie
William Muir
Malcom Flemyng
Johne Muire
Robert Dollower
William Scott
John Pettierue
Johne Wollson
Thomas Calder
J. Finlay

James Winchester
J. Henrie
John Guiding
J. Fleming
J. Fleminge
John Calder
James Dalrympl
Wallter Bull
David Calder
John Doller
Williame Henrie

(37) Also it is ordainit that on Tuysday the tuentie day of June the standers be rectified conforme to the former act.

Bailyies ordaines a removeing of all tennants within the Toune betuixt and the sextine day of June 1671 or else to paye. And also ordaines that their nixt removeing from houses in Kirkintilloch to be at the first day of Maij J^m vj^c sevintie tua yeares and their aggriments with their maisters to be conforme thairto within the Toune of Kirkintilloch in all tyme comeing heirafter for evir. And the officer to putt them out in caise they refuse.

[20 June 1671 ; Bailies as before ; Assize : Johne Flemyng, James Flemyng, Maister James Flemyng, Robert Burnes, James Dalrymple younger ; Malcome Flemyng, David Dalrymple, Andrew Stirling, Johne Wolsone, William Hendrie ; Patrike Findlay.]

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[18 July 1671 ; Bailies as before ; Assize : James Dalrymple ; Andrew Stirling, William Hendrie, Patrike Findlay, James Conyburghe, Johne Conyburghe ; William Muire, Johne Wolsoune.]

Annent the bull givine in be Johne Gudding and uthers for the said Andrew his casting of the severall couthes of grasse and diffett ground in the Greins in the moneth of Jullij instantlie last past, the complaint being red and publictlie confessed be the said Andrew in presence of the Court. Thairfor the said James Findlay Bailie ordaines that tua men of the Bailies chooseing be put to sie the couthes of diffet ground their upon the . . .² day of . . .² instant.

And also that whatevir wrong done to Johne Gudding and uther owner of couthes their to paye to all persones wrongit and to beare all the expensses of the men for sighting thairoff. And also ordaines the said Andrew to paye fourtie shilling Scots money to the Bailies for breakeing

¹ Blank space in MS.

² Date left blank in MS.

of the arreistment. And also ordaines Andrew to paye all the pairties skaythit thaireabout be his casting of their couthes and that within . . .¹ dayes after the skaythis sein and considerit.

(38) [15 August 1671; Bailies as before; Assize: Maister James Flemyng, Patrike Findlay, David Dalrymple, William Hendrie; William Muire, Johne Andersoune, Johne Wolsoune, Johne Dollore, William Booge.]

The Bailyies with the innanimous vote of the Burgesses present hath ordained, decerned and decreitit that everie cottars and subtennants within the Toune that haulds dooes and henns and geiss within the Toune after this day shall paye fyve pounds Scots money of unlaw in caise they be sein without doores and not put away instantlie after the date heirowff.

The Bailyies with the vote of the Burgesses present hath ordained that everie ane of thir men afternameit that wes absent at the rydeing of the Faire shall paye and be at the Bailyies will ilke ane of them for fourtie shilling Scots money viz. Johne Browne, James Bull, Johne Dollore, Johne Andersoune, Johne Findlay.

The Bailyies with the vote of the Burgesses present hath ordaineit the goole² to be wedd³ with all diligence instantlie after the date heirowff. And ordaines the peiss to be arreistit instantlie. And who transgresses this act of goole weidding and pease eating to paye fourtie shilling Scots money of fyne to the Bailyies and that by and attore payment to the pairties wrongit of the peiss and not weidding of the goole, whairevir they shall be apprehendit within this Toune of Kirkintilloch.

[26 October 1671; Bailies as before; Assize: Maister James Flemyng, Robert Burnes, James Dalrymple younger, David Calder, Johne Dollore; Patrike

¹ Blank in MS.

² Corn-marigold, a prime foe of crops.

³ Weeded out, eradicated.

Findlay, George Ralstoune, William Hendrie, Johne Pettingrew, Johne Browne; Andrew Stirling, Johne Conyburghe, James Conyburghe, Johne Wolsoune, William Booge.]

The haille innanymous vote of Court hath chosine James Dalrymple yonger and William Muire to be Bailyies and to exercise the office of magistracie in Kirkintilloch for this present ensueing yeare viz. from this tyme and date heiroyff to this tyme tuellve moneth in anno J^m vj^c thriescoire tuellve yeares. And hath givine their oath of fidelitie in presence of the Court in maner following

I James Dalrymple younger, ane of the present Bailyies of Kirkintilloch, doe heirby sweare befor God that I shall be ane upright Judge in all maters that comes befor me and shall doe justice to everie on without feid or favore according to my knowledge and shall be true to the said Burghe duireing my office of bailyarie and shall be dilligent and painfull in that¹ affaires nowayes to their prejudice nor to my owne selff gaine.

(39) The Bailyies present hath ordained with the consent of the Inqueist hath desired and electit and chosine Maister James Flemyng of Balloch, Robert Burns, Johne Gudding and Andrew Stirling, for the west syde, and James Findlay, William Hendrie, Johne Dollore and Thomas Calder or any sex of them, with the Bailyies, and Johne Findlay, to be assisters and counsellors with the Bailyies in all maters annent the Towne for this present yeare ensueing.

[18 December 1671; Bailies, James Dalrymple younger and William Muire; Assize: Maister James Flemyng, Robert Burnes, Johne Calder, James Findlay; Johne Gudding, Johne Dollore, David Dalrymple, William Hendrie; William Hendrie east syde.]

The Bailyies with the innanymous vote and appoyntment of all the Burgesses of the said Burghe [hath ordained] that

¹ *Sic*: read 'their'?

everie burges and portiouner of Kirkintilloch shall leid so many stanes to everie pairt whaire causieing is to be made within the Toun according to the particulare directioun givine thaireannent. And everie heretore that is annent the severall pairts and places of the causey is to paye the masounes for causieing of the causey thaireannent, that is to say everie stander is to leid threttie tua draughts of stones and so furth proportiounallie ay till the causey be fullie made, quhilk is everie aiker is to leid twa draught of stones, quhilks is tua draughts everie aiker, threttie tua draughts on everie quarter of sextine quarters in Kirkintilloch, and so furth till all the causey be made up. And whosoevir failyies to leid stones and sand conforme shall be poyndet for fourtie shilling Scots money and that by and attore performance as is abovewritine and the officer to poynde thairfor.

Johne Gudding and James Findlay makes their compt of the entrie moneyes and fynes they receaved in anno J^m vj^e thriescoire allevine yeares viz. Imprimis they chaarge themselves with the entries they receaved that yeare as followeth viz. From James Hendrie Nottare twentie pounds Scots money for entring him to his Newland mailling. Item from Woddellie tenn pounds for his entrie to his mailling in Bogheid. Item Johne Dollore tenn merkes Scots money for entring to his Newland mailling. Item Johne Petticrue tenn merkes Scots money for Johne Petticrues entring to his mailling. Item Andrew Dollore his halffe mailling fyve merkes Scots money. Inde the Chaarge of all the entrie moneyes is Fourtie sex pounds xiiij shilling foure pennies Scots money. Whairoff the saids Bailyies dischairges themselves in maner as followeth viz. The said James Hendries twentie pounds is be them debursed as this particullar compt of expensses debursed in the Tounes service and debursments for the Tounes bussines. Threttie pounds tua shilling foure pennies Scots money preceeding the entring of the present Bailyies in Johne Gudding and James Findlayes owne tyme of being Bailyies and preceeding the day and date of thir presents. Item restand be Johne Dollore tenn merkes for his entrie, fyve merkes restand be Andrew Dollore. Item restand be

Johne Petticrue tenn merkes Scots money for his entrie money to his Newland mailling. Item they dischairge themselves of tenn merkes of Woddellies entrie money becaus it wes givine to James Dalrymples wife. And of uther fyve merkes that wes givin downe be the publict vote of the Toune Court to Woddellie.

(40) So rests of Chairge and Dischairge being compaired togeddir to the saids Bailyies to come in to the saids Bailyies, Johne Gudding and James Findlaye, compters, off the fynes of Johne Petticrue, Johne Dollore and Andrew Dollore Tenn pounds tua shilling foure pennies Scots money. And sex pounds allevine shilling money forsaid thairfoff to be intromettit with be James Dalrymple and William Mure present Bailyies who are to be countable for the same to the Towne.

Bailyies ordaines Johne Petticrue, Johne Dollore and Andrew Dollore to make present payment of their officers fie and the Bailyies is to be comptable to the Toune for the same. Bailyies ordaines be the haille Burgesses consent that ane inventare be drawne up of all the rights and securities of the Towne and the Bailyies is to be comptable for the same.

Bailyies decernes decretit against all inhabitants of the Toune for the teynds of Kirkintilloch.

[1 January 1672 ; Bailies as before ; Assize : Robert Burnes, James Findlay, David Dalrymple, Johne Andersoune, Johne Wolsone ; William Hendrie elder, Walter Bull, Johne Dollore, Robert Dollore ; Johne Petticrue, Johne Gudding, Johne Findlay, William Scott.]

Ane batterrie being givine up be the officer that sould a bein betuixt Johne Carr, horse coupper in Kilsyth, and Johne Stevine, wright in Kirkintilloch, the witnesses afterspecificeit being lafullie admittit in presence of the court, viz. Robert Banks in Kirkintilloch lawfullie admittit be both pairties solempnlie deponned that on the tuentie aught day of Decembir in Patrike Richies house in [1671], in this maner, Johne Callendare, cordonner in

Burnesyde, hade payed for a dancce and wes desireing another. Johne Stevine wright desired a spring from the pyper, Robert MacKinnze att the table. Johne Carr said, Foulle beast let him have a dance that payed last and shott b. . . .¹ to the wall and Johne Stevine flew in Johne Carrs face and so the pley begann. And so the candle wes put out. The uther witnes, Elspett Richie, being lauffullie admittit be both pairties depowned the same. All the uther witnesses being lauffullie exceptit against be the pairties. This batterrie being so provine, the bailyies present decernes ilke ane of the saids men Johne Carr and Johne Stevine fighters to paye fyve pounds Scots money instantlie or they goe out of the Tolbuth. And also remitts the saids pairties Johne Carr and Johne Stevine fighters forsaide to the Earle of Wigtouns Court for the bloode in caise that it shall be provine that they have bled uther. And also the said Johne Carr is ordained instantlie to finde cautionnerie to answer to the Right Honorable Earle of Wigtounes Court upon lauffull citatione for the bloode in caise it beis provine. Johne Ingltoun said he tooke Johne Carrs hand out of Johne Stevines throatt.

In presence of the Court Patrike Richie tooke ane act that he hade presentit Johne Carr. David Muire tooke ane act that he hade presentit Johne Stevine fighters forsaide and their act of cautionrie wes givine backe agayne to themselves.

(41) The Bailyies ordaines and decernes that all the heretors of the housses on the east syde of Luggie water in Kirkintilloch shall beare proportioun of the causey laying on the east syde of Luggie water in Kirkintilloch, conforme to the Stent Rolle layde on upon the housses of east syde of Luggie water in Kirkintilloch at the Confirmatione money gathering.

[20 February 1672; Bailies as before; Assize : James Flemyng of Ofgang, Johne Calder, James Findlay, James Winchestir, George Ralstoun; Johne Dollore,

¹ Blank space in MS.

William Hendrie, James Conyburghe, Malcome Flemyng, Johne Pettierue; Robert Dollore, Johne Andersone, William Booge, David Dalrymple, Johne Wolsone.]

[Thomas Ranking, sone of Walter Ranking elder, in Bogheid, was entered to a Newland mailing in Bogheid, resigned to him by James Flemyng of Woddellie (according to a heritable disposition of January 1672), 'with alsmeikle pasturage and mosse as effeirrs', and was made burgess, with his father as cautioner; he gave his oath of fidelity, etc.]
 (42) The foirnameit haille Inqueist of Court hath vottit, nominate and chosine thir sex men afternamed to be chosine and joyned with the Bailies for makeing up of a new Valuatione Rolle of the Towne of Kirkintilloch and shall meit thairupon for doeing thairroff upon the Mononday first and nixt after the date heiroff. The names of the persones chosine heir followeth and for makeing a Valuatione Rolle in maner following . . .¹

Ane decreit wes past in Johne Rainies favors against Alexxander Steinsone and Jean Makie spouses for sextine pounds Scots money in respect Alexxander Stevinsone confessed that he and his spous wes owing sextine pounds. And ordaines decreit to be extractit and givine to the said Johne Rainie against the said Alexxander Steinsone becaus the said Alexxander confessed the debt.

At the Toune Court it is publictlie vottit that James Findlay shall be payed of that drummerssevine pounds Scots money out of the first end of the readiest of the Toune geir.

(43) [6 March 1672; Bailies as before; Assize: James Flemyng of Oxgang, James Findlay, Johne Muire, Johne Findlay, David Dalrymple; Johne Andersone, Johne Gudding, Robert Wolsone, Robert Geylles, David Muire; James Bussett, Mathew Smallie, Johne Kincaid, Johne Crawford, William Hendrie.]

[William Andersone was served heir to his father, umwhile Johne Andersone, in his houses and yard, conform

¹ Blank half-page in MS.

to his disposition to William dated at Kirkintilloch 1 November 1637.]

[7 March 1672 ; Bailies as before ; Assize : James Findlay, Johne Muire, Walter Bull ; Robert Burnes.¹]

James Flemyng of Oxsang gave in his bull of complaint against Johne Conyburghe for aught pounds quhairroff sevine merkes rests unpayeit. Johne Conyburghe confessed it wes so. Decreit is decernit for sevine merkes.

[15 March 1672 ; Bailies as before ; Assize : James Flemyng of Oxsang, Johne Dollore, Johne Conyburghe ; David Dalrymple, Walter Ranking, Johne Andersone.¹]

Johne Stirling, portiouner of Westir Gartschoire,² gave in his bull of complaint against James Livingstoune for strikeing of Johne with his staffe. Malcome Adam being lauffullie admittit solemplic deponned that he saw James Livingstoune stryke at Johne Stirling with his staffe and quhidder he hat him or not he knew it not. David Dalrymple tooke ane act that he hade presentit his man James Livingstoune. And Johne Bankeir tooke ane act of court that he hade presentit his man Johne Stirling. James Livingstoune refferres himselff in the Bailies wills for ane batterie against Johne Stirling on the nynt of March instant. (44) And also the said James Livingstoune obleisses him to make payment of such mulct and ammerciament of Court as the Bailies shall impose and requyre from him according to law and reasone for his miscariage on the nynt day of March J^m vj^c thriescoire twelle years and to paye the said fyne upon quhatsumevir tyme and day the said Bailies shall desire and demande the said James Livingstoune for payment thairroff, under the pennaltie of fyve pounds Scots money and that by and attore the fyne itselffe. [Subscribed by Livingstoune.]

¹ Blanks left for names of other persons on the Assize.

² Wester Gartshore, in the centre of the modern parish, is about 2½ miles E. of the town.

James Flemyng of Oxgang complained upon Walter Ranking, elder, in Bogheid, for keiping up of a band of his quhairin he is cautionner. The said Walter Ranking did publictlie confesse and acknowledge that he wes fullie payed of Woodellye debt quhairin James Flemyng wes cautionner and Walter did publictlie declare that befor Johne Crawford, writter in Glasgow, he gave the forsaid band quhairin Oxgang wes cautionner to Woddellies hand.

[18 March 1672 ; Bailies as before ; Assize : James Flemyng of Oxgang, Johne Conyburghe.¹]

James Flemyng of Oxgang gave in his complaint against Allexander Findlay litster for ane bolle of beir at tenn merks Scots. Decreit wes decernit against the said Allexander Findlay in favors of Oxgang for the tenn merkes forsaid in respect Allexander confessed the debt in presence of the Court.

[28 May 1672 ; Bailies as before ; Assize : James Flemyng of Oxgang, Maister James Flemyng, James Winchestir, George Ralstoune, William Hendrie ; Johne Calder, David Calder, Thomas Calder, James Findlay, Walter Bull ; William Hendrie, Johne Broone, Johne Findlay, Johne Dollore, David Dalrymple.]

We the Bailies of Kirkintilloch appoynts and ordaines that James Winchestir, George Ralstoune, Walter Ranking and Malcome Flemyng shall obey, fullfill and performe conforme to the divisione of the Bogheid housses, yaird and tofting, contained in a lettir to be done and actit be the Bailies within aught dayes nixt after the date heirow. And we obleiss ws to obey quhat the Bailies shall doe heirin under the pennaltie of One Hundreth Poundes Scots money to be payed be the pairtie failyieare to obey unto the Bailies of Kirkintilloch. And we refferr the samyne to Johne Muire, Johne Findlay and Johne Andersone as equall men chosine in presence of the Court. Whilk day

¹ Blanks left for other names.

is betuixt and the fourt day of June nixtocome in this instant yeare J^m vj^c thriescoire and twell yeares. [Subscribed by Ralstoune, Ranking and Flemyng as heritors and possessors of Boghead.]

James Winchestir tooke an act of protestatione publictlie in the Court that this sould not prejudge his right of claime as haveing the eldest sister, nor yet in nothing to prejudge the lettir of couching.

(45) It is vottit and actit and ordaineit that the Militia money be layde one vpon all and sundrie persones within the Toune of Kirkintilloch and not upon the Touns lands conforme to the Rolle to be made up thairupon instantlie after the date heirow. [Subscribed by the Bailies.]

[10 August 1672 ; Bailies as before ; no reference to Assize.]

The Bailyies gives decreit of the Lidgate¹ grasse to Robert Mure and Johne Ingletoune and they to make a passable comone gate their under the pennaltie of twentie pounds.

William Stirling in east syde befor the Bailyies admittit solemple depoued that he saw Johne Bulls cow teddirit on the heid of Johne Ingletons Lidgate rige on the . . .² day of . . .² J^m vj^c thriescoire twell yeares. Johne Dollor burges depoued that he saw the new eatine beir and heard Heline Bull say that Agnes Bull teddirit the cow their and that they had brokine ane arreistment.

[5 November 1672 ; Bailies as before ; Assize : Robert Burnes, Patrike Findlay, David Calder, Johne Dollore, William Hendrie, James Findlay, Johne Calder ; William Hendrie, Walter Ranking, Walter Bull, Johne Andersone, Andrew Achesone, Thomas Calder, Andrew Dollore ; Johne Gudding, Robert Dollore, James Conyburghe, Johne Wolsoune, David Dalrymple, Johne Pettierue, Andrew Stirling.]

¹ Lidgate—For Ledgate, see Horne, *Kirkintilloch*, p. 241.

² Date left blank in MS.

Be the innanimous consent of all the Burgesses present Johne Gudding and James Findlay is vottit to be Bailyies of this Burghe of Kirkintilloch for the yeare J^m vj^c thriescoire and threttine yeare, onlie for on yeare and no longer, for which they have givine their oaths of fidelitie to be faithfull to the Toune and to everie man.

Johne Conyburghe hath takine acts of court that he be not wrongit of his old possessione and middingsted.

In respect it wes formerlie ordainit that everie heretore sould causey foranent his owne housses and land in Kirkintilloch. Thairfor it is ordainit that everie heretore shall make use of his owne heidrome as he pleases leiving roome for the comone gate as it is marchit at the lairgest and wydest pairt of the lon to be thrie ells distant from the causey.

(46) [11 November 1672 ; Bailies, Johne Gudding and James Findlay ; Assize : James Flemyng of Oxfang, Robert Burns, James Dalrymple, William Mure, David Dalrymple ; Johne Conyburghe, James Conyburghe, Johne Calder, Andrew Dollore.¹]

The Bailyies with consent of the Inqueist present hath givine off tenn pounds aught shilling aught pennies Scots of Walter Rankings officers fie to paye James Dalrymple and William Muire thaire former compt, givine now in befor the Court, quhilk the saids James Dalrymple and William Muire hath acceptit for payment to them of all compts tane on in the tyme befor the date heiroyff.²

This beforwritine wes contradicted presentlie.

And all compts being clearlie made befor this day of chairge and debursments made be James Dalrymple and William Mure for the bypast yeare of their bailyiari, viz. 1672, and all debts is clearlie payed in to the said James and William into thaire owne hands. So that the Toune owes them nothing and the saids James and William is not oweing to the Toune any thing.

¹ Blanks left for other names.

² This paragraph is deleted.

So that Johne Gudding and James Findlay present Bailies for the yeare 1673 entirs to uplift from Walter Ranking, elder, in Bogheid, his officers fie. And twa merkes Scots of officers fie from Andrew Dollore. And Alexander . . .¹

A decreit is givine in David Dalrymples favors against John Hendrie for twa merkes Scots for twa pound weght of tolbacca and a new [? heney] measure and twa shilling Scots for a horse girth. In respect Johne Hendrie refferred David Dalrymple claime contra him to David Dalrymples owne oath, and thairfor it wes decerned to be payed be Johne to David within 15 dayes or else poyndit.

The Bailies ordaines a decreit in favors of Johne Hendrie and decernes David Dalrymple to make payment of fiftie foure shilling Scots money to Johne Hendrie merchand within fyftine dayes nixt after the date and chairge made heirupon. And that becaus the defendare refferred it to Johne Hendrie pursuers oath who solemplic deponned that David wes owing him fiftie foure shilling Scots money quhen all uther compts wes endit.

James Flemyng of Oxcang declaired that in respect that the quarters and standers in Kirkintilloch wes not evinit and rectified be a new scrole of revaluatioune, that thairfor he wold not paye bot for tuo aikers of valuatioune conforme as he payed before and tooke instruments upon his act of protestatione thairfor and requyred witnesses.

(47) [5 December 1672; Bailies as before; Assize: James Flemyng of Oxcang, James Dalrymple, William Mure, William Hendrie, David Dalrymple; Johne Conyburghe, Johne Wolsone, James Conyburghe, Johne Dollore, Johne Petticrue; Andrew . . .,² William Booke, Andrew Achesone, Johne Andersone.]

The Bailies decernes and ordaines all the heretors and possessors of the fyve pound lands of Kirkintilloch to make payment of thaire teyndes to my Lords use and of the

¹ Left unfinished in MS.

² Blak left for surname.

Ministers house maille for the cropt and yeir of God J^m vj^c thriescoire and twell yeares. And that within fyftein dayes or else be poyndit.

Bailyies decernes decreit upon Robert Wolsone pursuers oath against Johne Stevine for thrie pounds twell pennies Scots money worth of iron. Also a decreit to Robert Wolsone pursuer for thrie pound threttine shilling aught penies Scots money worth of uther waires against Johne Stevine hammerman, becaus he refferred the first to Robert Wolsones oath and Johne Stine himselff confessed the last pairt.

[17 December 1672; Bailies as before; Assize: Maister James Flemyng, Robert Burns, James Dalrymple younger, Andrew Stirling, David Calder; Johne Calder, Johne Conyburghe, William Hendrie, Johne Dollore, Andrew Dollore, William Booge; Johne Petticrue, James Conyburghe, Johne Muire, Johne Wolsone, William Scott.]

Robert Wolsone as assigney gave in a bull of complaint against Jonet Chambers, relict of vinqhile William Wolsone, for Thrie pounds Scots money whairoff shoe wold not paye the said Robert. The said Jonet Chambers refferred it to the said Robert Wolsones oath whither it wes yet owing unpaid or not. Robert Wolsone sua lauffullie admittit solemplie deponned that he wes nevir yet payed thairoff. Thairfor the said Bailyies decerns decreit to Robert Wolsone that Jonet Chambers paye to him Thrie pounds Scots money within fyftein dayes nixt after she be chairgit to make payment thairoff.

Ane offer of the Customes of the bridge of Luggie¹ in Kirkintilloch being made to the Bailyies and whole

¹ On a supplication by William, earl of Wigtown, showing his great expenses in rebuilding and maintaining the bridge over the Luggie, useful and necessary for travellers from Edinburgh and Stirling to Glasgow and Dumbarton, Parliament, on 10 Sept. 1672, authorised him to uplift, for a period of five years, these duties:

4d. for each horse, ox or cow;

4d. for every 10 sheep; and

8d. for each laden cart passing over the bridge.

Burgesses of Kirkintilloch, publictlie conveyed this day within the Tolbuith of Kirkintilloch, be Maister James Flemyng of Balloch. The saids Bailies and all the Burgesses of Kirkintilloch joyntlie answered in ane voice unnanimouslie that they could not take it becaus they were not able for it unles they hade it upon easie terms and conditiones.

It is ordained be the Bailies and publict consent of the Burgesses that everie heretore and portiouner of the west syde of Kirkintilloch shall leid stones and sand according to their proportioun as it shall be measured and mett off to them.

(48) [2 January 1673; Bailies as before; Assize: Robert Burns, James Dalrymple, William Muire, William Hendrie, James Conyburghe; Johne Andersoune, Robert Dollore, William Booge; Andrew Stirling, Robert Dollore.]

James Dalrymple yonger delyvered up Johne Bulls band of Tenn pounds Scots money and Robert Watsone band of fyve pounds Scots money both quhilk twa bands the present foirnamed Bailies receaved in their keipping.

The Bailies present with consent of James Dalrymple hath aggried that the Towne paye Twentie and on shilling to William Muire, and James Dalrymple yonger shall give Twentie and one shilling Scots to the said William Muire for Allexander Stevinsones breiches that Johne Kirkwoode tailyoure gave the cloath. And the pickes is to be returned bake agayne to the Towne.

Ane batterrie being heard to have falline be William Hendrie against his brother Malcome Hendrie, chapman, vpon Mononday the threttie day of Decembir J^m vj^c thriescoire and twelle yeares. Thairfor the saids William Hendrie is decerned to paye twentie shilling Scots money in respect it fell out to be betwixt William Hendrie and his wife and Malcome being redder¹ gott some stroakes.

¹ 'redder' = 'he who endeavours to settle a quarrel or broil, or to bring parties at variance to agreement' (Jamieson).

Ane complaint givine in be Mr. Robert Bennet¹ for ane kaine staffe and a paire of gloves stolline from him about tua years since. George Scot weaver and Elspett Winyet being citit to the Court, George Scot confessed that Elspett Winyet gave him the staffe but he saw nothing nethir heard he anything of gloves. Elspett Winyett confessed shoe gott the staffe in hir owne house and gave it to George Scott. George Scott gave his oath he saw no gloves and found Robert Dollore cautioner, burges of the Towne, that George Scot sould gett the staffe agayne to Maister Robert Bennet. Bailies ordaines Elspett Winyet to goe to the stoks with a paper on hir face on Satturday nixt or else to paye five pounds Scots money betuixt and thenn and to paye and satisfie Maister Robert Bennet minister for his gloves wanting.

Bailies ordaines Christien Aighens dochter Agnes Robiesone not to come within Kirkintilloch at any tyme heirafter unles shoe be willing to take fie for service for a halffe yeares with any honeste man, aither within the Towne or Parosche of Leinzie, and that hir mother hold hir not in hir house as ane ora idle woman heirafter, under the pennaltie of fyve pounds Scots money.

Ane complaint being heard befor the Bailies in presence of the Court annent the unreasonable pryces of women dayes wages, that serves within Kirkintilloch, becaus their taking over meikle wages for single dayes worke quhen requyred. And for idle women beareing of peits from the mosse theiftuouslie. The complaint being heard the saids Bailies ordaines everie idle woman within Kirkintilloch to serve everie dayes spinning for tuell pennies Scots money and everie uther dayes workeing for sextine pennies Scots money of dayes wage or fie. And this with the inanimous consent of all the Burgesses. The Bailies ordains and decerns this act to be observed under the pennaltie of fyve pounds Scots money who taks more wages for dayes workeing and who beares uther mens peitts in any tyme coming heirafter for evir.

(49) Ane complaint being givine in befor the Bailies of

¹ Minister of Kirkintilloch, May 1665—March 1679 : *Fasti*, iii, 482.

the said Burghe becaus of many idle and orra women within Kirkintilloch. All the said women being called upon compeired and examined, it is ordained as after followeth. In primis Agnes Traquaire finds Andrew Stirling cautioner that shoe shall be fied with any honest man within Kirkintilloch or the Leinzie parosche. James Dalrymple yonger becomes cautioner that Jonet Smyth shall doe the lyke. William Hendrie in east syde of Luggie becomes cautioner that Marie and Christin Kayes shall doe the lyke to any honest maister that offers them worke for payment how soon soevir the occasione shall be offerred to them. And that ilke ane of them under the paine of fyve pundis Scots money of pennaltie in caise of failyie.

Agnes, William Robiesones dochter, Jonet Stewart and Issobell Geylles, thir thrie is ordained to bring sufficient testimonialls or else to goe out of the Toune betuixt and this day fyftein dayes under the pennaltie forsaid. Elspett Winyet, Margat Harvie, Jonet Geylles, thir thrie for croells¹ and uther infirmities is not able for no halff years service. Jonet Flemyng is serving in Calder. Elspet Flemyng is seiklie at this present. The foirnamed cautioners have heir subscryved thir presents [etc.]

...² Booge is hir brother Williame servant.

...² Booge is a sewster. Issobell Conyburghe is ordained to take a fie how soon soevir it beis offerred under the paine of fyve pounds Scots money. Agnes Bull is ordained ...³

Agnes Traquaire, Jonet Smyth, Christein and Marie Kayes ilke ane of them binds and obleisses themselves, thaire aires, executors and intromettars quhatsumevir that ilke ane of them shall releive thaire respective foirnamed cautioners from all coast, skayth, truble and expensses of this forsaid cautionunrie in any maner of way at any tyme comeing heirafter for evir and that under the paine of ten merks Scots money of liquidate pennaltie and expensses to be payed be everie ane of the foirnamed foure women that failyies or refuses to releive their respective cautioner in

¹ 'croells' = 'cruells', 'the king's evil, scrofula' (D.O.S.T.).

² Blank in MS.

³ Unfinished entry.

maner forsaied. And that by and attoure the releiving of ther cautioner as said is. In witnes thir presents are . . . subscriyvit be the saids foure women with their hands touching the Nottars penn [etc.]

[7 March 1673 ; Bailies as before ; Assize : James Dalrymple younger, William Muire, William Hendrie, James Conyburghe, Johne Conyburghe ; Andrew Achesone, Robert Dollore, William Booge.¹]

(50) Johne Petticrue gave in his bull of complaint befor the Bailies siting in judgement complaining that Allexander Findlay, Johne Durie, Robert Gillespie and Allexander Richie had abused him underfoote both with foote and hands to the hurting of his owne bodie more than ane hundreth pounds Scots money will make him up. Thir witnesses, Allexander Richie, Johne Dinn and Andrew Browne, being refferred to their oath solempnlie sworne deponned as followeth. Allexander Richie deponned that Johne Petticrue peaceable receaved Johne Duries whinger in his hand and put it up in the said John Petticrue owne lynng and Johne Petticrue said no man sould take it out of his putch that night. Allexander Findlay boastit his servant Johne Durie to take his whinger agayne from Johne Petticrue or else he wold make his servants heid as broade as his foote and to lay doune Johne Petticrue and to take the whinger from him and it sould be takine from him or the said Johne Petticrue went foirth of the house. And Robert Gillespie and David Calder merchand layde doune Johne Petticrue vpon the ground and tooke the whinger from Johne Petticrue be force.

Bailies decernes that in respect all the foirnamed pairties wes provine in a mutuall pley and Johne Durie is found in tuo pleyes, viz. that night and that night aught nights before, Johne Durie is ordained and decerned to paye fyve pounds Scots money of fyne and all the rest of the pairties players to be in the Bailies will for fourtie shilling Scots

¹ Blanks left for other names.

money of fyne to be payed to the Bailies within terme of law.

Johne Ingletoune tooke ane act that Allexander Findlay could not prove that he hade it thrie yeirs. Allexander Findlay tooke ane act of court that he wold prove that he hade a thrie yeirs take of Johne Ingletone rige.

Bailies decernes everie man and woman in ten shilling Scots money of fyne that refuses to serve that day that they are wairnit to be the Bailies whille the dub and causey at the bridge end be fullie made up.

[3 April 1673; Bailies as before; Assize: James Dalrymple younger, William Muire, Johne Findlay, David Dalrymple; Andrew Stirling, William Hendrie, Johne Dollore, Johne Wolsone; Walter Bull, Andrew Achesone, William Scott.]

It is inactit and decerned that no man within Kirkintilloch shall not sett no butts of land nor sowe no linyet to no idle servant women in tyme comeing under the pennaltie of fyve pounds Scots money, who sowes any linyett or setts butts of land to idle servant women, but onlie to such housholders as is not able for service.

(51) The Bailies haveing cognosced and takine knowledge of the marches betuixt David Dalrymples rige and Johne Morsounes croftrige and have ordained David Dalrymple to lay to a furr to that brake in any pairt whaire it is neidfull. And the said David Dalrymple hath refferred himselff in the Bailies will for tenn pounds Scots money of fyne and pennaltie to be payed to the Bailies themselves within fyftine dayes nixt after the date heiroff and is chairgit for payment to them apud acta. And that for all wrongs of words and marches that the saids Bailies can lay to the said David Dalrymples chairge for anything of mischarriage done be him in tyme past.

The Bailies hath ordained all the idle servant women in Kirkintilloch to take fies and be hyred within aught dayes space after the date heiroff with such persones as is knowne to have worke for them within the Toune of Kirkintilloch

under the pennaltie of fyve pounds Scots money, to be payed be the pairtie failyicare to the Bailyies of Kirkin-tilloch who beis not hyred in halffe years service in that forsaid aught dayes space.

We Bailyies of Kirkintilloch have sett marches in the ground betuixt William Scot and James Hendrie lands in the Bruntland and appoynts them to stand for evir in tyme comeing as we have sett them to be just in the midst betuixt the marchstones in the Bruntland dyke and brake on the east syde of that pairt of their Bruntland.

[Whit Tuesday, 20 May, 1673; Bailies as before; Assize: James Flemyng of Oxfang, James Dalrymple younger, Johne Calder, David Calder, Thomas Calder, David Dalrymple; James Winchestir, George Ralstoune, Andrew Stirling, Johne Pettingrew, Johne Findlay, James Conyburghe, Malcome Flemyng; Johne Anderson, William Hendrie in Haystone, William Hendrie East syde, Johne Muire, Johne Conyburghe.]

Annent ane marcheing betuixt Kirkintilloch and Johne Calders Shirvey Drumhill¹ land, for takeing away of all contraversie for the wrong the Shirvey pleughs hath teillit and wrongit of Kirkintilloch. It is appoyntit that ane meitting be betuixt the Bailyies of Kirkintilloch and Johne Calder for considering thairon vpon the threttie day of Maij instant.

The breakers of the kye leasure² be teilling³ and soweing of corne in Garcloshe shall paye fyve pounds Scots money to the Bailyies within fyftein dayes for breaking nighboureheid beyond the heritors thaire maisters ordoure viz. Johne Dollore, James Booke and any uthers that hes labord that land, and William Conyburghe. And ordaines everie mailling in Gartclosche to hauld twa sowme of kye and ilke a twa mailling a horse.

¹ Shirva lies near the south bank of the Kelvin, some 2½ miles ENE. of Kirkintilloch. Drumhill is about ¼ mile SSW. of Shirva.

² 'kye leasure' = cow pasture.

³ 'teilling' = tillage.

The haille Inqueist abovenamed hath vottit and decerned that Robert Wolsone is a buyer of that halffe Newland mailling. And ordaines Robert Wolsone to paye all fynes to my Earle of Wigthouse and the Towne of Kirkintilloch and officers fie as a buyer conforme to ane act annent halff a Newland mailling in Kirkintilloch.

(52) [Robert Wolsone, merchant in Kirkintilloch, was entered to the half mailing heritably disposed to him by his eldest brother, Johne Wolsone, burgess, by disposition of May 1673, and was made burgess and freeman, giving his oath of fidelity, etc.]

(53) [27 May 1673; Bailies as before; Assize: James Dalrymple younger, Robert Dollore younger, James Conyburghe, David Dalrymple; Andrew Stirling, Walter Bull, Walter Ranking, Johne Conyburghe, Johne Muire; Johne Dollore, William Scott, Johne Andersoune, Andrew Achesoune, William Booge, Robert Wilsoune.]

Annent the complaint givine in be James Hendrie against William Scot burges their annent the marches betuixt them in the lands of Bruntland, whairin the saids Bailies did use witnesses, with consent of pairties both formallie and latelie set doune, and after the depositione of the said witnesses, they finde that the last marches thairin set doune in the saids lands betuixt the saids James Hendrie and William Scot being in the midst of the saids lands to be maist just, being just betuixt the marche stone on the Bruntland dyke on the west and the brake upon the east syde their. Alwayes in the west syd of the said lands the Bruntland dyke being comone to the Towne for ordinarie passadge for the Towne to the Loch and Lochmosse be horse and sleds. To the quhilk dounesetting of the said last marches the said James Hendrie and William Scott doe heirby aggrie and condescend unto and bind and obleisses them and their successors nevir to alter nor impugne the determinatione of the saids Bailies thairennent and reservand libertie of the said Bruntland dyke to all persones within the said Towne of Kirkintilloch for comone passadge. And ordaines

the Hardhill to be justlie dealt in tua betuixt thaire tua mailinges. And thir presents the pairties hath subscryved [etc.].

The Bailies and haille Burgesses of the west syde of Kirkintilloch all with on consent doth vot and heirby ordaines that no maner of persone shall cast no peitts within the Lochmosse for this yeir of God nor for no tyme comeing, under the paine of fyve pounds Scots to be payed be the persones that transgresses the said act and destroyeing of their peitts that shall happine to be castine thairin in any tyme comeing heirafter.

The Bailies decernes and ordaines Johne Dollore burges of Kirkintilloch to paye fyftein merkes Scots money of officers fie to the present Bailies upon demande in respect it sould a bein payed at Beltane last. And ordaines present poynding for the said fie and a pennaltie at the Bailies pleasore in caise the said Johne Dollore sall refuse to make payment thairoff instantlie.

A decret at George Stirling instance wes decerned against Robert Gillespie for allevine merks and aught pennies Scots of house maill and all bypast debts confessed be the said Robert Gillespie to be owing. And ordaines poynding as law requyres in cais of no thankfull payment and expensses as law will.

(54) [10 July 1673 ; Bailies as before ; Assize : James Flemyng of Oxcgang, William Hendrie, David Dalrymple, Johne Conyburghe, Thomas Calder ; David Calder, Robert Wolsone.]

Ane decret wes past in Johne Conyburghs favors against James Traquaire for 40s. Scots money and ordaines James Traquaire to make payment thairof to Johne Conyburghe.

Robert Gillespie tooke acts of appealatione of Robert Flemyngs maters to the Shireff Court.

[11 August 1673 ; Bailies as before ; Assize : Maister James Flemyng, Robert Burnes, Thomas Calder,

James Dalrymple younger, Walter Bull, Johne Findlay ; William Mure, James Conyburghe, William Booke, Andrew Stirling, Johne Petticrue, Andrew Achesone ; Johne Dollore, Johne Smyth, Andrew Achesone, Johne Andersone, David Calder, Johne Wilsoune, Robert Wolsone.]

That whaireas thaire is comone complaint givine in befor the Bailies and Court of the oppressione of the whole Burgesses west syde Mure maillings with the oversowmes¹ of many cattell thairupon be strangers that hath no interest thairintill and the Burgesses themselves oppressing their neighbours. Thairfor it is aggried upon be the haille Burgesses and unanimous consent of the Court that everie heretore keiping his couthes as it lyes in the Newlands, Gallowhills² and Midle Mure,³ Lochmosse Butts. Quhilk lands of Newlands, Gallowhills, Midle Mure, Lochmosse Butts are to be rectified and everie mans proportioun thairoff to bealyke in quantitie and qualitie and new marches sett doune and to lett them quhair they lye. And the rest of the comone lands that is by and attore the fornamed couthes is to be sett and mett off to everie mans proportioun also near himselffe and his lands as convenientlie it may be gottine. Everie burges to have alyke of both in mett and measure, quantitie and qualitie and that be the sight of foure honest judicious newtrall men mutuallie chosine be the consent of the haille Burgesses [that] have interest for metting and devydeing thairoff. And this to be done and established betuixt and Mertimes nixt and first comeing. And with consent of the Burgesses the Bailies ordaines that the Burgesses and Heretors of the Bogheid to consent to the marcheing of the Mosse and Mure upon the north syde of the Mountaine betuixt the Burgesses Mountaine mosse mure spread feild and thaire interest thaire and the Bogheid arrable lands their. And heirunto all the

¹ Excessive pasturing of cattle.

² Gallowhill, Easter Gallowhill and West Gallowhill lie in a cluster between $\frac{1}{2}$ mile and $\frac{3}{4}$ mile SW. of Townhead.

³ Middlemuir is nearly $\frac{1}{2}$ mile S. of Townhead.

Burgesses with on innanimous consent binds and obleisses themselves to stand abyde fullfill and performe quhat is heirin ordained and decerned under the pennaltie of fiftie pounds Scots money to be payed be the pairtie faillyeare or refuseare to performe to the pairtie willing to performe.

(55) The Bailyies and Burgesses hath layde on the third terme of Supplie quhilk wes ordained be act of parliament in anno J^m vj^c sevintie and twa yeares¹ quhilk is upon the aiker of land sex shilling tenn pennies Scots money presentlie to be collectit.

[3 October 1673 ; Bailies as before ; Assize : Robert Burnes, James Dalrymple younger, Johne Dollore, Walter Bull, William Muire ; Robert Dollore, Johne Andersone, Andrew Stirling, James Conyburghe, William Booge ; Andrew Dollore, Andrew Achesone, Robert Wolsone.]

The Bailyies with the inanimous consent of all the Burgesses hath vottit, ordained, decerned, statutit and actit that no maner of persones within Kirkintilloch beare no burdeins of peitts in tyme comeing heirafter and decerns all persones in fyve pounds Scots money that are fund bearing any burdins of peitts in tyme comeing for everie fault and burdine of peitts that they are found beareing.

The² Bailyies statutes and ordaines that no maner of heretors within the Burghe of Kirkintilloch sett no housses to no insufficient persons thairin under the pennaltie of . . .³ Scots money and that their saids maisters shall be countable for all wrongs done be them to thaire nighbours and that under the pennaltie of the house maille they to the tennant possesses [*sic*].

The Bailyies and Inqueist decernes all the Burgesses and uther persones wairned that are absent and called at this

¹ The £864,000 Scots, granted on 5 July 1672 for the prosecution of the Dutch War, were due in four half-yearly instalments, the third falling in at Lammas, 1673 : *APS*, viii, 62.

² *In margin* : Act against unlauffull Tennants.

³ Blank in MS.

Court that wer lafullie wairnit thairto in the pennaltie of threttine shilling foure pennies Scots money universallie.

It is lafullie provine befor the Court be lafull witnessing that Marie Plaine and Issobell Conyburghe, relict of vmquhile Johne Morsone burges of Kirkintilloch, wes found to be comone peitt steillers and burdein bearers, steilling of uther mens peitts daylie and comonlie and upbraiding of the witnesses in face of the Court, is ordainit upon their knies to aske forgivenes from the persons that shoe upbraidit and wes p . . .¹

[28 October 1673; Bailies as before; Assize: Maister James Flemyng, Robert Burnes, James Dalrymple younger, Thomas Calder, William Muire; Andrew Stirling, David Dalrymple, James Conyburghe, William Hendrie Haystone, William Hendrie East syde; Johne Muire, George Ralstoune, Johne Petticrue, Robert Wolsone, Johne Andersone.]

It is publictlie vottit that Johne Gudding and James Findlay continue in the office of Bailyearie in Kirkintilloch for the yeare 1674 first comeing.

(56) In² presence of the Court in the Tolbuith this day all the compts and debursements spendit be the Bailyies, James Findlay and Johne Gudding, for the Toune of Kirkintilloch preceeding this day extends to Twentie foure pounds and sevintine shilling Scots money.

Walter Rankings ten pounds of officers fie, Andrew Dollores twa merkes Scots of officers fie and Robert Wolsones tenn pounds Scots of Toune entrie extends to Threttie tua merks Scots quhilk the Bailyies hes frielie givine them be the Toune. And it payes all their former expensses excepting fyve merkes thrie shilling aught pennies Scots money.

It is actit that thir absents this day from the Court, being Johne Findlay, Johne Browne and William Scott, burgesses,

¹ Unfinished item.

² *In margin* : Bailyies Compt pro anno 1673.

ilke ane of them to be a merke Scots of fyne instantlie to be payed to the Bailies or else poyndet for it.

[4 December 1673 ; Bailies as before ; Assize : James Flemyng of Ofgang, Malcome Flemyng, Andrew Stirling ; David Dalrymple, William Hendrie, Johne Muire, Johne Dollore, Robert Dollore ; Willi . . .,¹ Johne Findlay, Johne Andersone, Andrew Dollore, Walter Bull, Andrew Achesoune.]

The Bailies and haille Inqueist of Court hath vottit and ordaneit that all thir orra idle women that are unhyred with honest men that they goe out of the Toune or else paye fyve pounds Scots to the Bailies or else be fied with honest men within a fyftein dayes nixt after the date heiroff. And iff they come to the Bailies and tell that they can not gett a maister to be fied with that persone that does soe is frie of the fyne. Sicklyke iff the Bailies offer and propound to give the servants a maister the servant is ordained than to take a fie or else paye the fyne for refusing to be hyred. (57) The Bailies ordaines and decernes the haille Burgesses, portiouners and inhabiters of the fyve pounds lands of Kirkintilloch to paye all their teyndes of their lands and their viccarrages to the Bailies within fyftein dayes nixt after the date heiroff. And ordaines poynding to follow in caise of failyie. In caise the Bailies be trubled, the pairtie that hes not payed is to be lyable for that debts.

Robert Plaine and Marie Plaine being befor and to this Court day lafullie wairnit for duties owing be them to James Hendrie bot they compeired not.

[2 January 1674 ; Bailies as before ; Assize : James Flemyng of Ofgang, Maister James Flemyng, Robert Burnes, William Muire, Andrew Stirling.]

Ane decreit wes past at Maister Robert Bennets instance for threttine pounds ten shilling Scots money of house maille to be instantlie [payed].

¹ Name unfinished in MS.

It is ordainit and decernit that no maner of persoun shall dight no maner of graine upon the Peill lands¹ under the paine of Twa Pounds Scots money becaus that dighting fyles the Peill with goole.

Robert Plaine and Marie Plaine being befor and to this Court day lauffullie wairnit for duties owing be them to James Hendrie bot they compeired not.

[8 January 1674 ; Bailies as before ; Assize : James Flemyng of Oxfang, Maister James Flemyng, Robert Burns, James Dalrymple, William Muire ; Johne Calder, Johne Dollore, Andrew Dollore, David Dalrymple, Robert Dollore ; William Hendrie, Walter Bull, Johne Findlay, Johne Smyth, James Conyburghe.]

Annent ane complaint givine in befor the Bailyies sittand in judgement be James Hendrie portiouner of Kirkintilloch complaineing and humblie requeisting for ane decreit of bypast duties addebtit be Marie Plaine viz. the sowme of Ten Merks Scots money and the sowme of Foure Pounds xiiij s. iiij d. Scots money addebtit be the said Robert Plaine from Beltan in anno J^m vj^c sevintie thrie to Beltan in anno J^m vj^c sevintie foure. And for a decreit of removeing of the said Robert Plaine in respect that he hade possest that house violentlie those tua years bypast. And being foure tymes lauffullie wairnit be the officer befor and to this Court day also, and personalli apprehendit and wairnit away from the saids house befor Yuile in due tyme at tua severall years before, and now lauffull tyme of day bidine and many tymes called be the officer at the Tolbuith doore. And none of the saids Robert and Marie Plains compeired nor none to answer in their names. All which contempt and violent possessione and refuseing to make payment and refuseing to remove being publictlie knowne to the saids Bailyies and all the Inqueist. Thairfor the saids Bailyies, Johne Gudding and James Findlay, ordains and decerns

¹ For ' the Peel ' as the name given locally to Kirkintilloch, see Watson, *Kirkintilloch, Town and Parish*, 78-9, 145. The lands of Peel, mentioned in the charter of 1670 (*ib.*, 152), lay to the north-west of the town.

the said Marie Plaine to paye Ten Merkes Scots money with Tenn shilling of expensses of plea to James Hendrie Nottare in Kirkintilloch, his aires, executors or assigneyes, within fyftine dayes after this day and date. And also decernes the said Robert Plaine and Jonet Kincaid spouses to paye Sevine Merkes Scots money with Sevine shilling of expensses of plea to James Hendrie Nottare in Kirkintilloch, his aires, executors or assigneyes, within fyftein dayes after the date heirowff. Or else both the saids tua persons is to be poyndit for the double. And also the saids Bailies decernes decreit of removeing of the said Robert Plaine and Jonet Kincaid spouses to remove out of that house and yaird and leave and make it emptie, voyde and red against the first day of Maij J^m vj^c sevintie foure years instant. Or else they shall be castine foorth thairroff and they dealt with as dissobedient to lafull acts and ordore.

(58) [17 January 1674; Bailies as before; Assize: Maister James Flemyng, James Flemyng, Johne Muire, Andrew Stirling, Robert Dollore.]

Ane decreit wes past at Oxfangs instance against Johne Petticrue for 9 li. and 46 li. 13s. 4d. of bypast duties.

[17 February 1674; Bailies as before; Assize: William Muire, Johne Dollore, Andrew Dollore, David Dalrymple, Robert Dollore; Walter Bull, William Hendrie, Johne Findlay, Johne Smyth.]

Annent ane informatioun of a play in Johne Bankeirs house on James Frielands brydall night. Answerred as followes. Witnesses lafullie admittit viz. Issobell Stirling, spous to Johne Stevine merchand, deponned that thaire wes no play bot peaceable removeing at Margarat Allasones command, Johne Bankeir deponned the same, Robert Wolsone deponned thaire wes nothing bot comeing by uther in the staire. Margarat Allasone deponned the same.

Annent the complaint givine in of orra unhyred women, Answerred as followeth. Issobell Geylles is hyred with Andrew Dollore. Agnes Bull is hyred with William Findlay.

Issobell Findlay guidit hir fathers house all the tyme past. Jonet Baxster is keipping hir fathers house. Agnes Flemyng is ordainit aither to be hyred or else not to come within the Toune.

Ane decreit wes past against thir orra women, Agnes Conyburghe, Agnes Flemyng, Christein Kay and Jonet Smyth, to paye . . .¹ becaus they are not hyred with honest maisters for service.

Annent ane complaint givine in befor the Bailyies sittand in judgement be George Stirling in Bowbanke of Balquhirrage² complaining, declaireing and desyreing ane decreit of removeing of Allexander Steinsone and David Steinsone present possessors of his dwelling housses in Kirkintilloch (i) in respect that the said George Stirling declaireth that conforme to the ordoure of the Toune they are wairnit away in the dew and lafull tyme, and secondlie in respect that the said George Stirling hath purposed and resolved to come for dwelling in his owne housses as reasone sould that he be first served of his owne. Thairfor the saids Bailyies ordaines and decernes the saids Allexander Steinsone and David Steinsone, all with thaire wyves, bairnes, servands, guds, geir, cattell and plenishing quhatsumevir, to flitt and remove thameselves with all quhat pertaines to them foorth and fra those housses, biggings, yairds and pertainents and make the saids housses and pertainents all voyde, emptie, frie and red³ to the said George Stirling himselff, his tennants, cottars or uthers quhamsoevir that he pleases to put thairin at Beltan or the first day of Maij in anno J^m vj^c sevintie foure years, or else that they shall be castine furth thairoff conforme to the ordors and acts of the supperiour judges competent and they dealt with as dissobedient to the lafull acts and ordore.

(59) [Whit Tuesday, 9 June, 1674; Bailies as before; Assize: James Flemyng of Oxgang, Maister James

¹ Blank in MS.

² Balquarrage, about 1 mile N.W. of Kirkintilloch.

³ 'red' = cleaned, tidied.

Flemyng, James Dalrymple younger, Johne Dollore, William Hendrie; Walter Bull, William Hendrie Haystoune, William Muire, Andrew Stirling, Johne Andersone; James Conyburghe, James Winchestir, Malcome Flemyng, Walter Ranking, David Dalrymple.]

Johne Gudding desired to be entrit aire to vmquhile James Gudding his guidschyre. Johne Findlay to be entrit aire to vmquhile Patrike Findlay and Robert Dollore to be entrit to his vmquhile brother Andrew Dollore conforme as their rights beares. Their burges acts heir followeth.

[Johne Gudding, eldest son of umwhile Malcome Gudding in Croyhill,¹ was served heir to his grandfather in his Newland mailing on the west side of Luggie water at the Toun-(60) heid (including two tenements, barns, yards, a kiln and a Muir mailing). Johne Findlay was served heir to his father in his Newland mailing on the east side of Luggie water (including two tenements, barns, two kilns, yards, cottars' seats, Croftland and a Muir mailing, with equal shares of Gartclosche and Solsgirth).² Each was made burgess and freeman, giving his oath to be a true and faithful burgess for the good of the burgh 'in so farr as consists with the laudable lawes of Scotland and a good conscience towards God and man according to his knowledge'.]³

(61) [25 June 1674; Bailies as before; Assize: Maister James Flemyng, Johne Dollore, Johne Findlay, David Dalrymple, Johne Andersone; William Muire, Robert Dollore, Walter Bull, William Hendrie, James Conyburgh; Andrew Stirling.]

The Bailies ordaines James Dollore to paye tuentie shilling Scots money to the Bailies and James Booge indwellars in Gartclosche to paye alsemeikle. Johne

¹ Croy, in the west end of Cumbernauld parish, is about 5 miles ENE. of Kirkintilloch.

² Solsgirth lies fully 1½ miles E. of the town.

³ Despite the earlier entry under this date, the burgess act of Robert Dollore does not appear in the MS.

Findlay is Johne Dollors man. James Booke is John Andersone.

Bailies ordaines the old marches that is betuixt Robert Conyburghis and Johne Petticrues housses and dyke and Andrew Stirlings aiker end to stand in all tyme comeing upon the east end of the dyke and backe of the house to stringe alyke with uther.¹

The Bailies ordaines the pairties on the east syde of the water of Luggie to settle that marcheing betuixt them and James Hendrie on the east syde of Luggie water betuixt and this day aught dayes or else that men shall be chosine thairto for ending and setleing of that marcheing for the syde that refuses.

Decreit is past at William Bailies instance against Andrew Stirling for a ryding saddle.

[25 August 1674 ; Bailies as before ; Assize : Johne Dollore ; James Dalrymple younger, Robert Flemyng, David Dalrymple, William Muire ; Johne Andersoune, Johne Findlay.]

It is statute and ordained that whosoevir hath foules and henns uncrued² against the morrow at twell hours shall be poyndit for twentie shilling Scots money as the Bailies sies good according to reasoune.

Also the said Bailies ordaines decreit against all persones that hath eatine corne and beir with their horses since the last arreistment for twentie shilling Scots to the Bailies and payement to the pairtie skaythed. David Dalrymple and uthers complainers.

James Busset oblidges himselff, his aires, executors and successors quhatsumevir, to come and be lyable to the whole Burgesses will quhat they shall seike from him for his bigging of that litle house at the west end of his litle house upon demande under the paine of threttie poundes

¹ Apparently, to extend or march evenly with each other.

² 'uncrue'd' = uncooped, uncrated. (Crue, cro or cruve = a shed or pen, e.g. for swine, but here for poultry ; cf. *infra*, p. 135.)

Scots money by and attoure the Bailies and Burgesses payment and satisfacione. [Subscribed by Busset at the court in the Tolbooth.]

Ane decreit wes past at David Thompsones instance against David Steinsone for aught merks Scots of ane bolle of malt receaved at the 1 of October 1673. David Steinsone confessed the said malt. And ordained Marie Plaine to make releiff to David Steinsone.

(62) [19 October 1674; Bailies as before; Assize: Maister James Flemyng, Robert Burnes, Johne Dollore, Walter Bull, Robert Dollore; Johne Findlay, Johne Andersone, Walter Ranking, Robert Wolsoune, Andrew Stirling; William Hendrie, William Booge, Malcome Flemyng.]

Ane decreit wes past in favors of Johne Morsoune against Halbert Wolsoune for sevine merkes Scots money of house and land duties at Mertimes 1674 yeirs for the yeirs that is preceeding Maij day 1674. And in caise poynding be neidit Halbert is to be poyndit for aught merkes Scots. This is onelie for all years duties quhatsumevir befor Beltann 1674.

[23 October 1674; Bailies as before: Assize: Maister James Flemyng, James Dalrymple younger, Thomas Calder, George Ralstoune, David Calder; David Dalrymple, Andrew Stirling, Robert Dollore.]

The haille Court hath innanimouslie vottit and chosen Andrew Stirling for the west syde and Johne Dollore for the east syde of Luggie to exercise the office of Bailieearie and magistracie of Kirkintilloch furth fra this present day to this tyme twell moneth. And hath givine thaire solempne oath of fidelitie to be faithfull to the Toune and shall doe their endeavoure to be faithfull betuixt everie man according to their knowledge.

Ane decreit wes givine at Johne Adams instance merchand in Kirkintilloch against James Lyndsayes spous, Margaret

Traquaire, as cautioner for sevine merkes Scots and sevine shilling Scots of expensses for Barbra Reichat, Patrik Stevines spous, in Calder millne. Ordaining to poynde the said Margat thairfor.

The Court hath chosine Maister James Flemyng, Johne Gudding and David Dalrymple for the west syde, James Findlay Johne Findlay and William Muire for the east syde of Luggie water, as Counsellars for the Bailies and joyne with them in quhatsumevir shall be weghtie and necessarie of quhatsumevir sort. And quatevir these sex men finds done to the Tounes hurt it is ordained to be in thaire power to rectifie and regulate it for the Tounes liberties and good. (63) Ane subscriyvit band being produced of foure pounds Scots money owing be James Bussett to James Hendrie, James Bussett being called, compeired and acknowledged that he wes owing foure pounds and twentie shilling of pennaltie. Thairfor the saids Bailies decernes decret, ordaines James Bussett to make thankfull payment thairoff to James Hendrie or else to poynd for aught merkes Scots money.

[17 November 1674; Bailies, Johne Dollore and Andrew Stirling; Assize: James Flemyng of Oxgang, Maister James Flemyng, David Calder, Johne Gudding, James Findlay; William Hendrie, Thomas Calder, Walter Bull, William Hendrie Eist syde, William Booge; William Muire.]

Ane decret wes past at the Bailies instance for the present yeares teyndes and viccaradges against all the heretor and occupyers of the fyve pound lands of Kirkintilloch and to be decernd and poyndit thairfor in caise thankfull payment be not made within 15 dayes after the date heiroll.

William Smyths dochter Jonet Smyth got a decret against Johne Wolsone burges for xvij s. Scots with expensses at law.

The Bailies decernes Robert Wolsone to paye fortie shilling Scots money of fyne and to be poyndit for that for

abuseing of the Bailyies for giving a lafull decreit upon his owne acknowledgment. Robert Wolsone is ordained to produce his dischairges to instruct quhat Johne Plaine hade receaved from him of the last yeirs dutie befor the Court ryse or else not to be heard thairanent heirafter. Robert Wolsone dischairge beares for no duties bot preceeding the Whitsonday J^m vj^e sevintie and thrie years.

Bailyies ordaines all that have interest to conveine upon Fryday the twentie day of November instant for devydeing and dealling of the Gallow muire¹ according to everie mans interest and proportioun.

The Bailyies . . . ordained and decerned that no maner of indwellars within the fyve pound lands of Kirkintilloch shall not truble nor present no bread nor cheis to them that conveines for the burialls befor once the corps be interred and burried under the paine of . . .² Scots money. And all burgesses and persones who are to attend and accompanyie the corps is to conveine perremptorilie for burieing betuixt allevine and twell hours or else ilke a persone to paye a twell shilling peice of fyne to the Bailyies in caise of absence of any persone after lafull wairning the night befor. And that by reasone of former bussinesses intendit.

(64) [4 December 1674; Bailies as before; Assize: James Flemyng of Oxcang, Maister James Flemyng, William Hendrie, James Findlay; Johne Gudding, James Findlay, Johne Andirsoune, James Conyburghe; David Dalrymple, Johne Findlay, Walter Bull, Robert Wolsone.]

The Bailyies decernes decreit against all the persones that is owing thaire Toune fyne for their infetting in their housses and Borrowrude aikers of land conforme as the old Court booke beares. And ordaines poynding in caise of failyie of payment thairoff within fyftein dayes nixt after

¹ Gallow muir no doubt lay to the south of the town, in the direction of Gallowhill.

² Blank in MS.

the officer make particulare chairging to everie on of the persones that is aughting.

[12 January 1675; Bailies as before; Assize: James Flemyng of Ofgang, Maister James Flemyng, Johne Gudding, Robert Dollore; William Hendrie, Johne Wolsone, William Muire, Robert Wolsoune, James Conyburghe.]

Andrew Flemyng gott a decreit against Harie Stirling for 12s. Scots by and attoure all quhat Harie can crave from Andrew. Solemplie deponned thus . . .¹

[19 January 1675; Bailies as before; Assize: James Flemyng of Ofgang, Maister James Flemyng, Johne Gudding, William Hendrie, William Muire; James Findlay, Robert Dollore, Johne Wolsone, James Conyburghe.]

.¹

(65) [29 January 1675; Bailies as before; Assize: Maister James Flemyng, Johne Calder; James Findlay, Robert Dollore, Walter Bull, Johne Findlay; Johne Wolsoune.]

The Bailies ordaines all the heretors of the Newland maillings to be present at the first Court day for metting of their muirelands both on the west syde and the east syde of Luggie water within Kirkintilloch, for metting and equalizeing of their murelands in quantitie and qualitie. And everie man to lye quhaire he lyes.

[2 March 1675; Bailies as before; Assize: Maister James Flemyng, Johne Gudding, Walter Bull; William Muire, Johne Petticrue, Johne Andersoune, William Hendrie, Robert Dollore; Johne Findlay.]

¹ Blank space in MS.

Robert Wolsoune tooke ane act that Johne Wolsoune his eldest brother confessed that he hade both the band of William Wolsounes bairnes pairt of geir and the band whairin William Wilsoune wes principall and bound to releive Johne as a cautiouner from all skayth of ane hundreth merke band justlie addebit to James Hendrie, quhilk twa bands in presence of the haille Court the said Johne Wolsoune opinlie confessed that he hade gottine from the persones keipers of them quhen he payed them.

[6 April 1675 ; Bailies as before ; Assize not named.]

Bailies decernes decreit and ordaines all the Burgesses and such as have interest to be present the morrow against aught hours for devydeing of the east syde Gallow mosse,¹ or else vpon the twentie one day of Appryle instant under the paine of fyve pounds Scots money of liquidatt pennaltie [to] be exactit of the persones that absents themselves and refuses to devyde it.

William Muire declaired in presence of the Court that James Findlaye burges of Kirkintilloch in his hearing promised faithfullie to paye his pairt of James Dollors relaxatioune from the horne to Johne Hendrie quhilk wes sextine shilling aught pennies Scots money. This wes done at that tyme quhen James Findlay bought the westmost house. Thairfor decreit is decernit and past against James Findlay att Johne Hendries instance for sextine shilling aught pennies of relaxatione money and for aughtine shilling Scots for iron to his pleughe. And to make payment within a fyftein dayes.

(66) [20 April 1675 ; Bailies as before ; Assize : Maister James Flemyng, James Findlay ; Malcome Flemyng, Johne Gudding, William Hendrie East syde, David Calder, Johne Findlay ; Johne Andersone,

¹ Gallow moss is mentioned in the charter of 1670 (Watson, *Kirkintilloch Town and Parish*, 151), and seems to have lain between Auchindavy and Langmuir, i.e. just over 1½ mile ENE. of Kirkintilloch.

William Booge, Walter Bull, Johne Wolsone, Robert Wolsone.]

The Bailies ordaines and decernes all the Mure mailling lands, Greins, Lochmosse, Midle mure and all pertinents thairof on the west syde of Luggie water in Kirkintilloch be mett and measured be honest evinlie newtrall men arbitrars chosine for that effect betuixt and Whitsonday first comeing in anno 1675. And that under the paine of Fiftie Poundes of Scots money of pennaltie who refuses to have it measured.

Decreit wes past against William Boog and Jonet Clarke for 3 peks of eitin corne to Walter Bull.

Allexander Baxster takes ane act of his overgiving the standard gathering of Johne Calders.

Decreit is past against Allexander Steuin smyth for thrie pounds and against Robert Gillespie smyth for aught pounds Scots money, both to Johne Hendrie merchand in Kirkintilloch.

[18 May 1675 ; Bailies as before ; Assize : Maister James Flemyng, Johne Gudding, James Findlay, Johne Wolsoune ; William Booge, Johne Craufurde, David Muire.]

Annent the complaint of batterrie betuixt Andrew Flemyng and William Robiesoune in Kirkintilloch and Christein Gilmoure his spous. After cleare probatioune and confessioun of the saids batterries betuixt Andrew Flemyng and Christein Gilmoure vpon the fyftein day of Maij J^m vj^e sevintie fyve yeirs and their wes no bloode betuixt them. Thairfor the saids Bailies ordaines and decernes Andrew Flemyng to paye fyve pounds Scots money of fyne to the said Bailies and Christein Gilmoure to paye fourtie shilling Scots money of fyne, both to the said Bailies, within a fyftein dayes nixt after the date heiroff in respect the Toune officer chaigred the pairties to paye apud acta.

The Bailies decernes decreit at the instance of Andrew Flemyng in his favors against William Robiesoune, decerning William Robiesoune to make payment of his last cropts dutie to Andrew Flemyng within a fyftein dayes according

to compt and reckonning as law will. And also the saids Bailyies decernes and ordaines the saids William Robiesoune to keip performe and fullfill unto the said Andrew Flemyng all the conditiounes of that lettir of take unto the said Andrew Flemyng his maister and paye the duties yearlie thankfullie to the said Andrew Flemyng according to the said lettir of take all the yeares and space thairoff under the paine of the payeing of the pennalties contained in the said lettir of take.

(67) [25 May 1675 ; Bailies as before ; Assize : James Findlay, Johne Gudding, William Hendrie, William Hendrie Haystone, William Booge ; Walter Bull, David Dalrymple, Johne Andersone, Robert Dollore.]

The Bailyies and Counsell being conveyned made publict requisitione of the militia airmes. Sex foirnent this Toune.

Ane decreit wes givine to Mathew Smallie for foure pounds fyve shilling ten pennies Scots owing be Allexander Steinsone in Kirkintilloch. Also ane decreit wes givine to Mathew Smallie upon Allexander Gillies relict, Heline Smallie, for cloath in the litster Allexander Findlayes hand.

Mathew Smallie heirin binds and obleisses me, my aires, executors, intromettars and successors quhatsumevir to make furthcummand the soome of foure pounds nyntine shilling Scots moneye, quhilk is the pryce of nyne ell of wakit litit plydeine,¹ and tuentie foure shilling Scots money for thrie ells and halffe of drogat littit, for keeping of the Bailyies of Kirkintilloch abovenamed, James Hendrie Nottare and Allexander Findlay litster, and all uther persones interestit, frie from all skayth att all hands that can produce a bettir right nor Mathew Smallie merchand in Kirkintilloch offers to have. And heirunto Mathew Smallie obleidges himselffe for performance and fulfilling under the paine of thrie pounds of usuall Scots money of pennaltie and that by and attore the makeing of the sowmes and pryce of the forsaid littit plying and drogitt furth cumming to all persones that

¹ The words *nyne ells of thrie quarter broad lettit cloath plydeine*, in the text, are corrected, by a marginal entry, to *nyne ell of wakit litit plydeine* (plaiding fulled and dyed).

hath a bettir right than Mathew Smallie upon his decreits and arreistment and subscryved band can produce, for the forsaid cloath is pryzeit be Helin Smallies command and Mathew Smallie¹ and the said Heline Smallie did actuallie delyver the said littit cloath to the said Mathew Smallie in pairt of payment of debt,¹ pryzers name is Robert Watsoune and Allexander Baxster, all men interestit in Kirkintilloch. Subscryved be Mathew Smallie and the said Heline Smallie relict of the deceast Allexander Gillies in Burnesyde [etc.].

Ane² decreit wes past upon Andrew Galloway to make payment of viij lib. twa shilling foure pennies Scots money to Robert Wolsone merchand with 8s. of expensses becaus Margarat Miller his spous opinlie confessed that the said wes justlie owing.

Ane decreit wes past and extractit in Allexander Baxsters instance against William Bull in East syde of Luggie for sex forpetts³ of eitine corne.

(68) [10 June 1675; Bailies as before; Assize: Maister James Flemyng, James Findlay, Johne Gudding, Johne Andersone; David Dalrymple, James Conyburghe.]

The complaint of the west syde Burgesses of Kirkintilloch givine in befor the Bailies of Kirkintilloch against Walter Ranking for kindleing of the Mountaine mosse and burning of the turff eird and peitts for severall yeares bypast and for this present yeare 1675. The said Walter Ranking compeired and confessed befor the said Court that he putt fyre in his owne lands in Bogheid and it is now spread. Quhairupon Maister James Flemyng of Balloch tooke ane act of Walter Rankings confessioun of kindline of fyre as said is. The saids Bailies ordaines and decernes the said Walter Ranking elder in ane fyne of Ten Pound of Scots money to be payed be the said Walter Ranking to the . . .⁴

¹⁻¹ The words between the figures are led in from the margin.

² *In margin*: Robert Wolsones decreit wes reduced be Auchinvoile.

³ 'forpett' = fourth part of peck, or one lippy.

⁴ Here the record breaks off.

The saids Bailies ordaines and decernes the lands of Bogheid to be mett and measured and made equall with thrie of the Newland Maillings on the west syde of Kirkintilloch.

Johne Thompson in Gartclosche becomes cautioner for James Booge in Gartclosche that he shall become in the Bailies will instantlie for payeing of quhatsumevir fynes and for doing quhat the Bailies of Kirkintilloch shall command to be done for his present fault of setting of peit mosse to outintoune men. [Subscribed by Thompson as cautioner under pain of paying 'quhatevir the said James Booge sould a payed within sex dayes chairge for payment'.]

Sicklyke this day and houre James Dollore, taksman in Gartclosche, becomes cautioner for Andrew Hay that he shall doe, obey and fullfill quhatevir the said Bailies shall impose upon Andrew Hay to paye to the Bailies vpon demande quhen the Bailies requyres and desires it. And Andrew Hay obleisses himselff to releive the said James Dollore of all expensses of his cautionunrie for evir. Ita est [etc.].

Walter Ranking elder in Bogheid of Kirkintilloch befor the Bailies and gentlemen abovenameit heirby becomes willing and fullie obeyes in the Bailies will to performe, doe and paye whatsumevir the Bailies of Kirkintilloch shall impose upon and requyre the said Walter Ranking elder in Bogheid to paye under the paine of . . .¹ of Scots money of pennaltie and fyne by and attore performing quhat the Bailies shall impose, seike and requyre Walter Ranking to performe, paye and obey within sex dayes nixt after the said Walter Ranking is chairgit to doe quhatevir the Bailies pleasoure is to requyre.

(69) [12 July 1675 ; no reference to Bailies etc.]

David Dalrymple burges of Kirkintilloch becomes cautioner for Jean Maiklune and Robert Gillespie hammerman their becomes cautioner for Johne Aiking weaver, that they compeare befor the Bailies of Kirkintilloch

¹ Blank in MS.

within the Tolbuth thairof at allevine hours befor noone under the paine of fortie shilling Scots money of fyne and pennaltie quho failyies compeirance.

[13 July 1675 ; Bailies as before ; Assize : Maister James Flemyng, David Dalrymple, William Muire, Johne Gudding ; Robert Dollore.]

The Bailyies decernes and ordaines Margarat Stevine, spous to Johne Aiking weaver in Hillheid of Kirkintilloch, to paye fourtie shilling Scots money of fyne to the Bailyies vpon Saturday first comeing, quhich is the sevintine day of Jullij instant, and that for entring in into Johne Stevine smythes yaird and takeing away of Johne Stevines kaille out of his yaird. And the said Johne Stevine and Jean Maiklune knew nothing at that moment of Margats Stevines being their for they wer both in the peitmosse. And also Jean Maiklune befoirnamed is ordained to paye fourtie shilling Scots of fyne and pennaltie unto the Bailyies of Kirkintilloch upon the first Saturday nixt after the date heirowff and that becaus the said Jean Maiklune said that Johne Aiking . . .¹

Ane decretit wes past at Johne Knoxe instance against Mathew Smallie and Issobell Provand spouses for foure pounds Scots money of meile.

It is statute and ordained that no man within Kirkin-tilloch shall not buy nor niffering² no sort of horses from no stranger unles they can produce guid and sufficient warrandice and satisfieing cautiounrie that these horses are guid and lafull geir and honestlie come, under the pennaltie of the lossing of the said horses and meirs that are so bought or nifferred and to punishe thaire bodies as law will at the judges pleasure.

(70) [21 October 1675 ; Bailies as before ; Assize : David Calder, Thomas Calder, William Hendrie, Malcome Flemyng ; James Findlay, Johne Gudding, Johne

¹ Here the record breaks off.

² *Sic*; 'niffer' = bargain or exchange (or 'higgle'—Jamieson).

Findlay, Johne Smyth, William Booge ; Robert Dollore, William Scot, Walter Bull, Andrew Achesoune, James Conyburghe ; Robert Dollore Westir, Johne Browne, Johne Pettierue, Johne Wolsoune.]

The Bailies haveing heard a complaint made be Elspett Winyet that Issobell Conyburghe blamed hir in those words sayeing, Your lint Elspet stooode nixt to my lint and quho could take it bot thow that wes nixt it. Issobell Conyburghe wes reproved for hir . . .¹

Andrew Flemyng got ane decreit of foure pounds yearlie conforme to their agriement.

[26 October 1675 ; Bailies as before ; Assize : Johne Calder, Thomas Calder ; James Findlay, William Hendrie, David Calder, William Muire, Johne Pettierue ; William Hendrie, James Conyburghe, Johne Andirsoune, Johne Wolsoune, Robert Wolsoune ; Johne Browne, Robert Watsoune, Malcome Flemyng, Walter Ranking.]

The Burgesses abovewritine being conveyned and lauffullie tyme of day biddine (all the burgesses being lauffullie fairwairnit) the Burgesses present have vottit that Andrew Stirling and Johne Dollore shall continue in the office of magistracie and Bailiearie of Kirkintilloch for this present yeare first comeing viz. to this tyme 12 moneth.

Thir witnesses being lauffullie admittit, Malcome Adam, Robert Donnaldsoune, Elspett Muttray and Elspett Conyburghe, deponed that Issobell Conyburghe (spous to James Frieland) said that Elspett Winyet hade tane hir lint and called hir the theeiff of hir lint. The quhilk thing the said Issobell Conyburghe could nowayes make out. Bailies ordaines Issobell Conyburghe to pay 30s. Scots money of fyne to the Bailies.

(71) [2 December 1675 ; Bailies as before ; Assize : James Flemyng of Ofgang, Johne Gudding, David Calder, William Muire, Johne Findlay ; Johne Pettierue,

¹ Unfinished entry.

James Conyburghe, Walter Bull, Robert Wolsoune ; Robert Watsoune, Johne Smyth.]

The Bailies with the innanimous vote of the haille Burgesses ordaines and decernes decreit against all the heretors, inhabitants, tennants and possessors of the fyve pounds lands in Kirkintilloch for the teynde to the Earle of Wigtoune for the cropt and yeare of God J^m vj^c sevintie fyve yeares. And that those teyndes shall be payed to the Bailies of Kirkintilloch within a fyftine dayes nixt after the date heirowff. Or else to be poyndit thairfor.

Ane decreit wes decernit at James Hendries instance against Patrike Flemyng for twentie merkes Scots money of bypast house mailles. Ordaineing the said Patrike Flemyng to make payment of the said twentie merkes of house maille to James Hendrie within a fyftine dayes or else the said Patrike Flemyngs best geir is to be poyndit and pryzed and givine to the said James Hendrie to the availle and quantitie of twentie merkes worth with twa merks Scots money necessarie expensses thairwith. And also the said Patrike Flemynge wes decerned to flitt and remove himselffe and all his familie out of that Touneheid house at the first day of Maij in anno J^m vj^c sevintie sexe years. And iff he refuse to flit the Toune officer . . .¹ is heirby ordainit to cast him and his familie out of the said house and yaird and all that is their.

[3 January 1676 ; 'within the backe hall of Maister James Flemyng of Balloch meikle tenement in Kirkin-tilloch' ; Bailies as before ; Assize : Maister James Flemyng of Balloch, James Flemyng of Oxfang, James Dalrymple younger, William Muire, Walter Bull ; Johne Gudding, Johne Andirsone, James Findlay, David Dalrymple, Johne Wolsone ; Robert Dollore, Johne Smyth, Robert Dollore, Walter Ranking, James Conyburghe.]

Johne Stevine merchand in Kirkintilloch gave in his complaint shewing that his corne staks wes drawne and the

¹ Blank in MS. (for officer's name).

tedstroes¹ and cornestalks wer lying on the rod at the north end of the bakeyards betuixt his drawn stake and Johne Bankeirs barne doore, quhilk doore Johne Bankeir opined with the key and found that corne lying within Johne Bankeirs barne tane and stollen in the night, betuixt the 1 and 2 dayes of Januarij 1676, be a persone with iron heill habbells² on single sollit shoone. Johne Bankeir being broght from the Tolbuith it wes sein that the iron heill habbells wes on his feit and that he oppined his barne doore with his owne key. And their is found a thraiff of Johne Stevines corne and of Johne Kirklands corne drawne out of his stake quhilk wes refferred to the foirnamed Inqueist. The Inqueist concludes Johne Bankeir to be guiltie of the corne stealling from many reasones. 1 ted corne from the stake to his barne. 2 his opining the dore with his owne key. 3 the corne wes the same. 4lie his iron heill habbells wes the same. Sent Johne Bankeir backe to the Tolbuithe. And with the innanimous consent of the haille Court and Inqueist the saids Bailies refferred the mater to the Earle of Wigtoune and to his Lordshipes Bailie. And sub-scryved the sein presumptiones and the Inqueists sentence and refference in a paper apairt be itselffe and sent it with Johne Young barronn officer to the laird of Auchinvole, present Bailie of the Barronnj of Leinzie.

(72) [20 January 1676; Bailies as before; Assize: James Findlay, Johne Findlay, David Dalrymple, William Scott, Johne Gudding; Johne Smyth, Thomas Ranking, James Conyburghe, Robert Wolsone, Johne Andersoune; William Hendrie, Robert Dollore elder, Johne Wolsone.]

Ane complaint wes givine in be William Hendrie in Inchsteiff³ for aught pounds Scots money of the years dutie 1675 for the house maille dew be Halbert Wolsone. Halbert

¹ 'tedstroes' = the straw-ropes for tying stooks.

² 'habbell' probably = 'hob(b)ell', 'some part of a shoe' (D.O.S.T.); here clearly the iron studs, plates or 'protectors' of the heels.

³ Inchsteiff was seemingly on the east side of Luggie, just beyond Hill-head, in the Stubble Broomhill direction; cf. *infra*, pp. 86, 115.

Wolsone compeired, confessed the said debt. Bailies decernes decreit contra Halbert Wilsoune to make payment to William Hendrie.

[13 April 1676 ; Bailies as before ; Assize : Maister James Flemyng, James Findlay, Johne Findlay, Johne Gudding, Robert Dollore ; David Calder, David Dalrymple, William Hendrie, James Conyburghe ; William Booge, Johne Andersone, Walter Bull, Johne Wolsone, Robert Wolsone.]

Bailies decernes decreit against Riche Turnore for payment to Allexander Baxster off the remaines of aught merkes Scots money according to compt and reckoning.

Bailies decernes decreit against Allexander Steinsone to paye thrie pounds Scots money of house maille he confessed he wes owing to Johne Smyth. Decreit is decerned for that thrie pounds and for Allexander Steinsone removeing at 1 of Maij 1676 from Johne Smyth weaver his house.

Bailies decernes decreit against Riche Turnore for fyve pounds Scots money of house maille to Patrike Findlay and for removeing from Patrike Findlays house at 1 of Maij 1676.

Bailies decernes decreit at Johne Knoxe instance contra Issobell Provand for thrie pound fortune shilling Scots money principall sowme of meille pryce and 7s. of expenses becaus Issobell Provand confessed the said debt in presence of the Court.

[Whit Tuesday, 16 May, 1676 ; Bailies as before ; Assize : Maister James Flemyng, James Flemyng of Oxgang, Johne Calder, David Calder, Thomas Calder ; Johne Gudding, William Hendrie, James Findlay, James Dalrymple younger, James Winchestir ; Walter Bull, Malcome Flemyng, James Conyburghe, Thomas Ranninge, William Booge.]

(72-74) [James Findlay and George Stirling, portioners in Kirkintilloch, were entered and made burgesses and

freemen, according to their several rights, Findlay in one Newland mailing on the east side of Luggie water, bought from his younger brother, Andrew Findlay, maltman and burgess of Edinburgh, and Stirling in a half mailing on the west side of Luggie water, bought from Johne Pettierue, waulker and burgess of Kirkintilloch; each gave his oath 'in so farr as consists with law and a good conscience'.]

(73) Johne Robine at Ofgang bridgend, for himselfe and Agnes Gilcreist his spous, and David Wolsone merchand, for himselfe and Margat Conyburghe his spous, be thir presents binds and obleidges them to submitt unto the Bailyies whatevir they shall finde expedient to act and decerne in those debates betuixt them and shall not pursue their quarrells against uther befor no uther Judge but onlie quhat the Bailyies of Kirkintilloch shall decerne in the said mater under the paine of . . .¹ Scots money to be payed be any of the pairties that failyies to performe as it shall be decerned and decreittit be the Bailyies of Kirkintilloch thairecannent in tyme comeing heirafter.

(74) Bailyies decernes decretit that James Bussett shall paye xxx s. Scots money to Johne Hendirsone.

Andrew Stirling and Johne Dollore Bailyies decerns decretit at Johne Youngs instance as assigney constitute be John Hamiltone Customer in Borrowstonnes against Malcome Adame brewer in Kirkintilloch as cautioner for James Sheirrar portioner of Mugdoke² for sex lib. 12s. the pryce of a furlet of long linyet receaved in Aprille in 1675, with nyne shilling of expensses.

Also Malcome Adam obtained decretit contra David Dalrymple becaus David Dalrymple wes and become warrandice to frie the said Malcome Adam from all skayth, truble and expensses of that linyet pryce for evir, becaus in presence of the whole Court Inqueist David Dalrymple publictlie confessed he became warrandice and surretie and

¹ Blank in MS.

² A wide-ranging transaction, for, while Mugdock is about 7 miles to the west of Kirkintilloch, Borrowstouness lies some 22 miles in the opposite direction.

cautioner for the said Malcome Adam, with nyne shilling of expensses.

(75) [24 October 1676; Bailies as before; Assize: Maister James Flemyng, James Dalrymple younger, David Dalrymple, David Calder, James Findlay; Johne Gudding, William Hendrie elder, William Hendrie younger, Walter Bull, William Muire; George Stirling, Johne Wolsoune, William Booge, Johne Andirsone, William Scott.]

The whole Counsell and Communitie of the said Burgh of Kirkintilloch hath innanimouslie votit Johne Dollore to continue in the office of Bailyearie. And hath chosine Johne Gudding Bailyearie [*sic*] for the west syde and to execute the office of Magistracie and Bailyearie for the first comeing yeare unto the moneth of October in anno J^m vj^c sevintie sevine. And hath givine their solempne oath of Bailyearie *de fidele administratione justitiae ad omnes*.

William Smallie in Newtoun of Eastir Gartschore obtained a decreit against Johne Andirsone in Hillheid, as cautioner for Johne Browne burges, principall, for nyne pounds Scots money of a horses pryce with . . .¹ Scots of expensses of plea, becaus Johne Andirsone cautioner confessed the debt. Johne Browne wes absent. And ordaines Johne Browne to releive his cautioner from all skayth thairoff.

[On complaint by Johne Hendrie, merchant in Kirkin-tilloch, for himself and as having commission from Allex-ander Baxster, William Scot, Johne Steinsone, William Hendrie, Jonet Conyburghe, Johne Kirkwoode, Johne Stein wright, Johne Andirsone, David Scot, merchant in Glasgow, and others, about the debts owed to them by the deceased Johne Findlay, sometime burgess of Kirkintilloch, and now by his daughter, Agnes Findlay, and her curators,

¹ Blank in MS.

William Muire and Patrike Findlay, the defenders, compared and, being interrogated, publicly acknowledged and confessed that the debts were just. The Bailies therefore decreed that the defenders pay these sums, viz. £22 8s. Scots to Johne Hendrie for some iron, £8 16s. 4d. to Allexander Baxster, 10 merks to William Scot, son of Johne Scot, £3 8s. to Jean Boyde, servant, 'for fie and bounteths', 40s. to Johne Stinsone 'of fie with shoone and sarke', £8 to William Hendrie, wright in Inchsteiffe, for a cart, 5 merks to Jonet Conyburghe, servant, 'of fie with bounteth shoone and linnen,' 52s. to Johne Kirkwoode, merchant, for cloth, 2 merks to Johne Stein, wright, for work, £3 to Johne Andirsone, the price of two pecks of lintseed to David Scot, (76) merchant in Glasgow, and 14s. 8d. Scots¹ to Issobell Morsoune, spouse to Andrew Achesone. All these sums must be paid within 15 days of the charge being made by the town officer, with 14s. for expenses of plea; poiding ordained if necessary.]

[7 November 1676; Bailies, Johne Gudding and Johne Dollore; Assize: Maister James Flemyng, James Dalrymple, James Findlay, Andrew Stirling; Johne Smyth, Walter Bull, Johne Wilsone, James Conyburghe; David Dalrymple, Robert Dollore, Johne Andirsoune, William Booge.]

The Bailyies decernes Johne Hendrie and Marion Bruce spouses to paye fyve pounds Scots money to the Bailyies within a fyftein dayes for their resetting of meill, wollen yairne, woole, from James Findlayes servant Jean Donnaldsone quhillk wes publictlie confessed befor the Court be the said spouses.

Jonet Stewart wes decerned to paye a fyne of . . .² Scots money to the Bailyies for hir miscariage in haunting of bairnes to drinke in hir familie.

And in caise that those persones be found in the lyke

¹ All these sums of money are in Scots.

² Blank in MS.

faults agayne it is ordained that they be putt out of the Toune with . . .¹

[2 December 1676; Bailies as before; Assize: Johne Muire, Walter Bull, George Stirling; David Dalrymple, Robert Dollore, William Booge, Walter Rankinge; James Bull.]

(77) Ane lettir wes produced from the Chalmerlane for teyndis and duties to my Lord Earle of Wigtoune out of the Burgh of Kirkintilloch for the cropt and yeare of God J^m vj^c sevintie sexe years. Thairfor the saids Bailies decernes decreit against all the heretors, fewars and possessors of the fyve pound lands and Toune of Kirkin-tilloch to make payment of the teyndes and few duties to my Lord Earle of Wigtoun and to the present Bailies as collectors thairroff within terme of law and that under the paine of poynding of their readiest guidis and geir for payment thairroff.

[5 December 1676; Bailies as before; Assize: Maister James Flemyng, Andrew Stirling, George Stirling, Johne Andirsoun, Johne Morsoun; William Booge, Andrew Achesone, Walter Bull, Johne Wolsone, Robert Dollore Eister.]

Ane decreit wes past at the instance of Maister James Flemyng against all his tennants within Kirkintilloch that wold not paye thankfullie to make payment within 15 dayes.

Decreit wes past at James Hendries instance contra Patrike Fleming weaver for xiiij merks foure shilling aught pennies Scots money for the years duties J^m vj^c sevintie sex and preceedings, against David Steinsone for foure pounds Scots money, against Robert Donnaldsone weaver for nyne merkes for the year 1675 and for nyne merkes Scots for

¹ Unfinished item.

anno J^m vj^c sevintie sex years, and against David Steinsone for foure pounds Scots for the yeare 1676, against Thomas Livingstone for thrie pound ten shilling Scots for anno 1676 and preceidings.

[19 January 1677; Bailies as before; Assize: Maister James Flemyng, James Dalrymple younger, James Findlaye, Andrew Stirling, William Muire; William Booge, David Dalrymple, Johne Wilsone, Robert Wolsone, William Scot; Johne Andirsone, James Conyburghe, Walter Bull, William Hendrie, Malcome Fleming.]

Ane decretit wes past at William Bailie of Oxgangs instance contra Johne Grindlay for xxv merks Scots of Mertimes dutie for anno J^m vj^c sevintie sex yeares, against James Smyth waker at Oxgang for xvij lib. sex shilling aught pennies Scots for anno J^m vj^c sevintie sex years, and against Johne Thompsonsone in Gartclosche for xvj pounds Scots for anno J^m vj^c sevintie sex yeirs.

Johne Hanna no comepeiring, Johne Andirsone lauffullie admittit publictlie deponned and proved his lybell and claime quhilk thing the said Johne Andirsone legallie did and performed. Theirfor the saids Bailyies ordaines and decernes the said Johne Hanna in Gartclosche to make payment of sevine pounds Scots money to the said Johne Andirsone within a fyftine dayes nixt after the chairge made be the officer of Toune, with ten shilling Scots money of expensses of plea. And ordaines arreistments and poynding and pryzeing of the best and readiest of the said (78) Johne Hannas guidis and geire and delyverie thairoff lauffullie made to the said Johne Andirsone ay while the forsaid principall sowme and expensses be fullie paid as said is.

[William Bailyie was entered to a Newland mailing at the cast end of Longmuir,¹ on the east side of Luggie water, disposed to him by his deceased father-in-law, James

¹ Langmuir, or Longmuir, is just over 1½ miles ENE. of Kirkintilloch town.

Fleming of Ofgang, and was made burgess and freeman, giving his oath of fidelity, etc.]

Robert Gillespie smyth his perpetuall take wes subscryved be the burgesses of a housested on this day.

(79) [22 March 1677; Bailies as before; Assize: Maister James Fleming, James Dalrymple, James Findlay, Andrew Stirling, David Dalrymple; William Muire, Walter Bull, Johne Wolsone, Robert Wolsone, Robert Dollore; Johne Conyburghe, William Booge.]

All the Burgesses and Heretors within Kirkintilloch being called compeired and everie ane of them who compeired declaired that they wold lay the causie annent their owne heidroome which wes the ordore and conditione which wes made on the west syde when they began for to lay the toune causie.

William Muire obtained ane decreit at his instance contra Marion Smyth, relict of vmquhile Allexander Stevine hammerman, for ten pounds Scots money of house maille to be payed be hir to the said William Muire and that guid silver payment. And in caise that throgh hir unthankfull payment her geir be poyndit it is ordainit and decreitit that the said Marion Smyth shall paye twentie merkes of pennie-worthes to the said William Muire. The deffendres confessed the debt publictly in presence of the Court.

Johne Conyburghe obtained ane decreit at his instance contra Johne Robiesoune his tennant for aught merkes Scots money of house maille from Whitsonday 1676 to Beltan 1677. And for fyve pounds tua shilling Scots money for Johne Conyburghs teilling¹ to the said Johne Robiesounes west end of Gallow hill in seid tyme 1676, according to compt and reckonninge for their some of the land teilling payed befor this. Ordaines the Toune officer to poynde in caise this payment be not made within a 15 dayes nixt after the officers chairge to make payment. The

¹ 'teilling' = tillage; cf. *supra*, p. 52, note 3.

deffendare publictlie confessed the debt and said some of the teilling wes payed befor this.

[20 April 1677 ; Bailies as before ; Assize : James Dalrymple younger, William Muire, George Stirling, James Findlay ; James Conyburghe, Johne Andirsoune.]

The Bailyies ordaines and decernes James Bull to paye fyve pounds Scots money to the Bailyies for breking of balks.¹

The Bailyies ordaines and decernes James McNaire and Lillias Fleming his spous and Andrew Galloway and Margarat Miller his spous to live peaceablie with uther in all tyme comeing and the first partie breaker to paye a double fyne.

The Bailyies ordaines after all compt and reckoning is made that James McNaire make payment of threttine shilling Scots money and ane ell of hardne and thrie quarters of linning within 15 dayes to the servant woman Marion Mackinlae.

(80) [Whit Tuesday, 5 June, 1677 ; Bailies as before ; Assize : Johne Calder, James Findlay, David Dalrymple, David Calder, Thomas Calder ; William Muire, Andrew Stirling, William Booge, William Hendrie, William Hendrie ; James Winchestire, Walter Bull, Johne Wolsone, Johne Smyth, James Conyburghe.]

The Bailyies decernes all the absents to paye a fyne for their not being present at the marches rydeing according to Baylies decerning to answer at their call.

The Bailyies ordaines Agnes Findlay to paye Johne Steine the officer for the halffe yeare since Mertimes last in anno 1676 and also farder to paye the said officers fie for the halffe yeares space to Mertimes 1677.

Decreit wes past at Thomas Kilpatrick instance contra Johne Robiesone for fyve pounds thrie shilling foure pennies Scots money for a horse pryce that restit unpayed.

¹ ' balks ' = the narrow and uncultivated verges, or raised strips, dividing contiguous ' rigs ' of tilled land.

And ordaines the said Agnes Findlay and Johne Muire to entire themselves to their respective lands as Burgesse aires uses to doe.

[14 June 1677 ; Bailies as before ; Assize : William Bailye of Oxgang, Maister James Flemyng, James Findlay, William Booge, William Muire ; James Dalrymple, David Dalrymple, Johne Andirsone, Walter Bull, Robert Dolloure ; Johne Muire, Johne Smyth, William Scot, Robert Wilsoune, Andrew Achesoune, Johne Wilsoune.]

The saids Bailyes upon the complaint pursewit befor them be James Smyth, elder, in Duntogher¹ millne, against David Listoune in Oxgang for stealling ane old cloake and ane old coate quhilk wes delyvered backe againe. The said David Listoune is ordained either to ly in the stoks or paye 40s. Scots.

It is ordained be the Bailyes and Counsell of the said Burghe that no maner of personne within the said Burghe shall lay no lint in no uther mans mosse holle without libertie askit and givine, under the paine of fyve pounds Scots money of fyne to the Bailyes and the lint to them that ought the said peit mosse.

(81) [Johne Muire, eldest son of umwhile Robert Muire, burgess, was served heir to his father in his half Newland mailing (with equal shares of Gartclosche and Solsgirth), on the east side of Luggie water, and was made burgess and freeman, giving his oath and promising to pay the ordinary entry money and fine to the Earl of Wigtown and the town of Kirkintilloch.]

(82) [Agnes Findlay, only daughter of umwhile Johne Findlay, sometime burgess, was served heir to her father in his whole Newland mailing (with equal shares of Gartclosche and Solsgirth), on the east side of Luggie water, and was made burgess and freeman, giving her oath and promising to pay (*ut supra*).]

¹ Duntocher, in the main part of Dunbartonshire, lies about 10 miles W. of Kirkintilloch.

At Kirkintilloch the last day of August 1686 James Hendrie in Inchsteif now husband to the abovnamed Agnes Findlay compered and gave his oath as burgess conforme to the abovwritine burges act in ane publict Court haldin the said day.

(83) [24 July 1677 ; Bailies as before ; Assize : Maister James Fleming, William Hendrie, James Dalrymple younger, Johne Muire, William Muire ; Andrew Stirling, Johne Andersoune, James Conyburghe, Walter Bull, Robert Wilsoune ; Johne Smyth, William Hendrie.]

The Bailyies with the innanimous consent ordaines ane gott¹ of sex quarters wide to be castine from the northmost Blacke foorde upthroug the Burges mosse south east ward towards the east end of the Gallow hill fitt, being more then ane ell deip conforme to the fall of it les or more.

And ordaines the Midle muire and its pertaintents within tenn dayes after Lambmes firstcomeing to be entrit to the dividing, measureing and setting of marche stones. And everie man to be considered that hes ane ill caville.² And who refuses to doe this shall be fyned in ane sowme of . . .³ Scots money.

The Bailyies ordaines Johne Cowane to paye 12s. to Jonet Smyth within . . .⁴

[28 July 1677 ; Bailies as before ; Assize : Maister James Fleming, David Dalrymple, Johne Smyth ; Robertt Wolsone.]

Ane complaint being givine in befor the Bailyies against Margarat Robiesoune, lauffull dochter to vmquhile James Robiesone, for abuseing of James Smyth with many mis-calling word menaceing, threatining, and filling of his mosseholls with hir lint, calling him . . .⁵ The Bailyies

¹ 'gott' = trench or ditch.

² An unfair share.

³ Blank in MS.

⁴ Unfinished item.

⁵ Blank in MS.

decernes Margarat Robiesoune to paye twentie shillings Scots money of fyne to the Bailyies presentlie without any delay and . . .¹

Ane complaint being givine in befor the Bailyies be Patrike Goveane against Marion Burnesyde becaus shoe the said Marion Burnesyde hade takine ane creill of Patrike Goveane peitts yestirday. Issobell Conyburghe relict of vmquhile Johne Morsoune deponned that Marion Burnesyde hitt Patrike Govean upon the breist with a stone and said shoe rewte bot it hade hit his bleckinit face. James Hendrie old man Robert Burns tennant deponned that he saw the said Marion Burnesyde take up a stone bot he lookit away and knew not quhat shoe wold doe with it.

(84) [11 October 1677; Bailies as before; Assize: Maister James Fleming, Johne Calder, James Dalrymple, James Findlay, Andrew Stirling; Johne Smyth, William Hendrie, Robert Dollore, William Scott, Johne Browne; David Dalrymple, James Conyburghe, Walter Bull, Robert Wilsoune, Johne Wilsoune, William Booge, Robert Watsoune.]

Margarat Miller and Kathrein Fleming complaint and lybells contraire uther being lairglie heard, sein, examined and considderit and refferred to the above named Inqueist of whom Maister James Fleming is with all vots chosine to be Chancellare. And hath decerned and sentanced these tua women in thir fynes and punishments following for calling of uther Glengorrie whoores, Theiffs, My shirt is on Kathreins backe, Kathrein slew a woman eastover and stode fyve dayes in the jogs. Kathrein Fleming with a fyrie peit burnt Margarat Millers face and held hir face and the fire togedder, and many uther abhominable words and things lauffullie and clearlie proven as the bull itselffe at lenth beirs with those witnesses . . .² spous to Mr. Robert Bennet minister, Lillias Hendirsoune, Jean McKie, Marie Fleming servitrix to James Dalrymple yonger, James

¹ The record breaks off.

² Blank in MS. Her name was Helen Hamilton: *Fasti*, iii, 482.

Burnesyde merchand, James Hendrie carrier, Robert Gillespie hammerman, James Frieland and Andrew Hill.

Sentance thus : Ilke ane of the saidis tua women Margarat Miller and Kathrein Fleming for miscalling and flyting with uther in such villannous speiches to paye fyve pounds Scots money the peice. And that Kathrein Fleming shall paye twentie pounds Scots money of fyne for burning of the said Margarat Millers face with a fyrie peitt. And ilke ane and both of the said women to be put in the stoks. The said Margarat Miller to be in the Tolbuth in the stoks. And the said Kathrein Fleming to lye in the stoks instantlie. And to finde cautioner for their behaviours. And Kathrein Fleming to be put out of the Toune instantlie in caise shoe paye not, and finde cautioner for tyme cuming for their good behaviour in all tyme heirafter. And in caise Kathrein Fleming paye not, to lye in the stoks instantlie and goe out of the Toune in all tyme comeing.

Andrew Galloway becomes cautioner that his spous Margaratt Miller shall not be found nethir flyting nor fighting with nethir words nor no uther instrument nor instigatione to truble Kathrein Fleming nor come within James McNairs familie in no tyme comeing, bot live peaceable in all honest behaviore under the paine of One Hundreth pounds Scots money to be payed be the said Andrew Galloway in caise his wyfe shall breake the peice in tyme comeing.

(85) [23 October 1677 ; Bailies as before ; Assize : Maister James Fleming, Johne Calder, James Dalrymple, William Bailye of Ofgang, Johne Muire ; Walter Bull, David Calder, Thomas Calder, Johne Browne, William Booge ; Andrew Stirling, William Hendrie, William Hendrie younger, Johne Smyth, Johne Wolsoune.]

The haille Inqueist of Court hath votit electit and chosine Johne Gudding for the west syde and James Findlay for the east syde to exercise the office of Bailyearie of the Burghe of Kirkintilloch unto this tyme twell moneth. And hath givine their oathe of fidelitie for that effect.

The Bailies ordaines that no gates shall be made allongst the Croftland from the first day of Maij.

The Bailies dischairges sheip holding be the burgesses of the west syde from the first of Maij to the harvest be past that all be putt in the barne yairds. And ordaines that the sheipe be herdit from the beginning of the oat seid till they be putt off the grasse.

Lykewayes ordaines the Greins comonelands be mett measured and devyded and the Midle muire be measured and rectified. Ordaines that a Court be holdine for this effect on Thursday the first day of Novembire first and the haille Burgesses to be present thairunto.

[1 November 1677 ; Bailies, Johne Gudding and James Findlay ; Assize : Maister James Fleming, James Dalrymple, Andrew Stirling, William Hendrie ; Johne Dollore, Johne Muire.]

The haille Burgesses with the innanimous vote and consent hath ordainit that ane meitting be upon the Tuysday nixt, quhilk is the sixth day of this moneth Novembire 1677, with ane comone mettstare for metting and evining of the mailling lands and couches and all the couches to lye to everie man whaire they lye. And the Greins and Lochemosse and all the undevydeit comone earde to be measured and devydeit to everie man effeirring to his proportiune.

It is ordainit that no cottars nor no vther persones shall no hold no henns bot such as holds them within their owne corns or else their owne doors under the pennaltie of . . .¹ of liquidate pennaltie and expensses for ilke a henn that is holdine contraire this act.

[23 November 1677 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple younger, Johne Dollore, Robert Dollore, William Booge ; William Scott].

¹ Blank in MS.

The Bailies hath⁴ ordained and decerned that all the heretors and possessors of the fyve pounds lands of Kirkintilloche make payment to the Towne Bailies for the Earle of Wigtounes payment off teyndes, viccarrages and few duties within a fyftein dayes nixt after the chairge givine be the officer for that effect instantlie *apud acta*.

It is ordained that the heretors within Kirkintilloche sett no housses to no strangers wanting testimonialls and also it is ordained that such as hath possessors wanting testimonialls that these get testimonialls or else remove the tennants.

It is ordained that their be no orra women within the Towne and that no women gang outwith the Toune untill once the Toune be furnished with servants and that under the pennaltie of the . . .¹

Robert Gillespie is ordained to fix prompt and make readie fyve swords and dresse foure guns in all haiste or else to buy a new sworde. Also James Dollore is ordained to buy a new sworde in all haiste against Tuysday nixt after this daye.

[27 November 1677 ; Bailies as before ; Assize : Maister James Fleming, William Bailie of Oxgang, William Hendrie, James Winchestir, George Ralstoune ; Johne Dollore, James Conyburghe, George Stirling, William Scott, William Booge ; Andrew Stirling, Walter Bull, Malcome Fleminge, Johne Muire, Johne Andersoune.]

The Bailies and Inqueist inanimouslie votes and chooses William Baillie of Oxgang, Maister James Fleming, Johne Dollore and Johne Muire with the Bailies to be Stintmaisters of this present Stint Rolle for the Militias furth goeing. [Subscribed.]

(87) [3 January 1678 ; Bailies as before ; Assize :

¹ Unfinished item.

Maister James Fleming, James Dalrymple, Johne Dollore ; David Dalrymple, William Scot, James Conyburghe, George Stirling, Andrew Stirling.]

The Bailies with the innanymous consent of all the fourtine Burgesses on the west syde of Kirkintilloch hath ordained and chosine Thomas Calder portioner of Garngaber and Johne Muire burges of Kirkintilloche with Allexander Harvey mettstare and Robert Watsoune to goe allongst with the mettstare for helping to count for metting, measureing, equallizing and devydeing the haille maillings and comone ground and unmanured ground that is unmett and not measured, to devyde and deall them evinlie according to conscience and judgement. And to beginn to the said metting vpon the Tuysday the fyftine day of Januarij J^m vj^c sevintie aught and from that begining to continue to the said lands and commontie be all whollie, evinlie and justlie dealt, devydeit and marcheit. And ordaines the Burgesses to be all present their at that day without any more wairning or else be poyndit.

Ane decreit wes past at Johne Balloch meilman instance against some persones for meill silver.

[7 February 1678 ; Bailies as before ; Assize : Maister James Fleming, David Dalrymple, Robert Burns, James Dalrymple younger, Andrew Stirling ; Johne Dollore, James Conyburghe, Walter Bull.]

The Bailies and the Burgesses on the west syde of Luggie water that is interestit and concernit hath aggried, ordained and decerned that all of them shall meitt and conveine upon Mononday the allevinth day of Februarij instant at nyne hours befor noone to accompanie the mettstare for metting and devyding the lands.

[12 March 1678 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple, David Dalrymple, William Muire ; Johne Andirsoune, Johne Smyth, George Stirling ; James Conyburghe, Robert Wilsoune.]

It is appoyntit to gather threttie tua pounds Scots money of ministers house maille and baggage horse expensses.

It is ordained to elect and choose twa quarter maisters (88) with the Baillies. William Muire and William Scot wes admittit, acceptit, receaved and undertooke to doe their indeavore as quarter maisters to the Toune quarterings of Kirkintilloch in tyme coming.

[25 March 1678 ; Bailies as before ; Assize : William Baillie of Oxgang, Patrike Fleming, Johne Dollore, Andrew Stirling, David Dalrymple, Robert Dollore ; William Hendrie, John Andirsoune, Walter Bull,¹ William Muire, Johne Smyth ; James Conyburghe, Robert Wilsoune, Johne Muire, William Booge, Johne Wolsoune.]

The haille Inqueist of Court hath innanimouslie votit, electit and chosine William Baillie of Oxgang and William Scott burgesses of this Burghe for to exerce the office of magistracie and bailliarie as Baillies of Kirkintilloch. And hath givine their oath of fidelitie to be true and faithfull in their place of bailiarie and betwein everie man and man and to doe their utmost endeavoure for the good and weill guyding, mannaging and standing of the liberties, privileges and benefite of Kirkintilloch induireing thaire tyme of bailyiearie.

[6 April 1678 ; Bailies, William Baillie of Oxgang and William Scott ; Assize : Maister James Fleming, James Dalrymple, Andrew Stirling, David Dalrymple, Walter Bull ; William Hendrie, Johne Andirsoune, Johne Smyth, James Conyburghe ; Johne Dollore, James Findlay, Johne Gudding.]

The Ballyies and Inqueist hath inanimouslie votit, electit and chosine Robert Dollore for the east syde and Johne Smyth for the west syde to be Constables for the

¹ His name is repeated—probably *per errorem*—in the Assize list.

Toune of Kirkintilloch for the yeare of God instantlie incomeing.

[22 April 1678 ; no reference to Bailies or Assize.]

The Bailyies and Burgesses of the west syde of Kirkin-tilloch mutuallie and innanimouslie consentit and votit that their should no sheip be holdine on the west syde of Kirkintilloch for this present cropt J^m vj^c sevintie aught yeirs under the paine of . . .¹ Scots money of pennaltie and expenses in caise of haulding any sheipe, to be payed be the pairtie haulder unto the bailyie William Scott, Bailyie of the west syde of Kirkintilloch, within the space of twentie foure hours nixt after the failyie in caise of haulding of any sheipe after the first day of Maij in anno J^m vj^c sevintie aught yeirs.

(89) [30 April 1678 ; Bailies as before ; Assize : Maister James Fleming, Johne Gudding, James Conyburghe, Andrew Stirling, William Hendrie East syde ; James Findlay, William Muire, Johne Dollore, Robert Dollore, Andrew Achesone ; William Booge, Walter Bull, Johne Andirsoune, George Stirling, Johne Wilsoune.]

The Baillies with the innanimous consent of all the Burgesses hath vottit and ordained that vpon the west syde and east syde of Kirkintilloch thaire shall be wpon ilke a mailling on the west syde foure sowmes for kye and a last yeares calffe a yeare auld stirke. And on the east syde maillings ilke a mailling shall hauld thrie sowme of kye and a last yeares calff quhilk is a yeare auld stirke. And that all the Towne shall be sowmed betuixt and Fryday first the third of Maij under the pennaltie of fourtie shillings Scots money to be payed to the Baillies be the pairtie that puts not away their oversowmes betuixt and that foirnamed day. And ordaines everie on that hes kye to give them up to the Clerke in a rolle and of whom they have the grasse

¹ Blank in MS.

betuixt and Fryday first the third day of Maij 1678. And ordaines that no man sett no grasse for kye grasseing under twentie foure shilling Scots money.

The Baillie ordaines Malcome Adam in a fyne of . . .¹ Scots money for cautioner for a . . .¹ that sells linyett in the merccatt for hir lending of the peke comonlie abroad in the markett, spous to David Loggan in Borrowstounes.

And ordaines everie man that setts the grasse beneath xxiiij s. Scots money shall paye fourtie shilling to the Baillies.

And ordaines that ther shall be no henns be hauldine be no burgesses nor cottars within Kirkintilloche except quhat they hauld within doores under the paine of fortie shilling Scots money for ilke a breke.² And to be poyndit be the officer without any farder decreit. And the henn to be the officers owne.

And ordaines that no cloathes be layde on the dykes.

[Whit Tuesday, 21 May 1678 ; Bailies as before ; Assize : Maister James Fleming, James Findlay, Johne Gudding, James Dalrymple younger, David Dalrymple ; James Winchestir, Andrew Stirling, Johne Calder, David Calder, Johne Dollore ; William Hendrie East syde, William Hendrie, William Booge, Walter Bull, Johne Wilsoune.]

The Bailyes ordaines that everie man and persone quhat-sumevir that is owing thaire bypast stints shall be poyndit untill these persones paye their particulare stint unto the Baillies.

Decreit is past for fyve pound Scots of fyne for Andrew Hayes breking of marches betuixt Kirkintilloch and Johne Calder. Ordaines poynding within 15 dayes.

(90) [27 June 1678 ; Bailies as before ; Assize : James Dalrymple, Johne Gudding, James Findlay, Johne

¹ Blanks in MS.

² Every breach.

Dollore ; David Dalrymple, Walter Bull, Johne Wilsoune, Johne Conyburghe, Robert Wilsoune.]

Elspeitt Scot gave in hir complaint that some persones wes owing to hir, David Dalrymple gave his solempne oath that on Fryday night he countit with hir and wes payed bot onlie of the Saturdayes speirring.

The Baillies acts and ordaines that everie horse that is found in the Greins slip heidit¹ wanting a hirde with the horse or meir shall paye 12s. Scots money for so doeing and not heidit.

[1 July 1678 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple younger, Robert Burnes, James Findlay ; Johne Gudding, Johne Dollore, Andrew Stirling, George Stirling ; David Dalrymple, James Conyburghe, Robert Wilsoune, Johne Wilsoune.]

The Baillyies ordaines and decernes that William Muire, Johne Dollore, Johne Andirsone and Allexander Baxster shall goe upon that peitt mosse debatit betuixt James Bull, William Hendrie, William Booge, Walter Bull and all the paite mosse eastward be-east Walter Bull and make ane equall just divisione of it to everie man according to conscience and everi mans right, betuixt Thursday come aught dayes or betuixt and Saturday first comeing.

And ordaines Walter Bull to paye the fyve pounds Scots money to the Baillyes presentlie or else to loose the arrestment layd on be Auchinvolle betuixt and the morrow at night.

[11 July 1678 ; Bailies as before ; Assize : Maister James Fleming, Robert Burns, James Dalrymple, James Findlay, William Hendrie Haystoune ; Johne Gudding, Johne Dollore, Andrew Stirling, George Stirling, Thomas Calder ; David Dalrymple, James Conyburghe, Johne Wilsoune, Walter Bull.]

The Baillyies with comone consent of the Burgesses

¹ ' slip heidit ' = tethered with a slip-noose (?).

present doth nominate, elect and choose Maister James Fleming, Johne Gudding, James Dalrymple yonger and Andrew Stirling upon the west syde. And for the east syde James Findlay, William Muire, Johne Dollore and William Hendrie to meitt and conveyne at all severall tymes with the Bailies of the Burgh annent any publicke concernments relateing to the Tounes interest unto the present Bailies resigne their place to their successors and instead of William Hendrie Thomas Calder is chosine to be in counsell and companie for judgment, counsell and assistance with (91)^v the Baillies in all things pertaining to the Toune and inhabitors thairroff as the necessities, tymes, and varieties of affaires requyres, induireing the Bailliearie of thir Baillies present. And hath givine their solempne oath to be faithfull in thair counsell and assistance according to their knoledge and power.

The Baillies present with comone consent hath nominate, electit and choosine Patrike Fleming to be procurator fiscall for the Toune Courts in all things effeirrand thairto induireing all the tyme of the Bailliearie of the Baillies present.

Bailies¹ with the comone consent of the Burgesses present ordaines that be the sight of Thomas Calder and Johne Muire the Greins shall instantlie after this day be sightit, evinit and clearlie marcheit, everie twa maillings to be evinit and justlie made alyke to uther in quantitie and qualitie. And that everie twa maillings shall lye whaire they lye in Greins.

Also² the Bailies with comone consent forsaid ordaines and decerns that instantlie after this day the Lochmosse be devydeit be the sight of the forsaid twa men. And all and everie tua maillings pairt is to be justlie made alyke in quantitie to uther of quantitie and qualitie conforme to the lettir of submissione and to be marchit with stone marches both in the Lochmosse and Greins. And also it is ordaneit to deall and devyde all the Loche amongst the fourtine maillings equallie to everie tua maillings alyke according to

¹ *In margin* : It is ordaneit to redevyde the Greins.

² *In margin* : Devyde the Lochmosse and Loche.

equitie and reasoune, for everie tua maillings payes alyke of all payments and publiets to Kings Majestie, Church, Maister, and Countrie.

[13 September 1678 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple younger, James Findlay, Johne Gudding, Thomas Calder ; David Dalrymple, Johne Dollore, Johne Muire, Walter Bull ; Andrew Stirling, Andrew Achesone, Johne Andirsoune, James Conyburghe, Johne Wolsoune.]

Ane lettir wes presentit befor the Court ordaining that the Militia sould be prompt and readie at a randivowe at Eastir Kilpatrick kirke upon the 26 day of Septembir 1678. Whairupon their wes ordained ane stint to be layde on on the Toune quhilk wes twentie pennies upon everie aiker of land.

(92) [21 September 1678 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple younger, James Findlay, Johne Dollore, Johne Gudding ; David Dalrymple, William Muire, Johne Muire, Johne Andirsoune ; Andrew Stirling, Robert Wilsoune.]

The Baillyies and Burgesses of Kirkintilloch being conveined at ane Court the said Burghe of Kirkintilloche wes stintit for outputting of the Toune sex Militia souldours and for payment of uther compts as followeth. The names of the Militia souldours ar those : Allexander Stinsone, Johne Hamiltone, James Frieland, Johne Dollore weaver, James Stinsone, Allexander Cuithill.

Threttie thrie pounds aughtine shilling Scots money is layde on be a stint on the Toune for putting furth of the foirnamed sex Militia footemen and for paying of bypast compts that is owing to thir tua present Baillies, William Baillie of Ofgang and William Scot, since their entrie in the bailiearie at . . .¹

¹ Unfinished item.

All bypast compts is now fullie payed and cleared to the Bailies present befor this day both to the Bailies and to the Toune.

[21 October 1678; Bailies as before; Assize: Maister James Fleming, James Dalrymple, James Findlay, Johne Gudding; Thomas Calder, Walter Bull, Andrew Stirling, David Dalrymple; William Hendrie, William Booge, Walter Bull, James Calder.]

The innanimous vote of all the Burgesses and members of Court hath joyntlie votit William Bailie of Ofgang and William Scott to remaine and continue in the exercise and office of Bailiearie and Magistracee in this Burgh of Kirkintilloche untill this tyme twell moneth faithfullie according to the oath of thair first admisione quhilk oath they have renewed. Also they have innanimouslie votit that Maister James Fleming, Johne Gudding, James Dalrymple yonger and Andrew Stirling on the west syde and for the east syde James Findlay, William Muire, John Dollore and Thomas Calder shall remane and continue to be counsellors assisters and joynt helpers with the Bailies in all things quhairin they are desired and requyred as varietie of occasions requyres relateing and concerning the Toune.

It is statute and ordained that all the servants within Kirkintilloch bounds shall remaine and take fiealls from maisters within the Toune and its bounds untill Whitsonday J^m vj^c sevintie nyne. And none to remaine idle in caise their be any to fie them under the paine of lossing their last fies. And those that hes bein out of service this tyme bygone it is ordained that they take fies in caise their be any honest maisters desiring to fie them under the paine of fyve pounds Scots money of fyne.

The airmes wes givine in keiping in this maner: James Findlay burges gott in keiping a sword, a fireloke, a bandlier belt with 8 bandliers and a sword belt. David (93) Dalrymple, a sword, a sword belt, a bandlier belt with fyve bandliers and a fireloke. George Stirling hath in his keiping a sword, a sword belt, a fireloke. William Scot

Baillie hath in his keiping a fireloke wanting a stighill¹ naille and a sword. And their is tuo picks² in the Tolbuith.

[26 November 1678 ; William Scot, one of the Bailies ; Assize : Maister James Fleming, Johne Dollore, James Findlay, George Stirling, Andrew Stirling ; William Muire, Johne Andirsoune, Johne Wilsone, Robert Wilsoune, Robert Dollore ; Walter Bull.]

The said Baillie with consent of all the Burgesses ordained and decerned ane decreit at the instance of the said Bailies of Kirkintilloch in name of the Earle of Wigtounes Chalmerlane against all the heretors and possessors and uthers quhatsumevir within the fyve pound lands of Kirkintilloche for payment making of the teyndis, few duties and viccarrage for this present cropt and yeare of God J^m vj^c sevintie aught years, to be payed within a fyftine dayes tyme nixt after this daye and date.

Patrike Calder publictlie declaired in presence of the Court that he did frielie quate his sister Elspett Calder from all promises of fie and hyreing for this present yeare betuixt Mertimes 1678 to Whitsunday 1679. Whairupon Robert Dollore in Dub tooke ane act.

[10 December 1678 ; Bailies, William Baillie of Oxgang and William Scott ; Assize : Andrew Stirling, Johne Dollore, James Findlay ; David Dalrymple, Robert Wilsone, Johne Wilsoune.]

The Bailies upon sight of James Findlayes 14 lib. band subscrivit and givine be David Dalrymple to James Findlay on the aught day of Decembir 1675 and wes to be payed at Mertimes 1676 yeirs with fyve pound of pennaltie and thrie years annellrent. David Dalrymple acknowledgit the said band. Bailies decernes decreit contra David Dalrymple at the said James Findlayes instance to make payment of

¹ 'stighill' perhaps = 'steel'.

² Probably here = 'pikes'.

the forsaied sowme within a 15 dayes nixt after this day with expensses as law effeires.

Ane decreit wes past at Johne Balloch meillman instance against severall persones for meill silver as the paper beirs viz. Jean Maiklunie xx s. and Jean Mackie fyve merkes.

(94) [20 February 1679 ; Bailies as before ; Assize : Maister James Fleming, Patrike Fleming, Andrew Stirling ; David Dalrymple, Robert Wilsoune, Johne Wilsoune, Johne Smyth.]

Annent the complaint givine in be Robert Donnaldsone contra Andrew Fleming, after disputting of discourse of that mater in the Court be advyce of freinds on both hands. The saids pairties hath refferred all the said contraversie to the decisione of amicable freinds viz. the said Andrew Fleming hath chosine William Baillie of Oxgang and Patrike Fleming portiouner of Kirkintilloch as oversmen. And the said Robert Donnaldsone hath chosine William Scot and David Dalrymple as oversmen to take away all pleyes and contraversie betuixt them and quhatsoever the saids foure men in one voice or in caise of variance whatsoever any thrie of the saids foure men shall cause be decerned and decreit and subscriye, the saids Andrew Fleming and Robert Donnaldsone shall fulfill to uther under the paine of ...¹ Scots money and the expensses. [Subscribed.]

[28 April 1679 ; Bailies as before ; Assize : Patrike Fleming, James Findlay, Johne Dollore, Johne Muire, Robert Dollore ; William Muire, Walter Bull, James Conyburghe, Robert Wilsoune, Johne Wilsone ; Johne Conyburghe.]

It is ordained that no servants goe from their present maisters befor Mertimes 1679 unles their maisters give them frie libertie and whosoever resetts them such servants in their housses shall both the woman and the resettare ilke

¹ Blank in MS.

ane of them shall paye 5 li. the peice of pennaltie, aither orra men or women, aither in this Kirkintilloche or any that comes of servants in hither and not fied.

It is ordained that the sheip be hirdit instantlie after this day under the pennaltie of twentie shilling Scots of everie house who failyes to hird thair sheipe. And ordaines to put the sheipe off the Kirkintilloch grasse betuixt and the sext day of Maij 1679 under twentie shilling Scots money of pennaltie quho failyies.

(95) [10 July 1679 ; Bailies as before ; Assize : Maister James Fleming, Johne Dollore, Thomas Calder, Andrew Stirling, Johne Muire, James Findlaye ; David Calder, William Hendrie, George Stirling, Walter Bull, Robert Dollore elder ; Walter Ranking, David Dalrymple, Robert Watsone in name of William Stirling, Johne Wilsoune.]

Ane depositione of Edward Merschell declairatione was produced of Robert Dollor elder selling of David Dalrymples horse on the 22 Marche 1679. Finding it clearlie provine Baillie decernes the said Robert Dollore elder to paye . . .¹ of fyne at the Baillies will and pleasoure to paye it to the Baillies within a fyftine dayes nixt after the date heiroff.

Ane complaint wes givine be verie many that wes overburdined with too many that night that Blakquhans men wes in Kirkintilloch, quhilk wes in the second weike of June 1679. Thairfor We William Baillie of Oxcang and William Scot present Baillies of Kirkintilloch does heirby faithfullie declare that Blakquhans Companie in the second weike of June 1679 yeirs they wold not accept of none of us the Toune of Kirkintillochs quartering that night but quartered themselves that night and space and did according to their owne will and manie complaints come in befor us in the Toune Court that some wantit and some hade too many. Wee the saids Bailyes declaired and decerned in presence of Court that we knew no remeid bot them that wes too

¹ Blank in MS.



much burdined in that tyme of Blakquhans quartering they sould have ane ease at the nixt quartering, quhilk words wes our answer to Johne Stein the smyth in Kirkintilloch with the remanant complainers their. And that James Hendrie Clerke sould not beir burdine nor paye no farder bot for his owne pairt in so farr as he possest that lyes in that quarter whairin Johne Stein smyth possesses.

[4 August 1679 ; Bailies as before ; Assize : Robert Burnes, James Findlay, Johne Muire, Patrike Fleming, William Muire ; Andrew Stirling, Johne Dollore, Walter Bull, Johne Conyburghe, William Hendrie ; David Dalrymple, James Conyburghe, Johne Gudding, William Booge, Johne Smyth, Robert Watsons for William Stirling.]

It is ordainit be the Bailies with the vote of the Burgesses present that ilke a aiker of land sould paye in maner aftirspeceifit.

(96) The present Baillies with the Counsell and uther Burgesses this day conveyined finding themselves addebtit in fourtie thrie pounds Scots money for payment thairroff they past a vote whither they sould lay it on the persones of men or on the land and, vots being askit, it wes caried be the pluralitie of votes that it sould be layde on the land, quhilk is to be fiftie foure shilling Scots money on everie stander quhilk is thrie shilling fyve pennies Scots on everie aiker.¹ And it is farder enactit be the Bailies and forsaid that everie stander that is not willing to paye it be the land shall have libertie to stint thaire cottarrs that payes maille to them for their help heirin.

And this forsaid sowme is to paye to Maister James Flemings spous for the Earle of Caithnes² dinner and many uther things and for all uther expensses in any maner of

¹ Strictly, 3s. 4½d. each acre.

² This was John Campbell of Glenorchy, at this stage the successful claimant to the earldom. The Privy Council learned on 22 June 1679 (the day of the battle of Bothwell brig) that he was at Stirling with 600 men and ordered him to join Monmouth's army. By 10 July he was back in Edinburgh to attend the Council meeting. *RPC*, 3rd ser., vi, 253, 270.

way aither tane on or addebtit to hir be the Baillies in all things that can be named befor compleit paying of all chairges and expensses that wes aither spendit be the Bailyes or any uther persones quhatsumevir in name of the Toune of Kirkintilloch. And for payment of all uther chairges and expensses that is in any maner of way aither tane in or owing be the Bailyes or owing be the Toune to the Baillies in all maner of way quhatsumevir preceeding the day and date of thir presents. Quhilk forsaid sowme is ordained to be payed betuixt and the twentie fourt day of this moneth of August.

[1 November 1679; Bailies as before; Assize: Maister James Fleming, Johne Calder, Johne Gudding, Andrew Stirling; James Findlay, Walter Bull, George Stirling, William Hendrie, James Conyburghe; David Calder, Johne Wilsone, Robert Wilsone, David Dalrymple, Johne Andirsone.]

Ane offir wes made of setting of the peckes and small customes with the foure small faires customes from this day to this tyme twell moneth.

After the running of the halffe houre glasse in the Tolbuth of Kirkintilloch and publict ropeing of the peckes and small customes Maister James Fleming of Balloch offered the sowme of fiftie pounds Scots money for the peckes and . . .¹ for this tyme to this tyme twell moneth quhilke wes the greatest offer for that yeire first comeing quhilk wes at . . .¹

Allexander Stinsone offerred the sowme of fourtie pounds Scots money for the small customes and for the foure small faires.

The haille foure or fyve dayes merccatt of the Meikle faire on the first fourtine days of Octobir is reservit in the Tounes owne hand.

Salt mett to the merchands custome is to the peckes.

Salt sold at the Croce on merreat dayes custome of it is to the small customes.

(97) Linyet. Johne Young must have payment for his

¹ Blanks in MS.

pecke quhair it is sold. And the small customes must have the custome of the linyet.

Be the publict vote and unnanimous aggrienance in ane pluralitie of voices of Court for the yeare first comeing Andrew Stirling, for the west syde, and James Findlay, Bogesyde, is electit, nominate and chosine to be Bailies to exerce the office of magistracie of bailyearie in Kirkintilloch from this day to this tyme twell moneth. And the saids men newlie chosine and admittit hath givine their oath of fidelitie.

[10 November 1679; Bailies James Findlay and Andrew Stirling; Assize: Maister James Fleming, James Dalrymple, Johne Muire, Robert Dollore; David Dalrymple, Walter Bull, William Muire, Robert Wilsoune, Andrew Achesone; Johne Dollore, William Scot, James Conyburghe, William Hendrie, Johne Wilsoune.]

The said Bailies decernes decreit against all the brekers of the arreistment of the east syde of Luggie water in the Gallow mosse for casting of peits in summer 1679 becaus they brake the arreistment layde on upon that Gallow mosse. And to be poyndit for that brokine arreistment in caise they can not frie themselves be oath or probatione.

[17 November 1679; Bailies as before; Assize: William Baillie, Johne Calder, Johne Gudding; William Muire, Walter Bull, William Scot, William Hendrie.]

The teyndes and all duties payeable to the Earle of Wigtoune and Bailies of Kirkintilloche within the fyve pound land thairoff for the cropt and yeare of God J^m vj^c sevintie nyne wes decerned, ordained and decreittit for payment making thairoff within terme of law.

(98) [15 January 1680; Bailies as before; Assize: Robert Burns, Johne Muire, Johne Dollore; James Dalrymple younger, William Scot, Robert Wilsoune; David Dalrymple, James Conyburghe.]

Bailyies ordaines thatt all yairne and all uther waires that cometh to the merccat shall first present the merccat and no persone to resett it in their house or housses under the pennaltie of fyve pounds Scots money bot come to the merccat for paying of the merccat customes to the customer.

The Bailyies ordaines William Baillie of Oxgang and William Scot to come in and give up ane accompt of that fiftie pundis of Brig stint to paye quhat remains of it unto the present Baillies betuixt and this day fyftine dayes.

Also James Burnsyde got a decreit of 3 peks of eatine corne in summer 1679 contra Johne Robisoune pryzed be Johne Gudding and Johne Makandroe.

[27 February 1680 ; Bailies as before ; Assize : Maister James Fleming, William Baillie of Oxgang, James Dalrymple, David Dalrymple ; George Ralstoune, Johne Gudding, William Scot, Robert Wilsoune ; Johne Wilsoune.]

It wes ordained the absents from this dayes Court to be poyndit for halff a merke Scots money everie absent wanting a lauffull excuse.

Also it wes ordained that the Baillies and uther honest burgesses speike to the Chalmerlane that the Earle of Wigtoune and the Toune may decide that mater about the weiklie visiteing of the meill merccat.

[14 April 1680 ; no reference to Bailies or Assize.]

It is ordained that all and everie inhabiter possessore of the Toune lands of Kirkintilloche crue in their hens and keip their catell and sheipe from off their nighbors victualls of all sorts and keip their nighbors grasse fencible hained from this fourtine day of Appryle furth. And that everie cottare crue thair henns and that under the paine of twintie shilling Scots *toties quoties*.

Sicklyke it is ordained that no persones eat nethir brakes that is not their owne nor lie grasse nor put no horses nor beast to the muire that hes no grasse nor yet put no beasts teddirit nor yet hirdit on the lon bot on their owne lon.

And whairsoevir and whosoevir hath meane brakes they sall not eat them bot devyde them equallie and sheir them and keip their nighbors skaythles in all tyme comeing heirafter, under the paine of fourtie shilling Scots money of liquidate pennaltie and expensses to be payed be the pairtie breaker and that unto the Baillies, and sall paye full satisfactioun to everie pairtie for all skayth sall happine to be knowne done be the brake eaters to any persones quhatsumevir in any tyme heirafter *toties quoties*, under the pennaltie forsaid how oft soevir they be found breaking this forsaid act.

(99) [Whit Tuesday, 1 June, 1680 ; Bailies as before ; Assize : Maister James Fleming, William Baillie, David Calder, Johne Gudding, George Ralstoune ; James Dalrymple, Johne Dollore, Thomas Calder, Johne Andirsoun, Johne Muire ; William Hendrie, younger, George Stirling, James Hendrie¹, Walter Bull, David Dalrymple.]

It is ordained that the Toune teynde entrie moneyes now being payed for the first nyntine yeirs in to come [*sic*] begining at anno J^m vj^c fourescore years. The dischairge thairoff to be registrate in the Commissars bookes of Glasgow instantlie and the . . .²

With the innanimouse vote of all the Burgesses, George Stirling burges of Kirkintilloch is lauffullie admittit visitore and solemplic sworne that he sall be upright and doe justlie unto all men and doe no wronge to no man. And to be countable to the Toune for the moneyes he receaves of the said fynes of the meill merccatt that is liftit for unsufficient meill and the officer sall have tuo shilling Scots everie daye.

[10 June 1680 ; Bailies as before ; Assize : William Baillie of Oxgang, James Dalrymple, Johne Gudding, William Scot ; David Dalrymple, William Booge.]

Ane complaint being givine in be Johne Stine wright for

¹ This name is followed apparently by 'pro Agneto'.

² Unfinished entry.

Johne Aiking strykeing of him on Setterday last, the quhilk thing being provine in maner following. James Mairtine lauffullie admittit solempnlie deponned that the provoking words and begining wes from Johne Aiking calling Johne Stine wright glied blinde and that he saw Johne Aiking wes going with liftit up hand to strike Johne Stein wright and did stryke Johne Stine at last and did dung over Johne Stine and David Thompsone both and Robert Aiking his son got on upon both and wes goeing to stryke Johne Stine with ane ellwand bot wes holdine. Issobell Findlay declaired shoe saw Johne Aiking reache out his hand first and did all things as James Mairtine formerlie declaired. Bailies decerns Johne Aiking to paye fyve pounds Scots money of fyne for the said batterrie and that unto the saids Bailies upon demande.

Ordaines everie man to keip within his owne mosse for watering of their lint under pennaltie of fyve pounds Scots and lossing of the lint they water in other mens mosse.

And ordaines idle women to be hyred and everie man that holds them to paye fyve pounds Scots giff they cannot give their oath that they ar thair hyred servant.

(100) [22 June 1680 ; Bailies as before ; Assize : Maister James Fleming, Johne Gudding, Johne Calder, William Baillie, David Calder, Thomas Calder, David Dalrymple, James Hendrie ; Johne Dollore, George Stirling, William Muire, Walter Bull, Johne Smith, William Scot, William Hendrie ; Johne Andirsone, Johne Wilsone, Robert Wilsone, Robert Dollore, Andrew Achesone, William Hindrie, William Booge.]

Annent ane complaint of ill words and contentione betuixt Elizabeth Blaire and David Dalrymple according as their severall bulls beares. The whole mater being referred to ane sworne Inqueist of fyftine honest men of thir foirnamed Inqueist. The Inqueist unnanimouslie having chosine William Baillie of Ofgang to be Chancellore the said Chancellore with the innanimous vote of Inqueist ordained the woman to finde cautionne to keip David Dalrymple skaythles heirafter. And for thaire scandallous

language remitts them to the Sessione or else to remove the woman out of the Toune. And absolves the said Elspett Blaire from Davids claime of ill speaking for worrieing of hir in respect the womane hade her collerbodie¹ in hir hands and wes sein strugling with uther sein and testified be the witnesses quhilk collerbodie wes sein fast before.

William Baillie Chancellor

J. Findlay

Andrew Stirling

J. Hendrie Clericus Curiae
pro tempore

[1 July 1680 ; Bailies as before ; Assize : Maister James Fleming, William Baillie, Johne Dollore, David Dalrymple ; George Stirling, Robert Wilsone, Robert Watsone.]

Robert Watsone in Balquhirrage got a decreit contra James Smyth, waker at Oxgang, for fiftie fyve shilling of debt.

Ane decreit wes past and decernit that all the tradsemen who ar not burgesses and friemen within Kirkintilloche fyve pound lands sould pay yearlie unto the Bailyes and Touns use of Kirkintilloche the particullare sowmes aftirnamed and that becaus of their trading and change as friemen so long as they sall paye yearlie in maner following. Imprimis everie merchand yeirlie tuo merks Scots money, Item everie breware tuintie shilling Scots, Item that everie cordouner yearlie, everie weaver and tailyore yearlie, everie cupper yeirlie, everie smyth yearlie, everie fleshore yearlie, and that everie wright yearlie, everie housholder of thir severall trades to paye ten shilling Scots yeirlie, begining to be in the debt of payment furth fra Whitsonday in anno J^m vj^e fourescore yeirs. [Subscribed.]

(101) [24 July 1680 ; Bailies as before ; Assize : Johne Gudding, Patrike Fleming, George Stirling, Johne

¹ 'collerbodie' = neck-piece or collar (of lace, fur or cloth).

Dollore ; Robert Wolsone, James Conyburghe, William Scot.]

It wes declaired that Agnes Listoune wes chairged to goe out of the Toune of Kirkintilloch and came in againe against ordors and becaus of the said Agnes Listounes raiseing a sclander of adulterie upon . . .¹ with Agnes Dollore relict of vmquhile . . .¹ quhilk Agnes Listoune could not prove and becaus shoe could not prove and hade made a great report of that sclander befor manie hearers. Thair-for the Court reffers the said Agnes Listoune and hir sclander to the kirk.

[12 August 1680 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple, Johnne Gudding, Johnne Dollore, William Scot ; William Muire, Johnne Andirsone, George Stirling, Walter Bull, Robert Wilsone.]

Ane complaint being publictlie made and givine befor the saids Baillies in presence of the Court that Johnne Conyburghe gray horse did eit and rinn thugh the nighbors Croft victualls and outfeild cornes, quhilk things wes complained upon be all the burgesses and tennants on the west syd of Luggie water in Kirkintilloch, manye testified this for a truth and Andrew Ker, Jonet Cumming, Agnes Traquaire, Margarat Stirling, elder, lafullie admittit, solemplic deponned that they saw Johnne Conyburghs horse eiting and rinning the Croft victualls and uther victualls in the outfeild lands at severall tymes. For the quhilk the Baillies unlaues the said Johnne Conyburghe in fyve² pounds Scots money of fyne and decernes that horse to be takine from the said Johnne Conyburghe in caise he be evir found heirafter in any victualls, to be pryzed at the Croce in the first end of ane hundreth pounds Scots money quhilk the said Johnne Conyburghe is decerned to paye in caise

¹ Names left blank in MS.

² ' fyve ' deleted in MS.

evir the said Johne Conyburghes horse beis found in the victualls heirafter. [Subscribed.]

Baillies decernes decreit contra all them that entirt their cattell befor the hird to mak payment of this Lambmes termes payment of hirds fie unto Johne Dollore hirde unles them that hes their kye deid through sudden accident.

[1 October 1680 ; Bailies as before ; Assize : Johne Gudding, Johne Dollore, Walter Bull ; David Dalrymple, Johne Muire, William Booge.]

(102) Ane decernitore wes past to the Bailyies and Johne Gudding and Johne Muire.

Ane decreit wes past against David Calder for fyve pound Scots money for breking of arreistitt cornes tane away be the said David Calder and a decreit of the pryce of that cornes money in William Bull merchand hand, to be payed be William Bull merchand out of David Calders money to James Findlay, Baillie, for David Calder in Twegher¹ his abuseing and miscalling of sworne men that wer set on the marches betuixt David Calder and James Hendrie in summer 1680.

Ane complaint being givine betuixt Jean Neilsone and David Wilsone hir maister. The said Jean Neilsone wes wanting neir . . .² weiks of hir service to the said David Wilsone and it wes found the lass wold not make thankfull pleasing service. The fie wes sevine merkes of Scots money, a paire of shoes estimate to be worth twintie foure shilling, hir ell of linnen and a ell of hardne worth threttine shilling 4d. And concerning hir lint workeing on the said David Wilsones expensses. All things being considerit and the wanting tyme of the said Jeans service, it is ordainit that Jean Neilsone servant woman sall have all the fie wanting threttie thrie shilling 4d. And ordaines David Wilsone and Margaret Conyburghe spouses to paye the said servants fie of money and bunteths wanting threttie thrie shilling

¹ Twechar is on the south side of the Kelvin, some 3 miles ENE. of Kirkintilloch.

² Left blank in MS.

four d. Scots money to the said Jean Neilsone within a fyftine dayes nixt after Mertimes 1680. Fie and bunteths being valued it comes all to ten merkes Scots money quhairoff that 34s. is to be rebatit and ten s. of expensses of plea. [Subscribed.]

[4 November 1680 ; Bailies as before ; Assize : Maister James Fleming, Robert Burns, Johne Calder, William Baillie ; Johne Gudding, James Conyburghe, Johne Dollore, Johne Muire, Robert Wilsone, Robert Dollore ; William Muire, Walter Bull, William Hendrie, David Dalrymple, Johne Dollore, Johne Wilsone.]

Ane publict offer is made in the Tolbuith of the pettie customes and four small faires. And Maister James Fleming hath offerred threttie sevin pounds Scots for them and for that sowme hath tane the said small customes.

And ane offire is made of the peckes from this first day of Novembire J^m vj^c aughtie yeares to the first day of Novembire J^m vj^c aughtie on yeares and Robert Burnes hes made offire of fiftie aught pounds Scots money for them and for that sowme hath tane the said peckes.

The innanimous vote and consent of all the Burgesses hath chosine Johne Gudding and Robert Dollore, elder, westmost, to be Baillies and to exercise the office of bailyearie and magistracie of Kirkintilloch from this tyme to this tyme twell moneth being on yeare. And appoynts Saturday come aught dayes the former Baillies to come in and give up their former compts and cleare them and that all them that hath any customes to paye to come in with them befor that tyme or else be poyndet for them.

Ane decret is past at William Robisons instance contra Georg Stirling for thri furletts of eatine corne be Georg Stirlings horses and foalls pryzed at Lambmes last be Johne Gudding and James Conyburghe burgesses.

(103) [19 November 1680 ; Bailies, Johne Gudding and Robert Dollore ; Assize : Maister James Fleming, James

Dalrymple, James Findlay, Andrew Stirling, Walter Bull ; George Stirling, David Dalrymple, Robert Wilsone, Robert Watsoune.]

It is ordained be the Baillies of Court that ane officer be made to the Touns service, Johne Conyburghe falling to serve for ane halffe mailling. The said Johne Conyburghe declaired that he wold rather serve himselfe than hyre any man thairto. Thairfor the said Johne Conyburghe heirby binds and oblidges himselfe to serve the saids Baillies, viz. Johne Gudding and Robert Dollore, in the place and service of ane officer from this day to the Whitsonday in anno J^m vj^c aughtie on yeirs thankfullie, or else at the first breke their sall be an officer hyred on his chairges and all his service sall be null, and sall give his oath to be true and faithfull. [Subscribed.]

Alexander Baxster is ordained and hath undertakine to be visitore of the meill merccatt and hath givine his oath to be faithfull.

It is ordained that all vendible waires that comes to the merccat toun of Kirkintilloch sall come all persones to the publict merccat with the same and that no persone sall sell the samine privlie and that no persone within the Toun sall tryst nor buy the same except on the merccat day in tyme of merccat and sall on no weike day forstall the same undir the paine of fyve pounds Scots money to be payed be the buyer and sellare who beis found in the fault, to be payed to the Baillies, and confiscatioune of thair geir conforme to the act of my Lords Court.

[23 November 1680 ; no reference to Bailies or Assize.]

At ane publict meitting within the Tolbuith ane compt of all expensses annent the former Baillies, James Findlay and Andrew Stirling, for all expensses tane on in Maister James Flemings thaire is fyftine pounds and aughtine pennies Scots money givine out be Johne Gudding to paye that fyftine pounds aughtine pennies Scots to Maister James

Flemings spous, Elizabeth Airmoure, quhilk was tane out of Robert Forsyths Toune entrie money to his mailling in Bogheid. And the said Elizabeth Airmour fullie dischairges the said Toune and Baillies of all their former debts and compts. Hir husband Maister James Fleming hath sub-scryved this dischairge. [Subscribed.]

[9 December 1680; Bailies as before; Assize : Maister James Fleming, James Dalrymple, David Dalrymple, Johne Browne; Johne Dollore, William Hendrie, Walter Bulle, William Scot, Johne Andirsoune.]

Ane decreit wes ordained and decerned against all the heretors and possessors of the fyve pound lands of Kirkin-tilloche for the Earle of Wigtounes teynde for the (104) cropt and yeare of God J^m vj^c fourescore yeares, ordaining and decerning all the possessors to paye the saids teynde to the Baillies of Kirkintilloch within fyftine dayes nixt after the date heirowff under the paine of poynding.

Ane decreit wes past at Issobell Hendries instance contra William Hendrie in East syde of Luggie for fiftie shilling Scots money that William Hendrie wes ordainit and decreitit to paye within fyftine dayes nixt after this date and chairgit be the officer for payment making thairof with foure shilling of expensses of plea or else be poyndit.

James Findlay last Baillie delyverit twa swords with thair scaberds and thrie guns and declaired that James Findlay hade on sword yet in his owne house and keiping of the Toune airms. Another sword wes in James Cony-burghe the burgesse house and keiping and another sword wes in George Stirlings house and keiping. Also James Findlay gave up the Toune teynde entrie money dischairge and the Toune dischairge of the Toune customes for anno 1680.

[18 January 1681; Bailies as before; Assize : Maister James Fleming, James Findlay, Johne Wilsone, Walter Ranking, Robert Watstone; Johne Dollore, David Dalrymple, Johne Andirsone, Walter Bull, James

Henrie East syde ; George Stirling, William Scot, Robert Wilsone, Johne Andirsone, Andrew Achesone.]

The Baillies decernes decreit against all the heretors of the housses and aikers in Kirkintilloch ruds and uthers that sould paye pennies les and more per annum to make payment of those yearlie pennies unto the present Baillies within fyftine dayes, all that stands upon the Comone lands and Comonetie of Kirkintilloch, or else be poyndit thairfor.

Also a decreit wes past at David Dalrymples instance against Johne Stein smyth for fortie foure shilling Scots resting of sheips pryce with expensses as law will.

[Johne Smyth was served heir to his deceased eldest brother, William Smyth, in his houses and yards in Kirkintilloch.]

Ane decreit wes past against Johne Dollore burges for twentie nyne shilling Scots money quhilk wes in his hand of Agnes Dollore fie in harvest last 1680, at Agnes Millers instance for payment to hir of twentie nyne shilling Scots money dew be Agnes Dollore to the said Agnes Miller for long linyet¹ gottine from hir in anno 1680. And ordaines and decernes . . .² Scots money of expensses of plea thairwith. And ordaines poynding if neid beis in caise of unthankfull payment as law will.

[8 February 1681 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple, Walter Bull, Robert Wilsone, Johne Wilsone ; William Baillie, Johne Dollore, William Scot, Robert Dollore ; James Hendrie, Johne Andirsone, George Stirling.]

(105) All the heretors wes desired to produce thaire seasinges to show what wes yearlie payeable of pennies to the Baillies yearlie for their holding.

James Smallie and Jonet Dalrymple refferred all the debait of the house maille. Jonet Dalrymple tooke William Baillie of Oxfang, James Smallie tooke David Dalrymple

¹ Linen-yarn or flax.

² Blank in MS.

for his man and both subscryved to stand to their men and the Baillies to be oversmen under the paine of fyve pounds Scots money who faillies to obey and performe quhat the saids men and Baillies oversmen sall decerne, ordaine and decyde in that mater within the limits of the tyme writine in thair decernitore and the pennaltie to be by and attoune the fullfilling of their decernitore following heirupon. [Subscribed.]

Thaireftir Bailyies ordaines ane absolvitore to be writine and givine to David Muire of all things of the forsaid house-maile and of Walter Baillie as cautioner for Jonet.

Bailyies ordaines twentie sex shilling and tuo pennies Scots on ilke a 16 pairt and stander in Kirkintilloch for Maister Alexxander Woods housemaill for anno 1680 and for sex pundis Scots dew to James Findlay and Patrike Fleming. Decernes decreit and poynding thairfor.

[29 April 1681 ; Bailies, Maister James Fleming of Balloch in name of Johnne Gudding, and Robert Dollore ; Assize : James Dalrymple, James Findlay, Thomas Calder, Johnne Dollore, Walter Bull ; David Dalrymple, Johnne Andirsone, Johnne Wilsone, Walter Ranking, William Muire ; Johnne Smyth, William Hendrie East syde, William Hendrie, William Scott.]

Bailyies and Court ordaineth and decerneth thir fyve men, viz. Maister James Fleming, portioner of Kirkintilloch, Robert Dollore, Baillie, James Hendrie in Inchsteiffe, Thomas Calder . . .¹ to ryde and accompanie the corps of William Earle of Wigtoune from Combernald on Thursday the fyft day of Maij 1681 to Biggare for burieing thair off.² Also the Baillies ordained that Johnne Brouns mailling sould paye fyftine shilling Scots in unto James Hendrie in Inchsteiffe for ryding to my Lords burieall as said is.

(106) [Whit Tuesday, 24 May, 1681 ; Bailies, Johnne Gudding and Robert Dollore ; Assize : Maister James

¹ Last name left blank.

² William, the fifth earl, died on 8 April 1681.

Fleming, William Baillie, James Dalrymple, James Findlay, James Hendrie Inchsteiff; David Calder, Thomas Calder, George Stirling, David Dalrymple, Johne Dollore; James Conyburghe, Johne Muire, William Muire, William Booge, Johne Browne.]

[Robert Forsyth younger in Bogheid, son of Robert Forsyth in Robracetoune, was entered to the Newland mailing in the Bogheid, on the west side of Luggie water, by virtue of a renunciation thereof by Walter Donnaldsone, portioner of Robracetoune, dated at Glasgow 7 June 1679, and of a heritable disposition thereof by Malcolm Fleming,¹ burgess of Kirkintilloch, dated at Glasgow 31 May 1680, and was made burgess and freeman, promising to watch ward, etc., 'And sall not hyde nothing tending to the hurt of the said Burghe'.]

(107) [Andrew Dollore was served heir to his deceased father, Andrew Dollore, weaver and portioner of Kirkin-tilloch, in his acre of land, with houses and yard, on the east side of Luggie water, to the south of the way in Kirkintilloch.]

[7 June 1681; Bailies as before; Assize: Johne Dollore, James Findlay, William Muire, Johne Muire, George Stirling; Johne Wolsone, William Booke, Johne Smyth, Robert Wilsone, Andrew Achesone.]

The Baillies decernes and ordains David Calder in Inchbreke² burges of Kirkintilloch to pay fourtie shilling Scots money to the Baillies within terme of law for not keeping the Court that day ane appoyntment wes made for ryding to my Lords buriall.

Also William Findlay is ordained to paye fourtie shilling Scots money for deforceing of the officer and rying the poynd from Johne Conyburgh officer.

¹ For Donnaldsone's acquisition of this mailing from Fleming in 1666, see *supra*, pp. 11-12.

² Inchbreck lies just beyond the Kelvin, nearly a mile NE. of Kirkin-tilloch.

Also ane decreit wes past at Andrew Achesones instance for nyne pounds Scots money of house maille owing be James Lyndsay to Johne Morsoune from Beltan 1680 to Beltan 1681 for Johne Morsones house, with 7s. Scots of expensses of plea.

(108) [21 June 1681; Bailies as before; Assize: Maister James Fleming, William Baillie, James Dalrymple, Johne Dolloure, James Findlay; George Stirling, David Dalrymple, Robert Wilsoune, James Conyburghe.]

Robert Wilsoune for himselff and his daughters and Agnes Allan his tennant is ordained to live in peace in all tyme comeing with uther, aither be words or deids, under the pennaltie of fyve pounds Scots money to be payed be the pairtie first breker to the Baillies. Subscriyved be the pairties [etc.]. Robert Wilsoune comes and submitts himselff to the Baillies will present for any thing they finde him faultie against Agnes Allan provine this day. Margart Robisone is inactit in 40s. for calling Agnes Allan a liar in presence of the . . .¹

[26 July 1681; Bailies as before; Assize: Maister James Fleming, Johne Dolloure, Walter Bull, William Baillie, James Findlay; Andrew Achesone, Robert Wilsoune, James Bull, Johne Andirsoune; David Calder, David Dalrymple, James Henrie, William Hendrie.]

David Dalrymple refferred all the mater of debate quhither William Scot promised to paye William Baillie of Oxgang for Davids infeftment, quhilk wes tuo merkes Scots money, that William Scot held from David for William Baillies satisfactioun out of Davids anellrent. William Scot lauffullie admittit, solemplic deponned that he nevir

¹ Unfinished item.

promised to paye William Baillie of Oxfang at all. Whair-upon William Scot is . . .¹

The Baillies ordaines all the hens and pultrie to be crued and keipit out of the skayth under all paine of satisfacione and the foulls to be slaine and givine to the pairties that findeth them in the skayth. Fortie shilling of pennaltie.

Also ordaineth all foalls, calves and all uther sorts of beasts to be teddirit and keipit out of all skaith both night and day under the pennaltie of fortie shilling Scots money and to be poyndit presentlie, with foure shilling Scots to the officer, ay instantlie poyndit when found and sein in the fault.

(109) [Tuesday, 27 September 1681 ; Bailies as before ; Assize : Maister James Fleming, James Dalrymple, David Dalrymple, George Stirling ; Robert Wilsone, Johne Wilsone, James Findlay, Johne Andirsoune.]

Severall complaints wes givine in for eathing and sheireing of uther mens grasse and eiting of thaire corne and against Johne Robisone for corne alledgit tane from William Robiesone out of his stake be Johne Robisone and Jonet Macfarlan his wife.

Agnes Allan is decerned to paye . . .² of fyne for eating of uther mens grasse and ordaines Agnes Allan to paye . . .² for eating of Johne Guddings beare pryzed to . . .²

Jonet Ranking is ordained to paye . . .² Scots to the Baillies for sheiring uther mens grass.

William Robiesone complained and declaired that he left his corne stake whole in his stakeyaird of Johne Morsouns and non living neare it bot Johne Robiesonne and his wife Jonet McFarlan and when William Robiesonne come againe about tuo hours tyme and found Johne Robiesonne and his wife their, William Robiesonne found his corne stake drawne, many shaves out of it, sightit instantlie at William Robiesons returning be Johne Burnesyde, James Burnesyde

¹ Unfinished item.

² Sums of money left blank.

and Johne Conyburghe. Johne Robiesonne called, confessed that ther wes none thaire bot himselff and Jonet McFarlan his wife in that stakeyaird whaire William Robiesonns stake wes in the twa hours of William Robiesonns absence, that the corne stake wes drawne and that it wes sightit presentlie when William Robiesonne come bake be Johne and James Burnsyds and Johne Conyburghe and on this Court day sightit agayne be the forsaid first sighters with tuo uther new sighters, viz. George Stirling and David Dalrymple, who all with on consent hes sightit, sein and testified that that corne stake hath certainlie bein drawne in many severall pairts since the staking and Johne Robiesons owne acknowledgment that thaire wes none in that stake yaird bot himselff and Jonet McFarlan his wife.

Thairfor the Baillies with the innanymous vote of Court judges Johne Robiesonne and his wife Jonet McFarlan guiltie of this corne stake drawing. And ordaineth him to remove furth of Kirkintilloch with wife and bairnes and all that he hath agayne Mertimes first in anno J^m vj^c fourescore and on yeirs wnder the pennaltie of . . .¹ And whosoever gives him house and harberie within Kirkintilloch thaireftir sall paye . . .¹ Scots money of fyne to the Baillies of Kirkintilloch. And that by and attoure Johne Robiesonns removeall out of Kirkintilloche and satisfactiōe of the skayth to all persones found prejudiced and wrongit be him within terme of law. This is subscriyved be the said Johne Robiesonne himselffe and the Baillies and Burgesses following in presence of the Court and Johne Robiesonne is ordained to paye twentie shilling of house maille to James Hendrie notare within terme of law and all debts owing be him to uther persons befor his removeing [etc.]. [Subscribed.]

(110) [14 October 1681; Bailies as before; Assize: Maister James Fleming, James Dalrymple, George Stirling, James Findlay, William Booge; Johne Dollore, David Dalrymple, Robert Wilsoune, Johne Smyth;

¹ Sums of money left blank.

James Conyburghe, Johne Conyburghe, Andrew Achesone, William Hendrie East syde, Johne Andirsoune.]

It is vottit be the publict consent of all the Burgesses and Tounsmen present that the rolle of stallingers¹ sall paye conforme to the particullar stint rolle new layde on for payment of present expensses owing for trouppers and dragouns expensses and quartering of souldcours since the fair of Glasgow last.

On decreit wes past at Patrik Fleming instance against Johne Hendrie for an pecke of corne eitin be Johne Hendries horse pryzed *apud acta* be Johne Gudding, James Conyburgh and Johne Starke.

[20 October 1681; Bailies as before; Assize: Maister James Fleming, Robert Burns, Johne Calder, David Calder, William Henrie Eist syde; James Findlay, Johne Dollore, David Dalrymple, Thomas Calder, William Muire; Andrew Stirling, Andrew Achesone, Robert Wilsoune, Walter Bull, James Henrie Inchsteiff.]

James Findlay, burges of Kirkintilloch, late Baillie of Kirkintilloch, be thir presents inacts himselff and binds and oblidgeh himselff to fulfill obey and performe for paying whatsumevir rests and remains be him unpaid of the last yeare 1680 resting be William Baillie and him, as Robert Burnes shall finde just and right, chosine for that effect as judge thairin.

And Johne Gudding and Robert Dollore oblidgeh themselves to make up what remains unpaid thairof off James Grayes money, as Johne Calder and the said Robert Burnes sall finde right and just, under the paine of twentie pounds Scots money of liquidate pennaltie to be payed be the pairtie failyieare. [Subscribed.]

James Hill hath takine the peks customes for fiftie aught pounds sex shilling aught pennies Scots, and the pettie customes with the foure small faires customs for fiftie

¹ The stall-holders in the burgh market.

merkes Scots money, for quhiche James Hill gives his band and cautionrie for the yeare to come to this tyme twell moneth.

The haille Court hath inanimouslie vottit and chosine George Stirling, for the west syde, and Thomas Calder, portioner of Garngaber, to be Baillies of Kirkintilloche fra this tyme to this tyme twell moneth.

Johne Gudding and Robert Dollore Baillies tooke ane act of Court that they hade servit thair bypast yeare of bailyearie and that uther tuo men wes newlie chosine to be Baillies for the first comeing yeare fra this tyme to this tyme twell moneth.

The Court hath chosine David Dalrymple and Johne Dollore burgesses to be quartermaisters for Kirkintilloch to this tyme twell moneth.

(111) [18 April 1682; Bailies, George Stirling and Thomas Calder; Assize: Maister James Fleming, William Baillie of Oxgang, James Dalrymple, James Findlay, John Smyth; James Henrie, Robert Wilsoune, Johne Wilsoune, William Scot, William Muire; Johne Dollore, Johne Gudding, Johne Muire, William Henrie, David Dalrymple.]

[Johne Conyburghe, eldest son of umwhile Johne Conyburghe, late bailie, and grandson of umwhile Malcome Conyburghe, was served heir to his grandfather in his half Newland mailing and his half-acre of Wester Croftland, on the west side of Luggie water, bounded by the Peill lands of Kirkintilloch on the west, by John Morson's lands on the south and west, by Andrew Fleming's yard, barn and head-room on the north, and by the Churchgat highway on the east; and that because search had not shown his deceased father ever to have been entered thereto, as law requires.]

David Dalrymple complained upon eatin corne in the Banke aiker. Allexander Baxster being called accused for eating of that corne pryzed in the Bank aiker to 4 peks, Allexander Baxster lauffullie admitit and reffered to his oath, deponned that he hade not eittin non of that corne

be non of his beasts to his knowledge upon his solenn oath. Thairfor the said Baillie did assolye and frie Allexander Baxster from all payment of that corne since David Dalrymple boght it from David Calder.

The Court innanymouslie choosed Allexander Baxster to be visitore to the meill merccat without neglecting or bribing or wronging any persone to his knowledge. The Baillie George Stirling is ordained to be oversieare untill Michaelmes first. Allexander Baxster gave his oath for to be faithfull in that bussines.

(112) The Baillie decerns decreit at the instance of Marion Stirling, dochter laufull to Robert Stirling in Balquhirrage for sex ells of drogett pryzed be ane ell that wes produced be the said woman to 8s. the ell.

[23 May 1682 ; Bailies as before ; Assize : Maister James Fleming, Johne Calder, James Dalrymple, James Findlay, Johne Dollore, James Henrie in Inchsteiffe ; James Findlay, Johne Gudding, Walter Bull, William Scot, Johne Smyth ; David Dalrymple, David Muire, James Conyburghe, Robert Young, Walter Baillie, James Lyndsay.]

[Jean Mayne, daughter of umwhile William Mayne and spouse of William Gray, having produced a heritable disposition of William Scot's houses, barns and four arable acres of Croftland, dated at Kirkintilloch 8 November 1675, and sasine of the same date, registered on 14 December 1675 at the 123rd leaf of the book of the new general register by Mr. James Smollett, clerk and keeper of the register at Dumbarton, and her contract of marriage, dated at Glasgow 4 October 1681, was with her husband served heir to her father and ordained to be infest and seised in these properties. Subscribed, etc.]

(113) [6 June 1682 ; George Stirling, one of the Bailies ; Assize : Maister James Fleming, William Baillie, James Dalrymple, David Calder, James Winchestir, Johne

Gudding ; James Henrie, Johne Muire, Johne Broune, James Conyburghe, Thomas Ranking ; Johne Andirsone, Robert Wilsone, Johne Wilsone, Robert Forsyth, Andrew Stirling.]

The heretors and possessors of the Bogheid thrie maillings binds themselves heirin to subscribe a submissione and arbitrall decreit for dividing and cavilling of their undealt ground in the Bogheid at ten dayes nixt after the date heiroff under the paine of on hundreth poundes of Scots money. The Baillies is to choose sex men within that submissione. The land that the lettir of coutche hes not dealt alreadie. William Baillie, Maister James Fleming, Johne Gudding, William Scot, James Findlay and Johne Dollore. On Mononday first. [Subscribed.]

David Calder is decerned in a fyne of fyve pounds Scots money for his not compeiring at the Whitsondayes Court and abuseing of the mairches and miscalling of the men that settis the mairches.

James Findlay gave in his supplicatione to be entrit and made burges of that Newland mailling conquessid be him from James Dalrymple conforme to the rights and writs thairoff. James Findlay is declaired to be burges of that mailling conquessid be him from James Dalrymple. And declares James Findlay to pay the officer and be frie from the rest in respect the last tyme he wes Baillie he wes at much expensses and losse at Glasgow and uther pairts for service to the Toune and the tyme of the customes setting. James Findlay gave his solempne oath of fidelitie and must have his burges act at more lenth for his owne payment to the Toune and the Clerke accordinglie.

[20 October 1682 ; Bailies, George Stirling and Thomas Calder ; Assize : Maister James Fleming, James Findlay, William Henrie, Johne Dollore, Walter Bull ; William Muire, Johne Muire, William Scot, Robert Wilsone, Johne Wilsone ; Robert Dollore, Robert Dollore, James Henrie in Inchsteiffe, Johne Smyth, William Booge, Andrew Achesone.]

Ane debate betuixt Johne Calder and William Muire annent their mairches on Luggie watersyde.¹ It is ordained that [foure men] with the tua Baillies be takine to sight the samyne and marche the samen, Johne Calder chooses James Findlay and Johne Andersone, William Mure chooses Johne Dollore and Andrew Achesone, to meitt the morrow in the morning.

It is vottit that George Stirling and Robert Dollore elder sall exerce the office of magistracie for the yeare of God J^m vj^c fourscore and thrie yeares.

(114) Baillies ordaines William Henrie to choose tuo men and James Bull to choose uther tuo men to decyde that debate betuixt James Bull and William Henrie. Baillies decernes James Bull in a fyne of fyve pounds Scots for the wrong done of teilling away William Henries sowne beir land from end to end of a rige sein be the Baillies.

The pekes be themselves and the pettie customes and the foure small faires is ropit. James Hill hath tane the pekes and sall paye ane hundreth and fourtie merkes Scots money for them the next yeare and sall give a band and cautionrie thairfor. And Allexander Baxster hath tane the pettie customes and foure small faires for fiftie merkes Scots money and sall give band thairfor.

[21 October 1682; George Stirling, one of the Bailies; Burgesses present and subscribing: Maister James Fleming, William Baillie of Oxfang, Robert Burnes, Johne Calder, James Findlay, John Dollor, William Scott, John Guddine.]

Annent ane publict requyreing of David Dalrymple to produce his dischairge of his burges fyne for his halff mailling and his burges act thairoff which he refused to present or showe. Thairfor it is statute and ordained be the said Baillie and Burgesses that the said David Dalrymple is to have no libertie nor priviledge of a burges within the

¹ Waterside, on the right bank of the Luggie, lies about 1½ miles ESE. of Kirkintilloch.

said Toune and sall nevir have in tyme comeing any publict trust or power within the said Toune. It is also statute and ordainit that the said David Dalrymples whole rents and maills and duties to be arreistit ay and whille he paye the Earle of Wigtoune his entrie money, and the Touns entrie money, and also sall make satisfacione to the Toune of his illegall proceeding against the Toune.

[5 December 1682; no reference to Bailies or Assize.]

At ane publict meitting ane decreit wes decernit against all the fewars and possessors of the fyve pound land of Kirkintilloch for payment of all teyndis, duties, viccarrages and maills payable ordinaire and dew yearlie to be payed to be payed¹ this yeare for my Lords use and the Tounes within fyftine dayes nixt after the date heiroff under the paine of poynding.

(115) [23 October 1683; Bailies, George Stirling and Robert Dollore; Assize: Maister James Fleming, William Baillie, Johne Calder, James Findlay; David Calder, Thomas Calder, John Dollore, Robert Dollore, Walter Bull.]

The haille Burgesses present innanimouslie vottit Georg Stirling and Robert Dollore to continue in the office and place of magistracie and Bailies of this Burghe of Kirkintilloch unto this tyme twell moneth.

Ane publict offer wes made of the Toune customes of Kirkintilloch to all persones. The cheiffest offer hath them this yeare quhilk is made be Robert Burns of thriescore and one pounds for the pekes and fiftie and tuo merkes of currant Scots money for the petti customs and foure small fairs, for quhilk the said Robert Burns is content that James Hill give his band and cautionrie thairfor to the Baillies.

Baillies ordaines William Scot on the west syde and Johne

¹ *Sic.*

Dollore on the east syde to assist the officer to gather in Robert Youngs salari quhilk is 2s. on everi familie in the rolle.

[17 March 1684; Bailies as before; Burgesses present and subscribing: Johne Cuneyburghe; David Dalrymple, William Muire, William Scott, William Book, Johne Smyth, John Gudine; Maister James Fleming, James Findlay.]¹

The Baillies and rest of the Burges of Kirkintilloch hes admittit and be thir presents admittis James Currie, nottar publict in Castelcarie, to be Clerke in the said Toune of Kirkintilloch in tyme coming during the dayes of his lyftyme and continuing in his office of nottarie. [Oath and subscriptions.]

(116) [Town Court, 14 July 1684, held by Georg Stirling and Robert Dollour, Bailies, and the rest of the town council; Court fenced and affirmed.]

[Andrew Achisoune, portioner of Kirkintilloch, as cautioner for Johne Morsoune, also a portioner, 'who went abroad ane certan space bygane' and owed certain debts, pursued Morsoune's three tenants for relief of his cautionry. The bailies and town council decerned John Starke and Andrew Harvie to pay Achisoune 20 merks equally between them for the crop of 1683, and William Adam, flesher, to pay other 20 merks, and all three to continue in thankful payment each year during their tenancies and until Morsoune's return and the relief of Achisoune from his cautionry. The officer was ordained to arrest the mails and duties at Achisoune's instance, and the tenants promised to make payment. Instruments asked.]

(117) The Baillies and Inquist decernes and ordaines the haill burgesses, heritouris, tennants and cottouris within the fyve pund land of Kirkintilloch to weide and make

¹ From this entry onwards the manuscript is written by a different hand.

their lands sufficientlie clean and frede of goold if it be posible to be wade and that betuixt and Lambas nixt under the payne of fyve pundis Scotts and to hold their lands fred theirow in all tyme coming under the payne forsaid to be peyit to the Baillies each persone fund guiltie. And also inhibits and discharges all and sindre the forsaid persones that they nor non of them sufer foules to goe louse unsecurit, calle furth nor sufer horse, nolt nor calves to goe upon their neiburis skeath and prejudice under the payne of fyve pundis money forsaid *toties quoties*. And lykewayes inhibitis all and sundrie the forsaid persones for themselves and as being anserable for their wholle families or persones haunted with them from breaking or prejudging of yeards and orchards that lyes in the said Toune or to gader beir away or intrude upon their neighboures piess or peittes, shier pow or maw their nibures gresse, hayned or not hayned, nor buying of grese from Heilline Dalrump or anie vther persone within the Toune who hes not nor poseses naither grese nor land, under the payne of tene pundis money forsaid for the said yeards and orchards and fyve pund for the rest of the articles abovewrytine, to be peyit to the Baillies by and attour repairatioune and payment to the parties skeathed. As also ordaines Boigsyde, John Paull, James Frieland and James Burnsyde ilke ane of them to put to ane man and to weide and make that mealling sufficientlie cleane of goold against Lambas nixt under the payne of fyve pundis money forsaid each of them in caice of failyie.

(118) [28 July 1684; Bailies, Georg Stirling and Robert Dollour, and the rest of the Town Council and Inquest.]

The said Baillies and Inquist decernes and ordaines James Hill in Breaheid to make payment to James Findley of Boigsyde of the soume of sixe pundis Scotts and that for the pryce of ane foalle bought and receavit be him from the said compliner about tuo yeire since or thereby. In respect that the said James Findley for proving of his lybell

referrit the same to the said James Hill his oath of verratie and he deferit it back again to the said compliner and he gave his oath of verratie afirmative to his lybell, theirfor the Baillies and Inquist decernes in maner forsaid.

Decernes the haill heritouris, burgesses and tennants conforme to ane list of their names ilke ane of them in tuentie shilling Scotts for contamacie and ordaines the oficer to paynd theirfor as acords of the law.

[4 August 1684 ; Bailies, Town Council and Inquest as before.]

In the actioun perseuit be Alexander Winyit, talyier in Kirkintilloch, against Jonnet Kinhead, relict of vmquhile Robert Plean their, for ane house takine be hir from him betuixt Witsonday 1683 and Witsonday last. And the said parties both compeiring. And the perseuer requyring of hir whider or not shoe was posesor of his house the said tyme. And in respect the Court befor holdine Patrick Gevan talyier in the said Toune being summond and callit at hir instance to that efect and taking up of ane double of the lybell to anser to this day and efter tryall and consideratione be the Baillies and Inquist. And it being made out be the said Jonnet that the said Patrick was reall posesor of the said house and yeard as is lybilit and causit ane of the Baillies ane certain tyme befor to make him ane key to the said house dore quhich he hes yet in his custodie. And theirfor sieing the said Patrick is found to be reall posesor of the said house and keallyeard, they decerne and (119) ordaine him to make payment to the said Alexander Wenyit of the soume of four merke Scotts of the mealle of the said house and yeard as principall with sixe shilling eight pennies money forsaid of expensses of pley within terme of law acording to justice.

In the actioun perseuit be Patrick Gevan, tailier in Kirkintilloch, against Margaret Robertsoune, servitur to John Burnsyde talyier their, for leying of the said John Burnsyds lint in his peitt holl contrair the actis of court made theiranent and for scandilizing and abusing the said

Patrick and his wyfe both to their face and behind their backes. Compierd both perseuer and defender and defender requyred that the said perseuer should inact himself by finding cautione to make out his lybell against hir and to insist hier in perseuing of his proces and befor no vther judicaturis quhich he refused to doe. And then the defender requyred of the Baillies and Inquist that the said perseuer sould insist in his proces vtherwayes to be absolved from the poynts of his cleam in all tyme coming. Thairupon the said Baillies and Inquist efter requyrie of the said perseuer to doe the same and upon his negative thairto, they have absolved and asulyied and be thir presentis asulyies the said Margaret Robertsoune from the poynts of the said lybell in all tyme coming. [Instruments and act of court asked and taken.]

[31 October 1684; Bailies as before, with rest of town council and burgesses; Assize: Mr. James Fleyming, John Calder, David Dalrump, Thomas Calder, John Gooding; William Scott, Robert Wilsoune, James Henrie, Georg Stirling, Robert Dollour; James Coniburgh, William Boock, Walter Bull, John Andersoune, Robert Forsyth.]

(120) The said Asysa and haill remnent Burgesses of Kirkintilloch conforme to pluralitie of vottes hes voattit and choysen John Gooding in Tounheid and James Findley of Boigsyde to be Baillies in the said Toune wntill this day twelve moneth. [Oaths *de fidei*, etc.]

The haill voatt of Courte decernes Agnes Fleyming, relict of William Baillie of Oxgang, to pey to John Coniburgh oficer his fie for his yeiris service last bypast being betuixt Mertyme 1683 till Mertyme 1684 conforme as the same is modified and agried upon betuixt the Baillies and him.

Creatis and ordaines Alexander Baxter to be visitur in the meill mercat and he is to make just and true acompt to the Baillies when requyred of his intaking, uplifting, exacting and outgiving and depursementis thairanent and

to that effect hes given his oath *de fidei* [etc.]. And ordaines the oficer to asist him.

(121) [4 December 1684; Bailies, John Gooding and James Findley, with the rest of the town council and inquest; Assize: Mr. James Fleyming, John Calder, Georg Stirling, John Coniburgh, Robert Dollour; David Dalrymple, William Scott, James Coniburgh, Robert Dollour, William Boick; Walter Bull, Robert Wilsoune, James Henrie, John Andersoune, John Wilsoune.]

James Bissit is admitted and receaved oficer in the Toune of Kirkintilloch and hes given his oath [etc.].

Inhibits all and sundrie burgesses, heritouris and vtheris within the fyve pund land of Kirkintilloch from setting of housses or giving service or harburie to anie persoune or persones quhatsomever without ane suficent testificat from whence they came wnder the paynes and penulties contind in the actis of parlament and that they shall be anserable for their fidelitie and behavior during their posesioun thairin.

In the actioun persuit be Jonnet Gardiner, relict of vmquhile William Salmound, against Elizabeth Wither-spone for certaine straikes and scandelus language conforme to the lybell and for proving of the factis partis theirof, the said Jonnet Gardiner having sitted Margaret Thomsone, relict of James Hendrie nottar, and James Dollour thair and they being suorne and receavit with consent of both parties and purged of partiall counsell, the said Margaret Thomsoune being suorn deponed that the said Elizabeth in hir house did falle on her and stryke and beat the said Jonnet and reav hir cloathes and fitted hir with hir feitt and heard hir cast ane stone at the dore efter shoe was gone forth. The said James Dollour being suorn deponed that he hard the said Jonnet Gardiner come runing forth crying and said shoe was almost murderd with the said Elizabeth and this is the truth and all they know as they shall anser to God. Theirfor the Bailies and Inquist ordaines the said Elizabeth to lye in waired untill shoe find

catiounne to keepe his Majesties pice and produce ane sufficient testificat from whence shoe cam. And decernes hir to flitt and remove from the housses possest be hir and hir said husband and pertining to the said Margaret Thomson against . . .¹ under the payne of being ejected thairfrae and peying of violent meall.

(122) David Muir couper in Kirkintilloch binds and oblisses him, his aires, executouris and sucessouris for the said Elizabeth Witherspoone that shoe shall keepe the king pice in tyme coming with the said Jonnet Gardiner and that shoe shall produce to the Baillies ane sufficient testificat against Tuesday nixt wnder the payne of fyftie pundis Scotts in caice of failyie. [Subscribed.]

Decernes James Bull elder in Kirkintilloch in ane unlaw of fyve pundis Scotts for his deforcement of James Bissit officer in his drawing ane poynd for the kirk cellene and ordaines him to lye in waird till payment be made thairfor.

[22 January 1685 ; Bailies as before, with the rest of the burgesses and town council.]

Decernes James Dollour to make payment to Robert Wilsoune of the soume of fyftie shilling Scottis as the remaynes of house mealle resting be him to the said Robert preciding Mertymes 1684 yeires last and confesit upon oath. As also to flitt and remove himselff, wyfe, bairnes, servantis female and vtheris from the said houss and landis possest be him and pertining to the said Robert Wilsoune conforme to the use and custome of the said Toune, in respect he was lafulie warnit thairfrae be the officer and lykewayes confest to doe the same himselff *in presentia curiae*.

In the actiounne persuit be Malcom Hendrie against John Kirkland as cationer for Robert Kirkland in Glasgow and that for the soume of twelve pund sixe shilling eight pennies Scottis, quhilk he aledgit the said John to be cationer for, and for proving of his cautionrie James Dollour and Robert Gilespie smith being admitted and solemnlie suorne be

¹ Date left blank in MS.

consent of both parties, the said James Dollour being (123) examined depones that he was in the house of William . . .¹ portioner of the said Toune in companie with the said Malcom Henrie and John and Robert Kirklandis and did heir John Kirkland say give the load of meill to the said Robert Kirkland bot does not remember that he promised to be cationer or debitor thairfor and this is all he knoues and the truth as he shall anser to God.

Robert Gilespie depones *ut supra*.

The Baillies with the vnanimous advyce and consent of the haill Burgesses and inhabitantis in the Toune statutis and ordaines that whoesoever refuses to obey the Baillies and their oficeris or lay staines² upon them and will not asist them when requyred, that they shall be imediatlie pute furth of the Toune if they be not able to pey tene pundis Scottis and to find catioune for performance of the premisses or they be reseavit in again. And these whoe are able to pey the said soume besyde punishment . . .³

[3 March 1685 ; Bailies as before, with the rest of the town council and burgesses.]

Decernes the haill non entries within the said Toune that is dew to the Earle of Wigthouse to make payment thairfor to the Baillies for the efect forsaid within terme of law wnder the payne of poynding.

In the actioun persuit in the last Court be the abov-wryttine Malcom Hendre against the said John Kirland, the Baillies takes the sentance passing to farder advisment bot onlie ordaines the said John Kirkland to goe in to Glasgo and bring out the said Robert Kirkland and sie gif he will take cource with the said Malcom Henrie.

The Baillies nominatis and choyses and ordines John (124) Andesoune and Androw Findley suorn birleymen to passe to the landis of James Hendrie in Inchsteif, David

¹ Surname left blank in MS.

² I.e. stains in the sense of faults, changes or blemishes (cf. modern colloquial 'smear').

³ Unfinished item.

Calder and Robert Dollour, burgesses of Kirkintilloch, callit the Stible Brounhill¹ and eiven the same be quantitie and qualitie betuixt and Saturday nixt and to give in their report to the Baillies thairanent. And to the doing quhairof and sighting and devyding the said land the said James Hendrie, David Calder and Robert Dollour hes enacted and be thir presentis enactis themselves to stand and abyde at what the said men shall determine and that the Baillies hes alreadie determined and to performe the premisses wnder the payne of fyve pundis Scottis to be payit to the Baillies for the Tounis use.

[20 April 1685; Bailies as before, with the town council and remanent burgesses.]

Anent the complent given in be John Burnsyde, talyier in the said Toune, wpon James Frieland, talyier, and Alexander Stinson for keepund wnsuficient yeard dykes to his great losse and damage. Compeired the said perties togidder with Georg Stirling and James Finley burleyemen whom the said compleiner haid caused apryse the said keall and sighted the yeard dykes. And the said burleyemen declairit that throw the said defenderis unsuficient dykes the said compleiner had sustined the losse of 20s. worth of grein keall. And thairfor the said Baillies decernes them to make payment to the said compleiner of the forsaid soume and make their yeard dykes suficient within 15 dayes wnder the payne of 40s. ilke ane of them. And lykewayes the Baillies fynes them ilke ane of them in 5 lib. Scottis for contraveining of the former actis of court made anent wnsuficient dykes and to lye in waird till peyment.

In the actioun persued be Malcom Henrie against John Kirkland tuo severall Courtis preciding, the Baillies upon deliberatioun and depositions of witnesses decernes him to make payment to the said compleiner of twelve pundis Scottis for ane lead of meill as cationer for Robert Kirkland in Glasgow within terme of law under the payne of poynding.

¹ Stubble Broomhill is just beyond Hillhead, and about $\frac{1}{2}$ mile E. of Kirkintilloch.

Marion Graham cam in the Baillies will for stryking of James Kinkeads sone.

(125) [13 November 1685 ; Bailies as before, with the rest of the burgesses and town council ; Assize : Robert Burnes, David Drimble, Walter Bull, Georg Stirling, John Coniburgh ; James Findley, Robert Watsoune, John Wilsoune, Robert Dollour younger, Robert Dollour elder ; John Gooding, Andrew Stirling, James Coniburgh, William Scott, Thomas Calder.]

In the actioun persuit be Robert Dollour and Georg Stirling, leat Baillies, for coall and candle furnished to Livtennant Livingstoune¹ and for ane fyne for not keeping the Earle of Wigtounes faires and courts and it being vottit is decerned to be payit up to them the soume of threttine pund Scottis money with the first stent and Thomas Calder 18 shilling of the first end of it.

Ordaines David Drimble to be payit of the soume of threttie shilling Scottis for his going to Dumbartane with the Cesse and bring the colector from Rosdoe² with the first stent.

It is statut and ordained be the Baillies and Toune Counsell that the customes of the said Toune conforme to the ordure and tacke sett be the Earle of Wigtoune to the said Toune of the daitt the . . . day of . . .³ J^m vj^c siventie eight and they by the power given by the said noble Earle to them of the raittis of the said customes at the granting of the said tacke does hierby statut and ordaine and publish the reatis of the comodaties wnderwritine and that all the inhabitantis of the said Toune who are not burgesses shall be lyable to pay the custome in maner underwrytine, also weill as strangeris, both upon fair mercat and weicklie

¹ For the activities, this year and next, of Lieutenant John Livingstone and his dragoons against the western Covenanters, see *RPC*, 3rd ser., x, pp. xxvi, 205 ; xii, pp. 189, 207, 323.

² Rosdhu, on the W. shore of Loch Lomond, is 1 mile S. of Luss. For the stent (£288,000 Scots payable at each of four terms), see *APS*, viii, 463, c. 12.

³ Blanks in MS.

dayes and the transgresseris to be fyned in the soume of twentie shilling Scotts *toties quoties*.

Imprimis each seck of meill tuell penneys

Item upsettis sixe penneys

Item each stone of chies eight penneys for custom and mercat

Item each stone of tallone twelve penneys

Item each rug hyde twelve penneys

Item ilke lead of salt twelve pennys

Item ilke lining webe twelve pennys

Item ilke load of firre sixe pennies

Item ilke crue¹ four penneys

Item ilke creel four pennys

Ilke spynell of yearn tuo pennys

Item ilke chapman four pennys

Item ilke stone of lint four shilling weighing [*sic*]

Item ilke stand of shoes sixe pennys

Item burdine and stand of viveris four pennys

Ilke lead of pigis four pennys

(126) Item ilke lead of herring four pennys

Item for ilke horse at the incoming twelve pennys

If sold twelve pennys

Item ilke kow or oxe twelve pennys coming in and also mutch going oute sold

Item ilke seck of lintseid twelve pennys

Item ilke stone of lint for custome twelve d.

Item ilke mutton bouck² four pennys

Item ilke huthron³ eight pennys

Item ilk carcas beif 12d.

Item ilk rug hyd 12d.

Ilke hern⁴ web 8d.

Ilke web of wolline 12d.

In ane frie offer of the peckes and pettie customes, viz. four small faires and mercatis, and ane halfe hour glass being sett up theire was severall offeris and roapes thair of

¹ Crate or wicker container ; cf. *supra*, p. 63, note 2.

² Carcase.

³ Huthron, hutherin—a young heifer (Jamieson).

⁴ Harden, coarse flax cloth.

and last of all and at the verrie cloase and runing out of the glasse their was offered be Robert Burnes fyftie eight pund Scottis for the peckes and he is content that James Hill have the same and he oferis to give in his band as catiouner for him. And be David Drumple for the pettie customes four small faires in with the same the soume of fyftie ane merkes Scottis and offeris to give in his band and catione for the same to the Baillies and Toune and the quhich the Baillies acceptit and ordaind them to find catioune for that efect.

Ordaines all discharges or renunciatiounes of burgess lands to be regerat be the Clerk for authenticatioun within the Toun but prejudice to publict registeris.

Be the heall wnanimous advyce and vote of Court by plouraltie of vottis hes continued the said James Findley and John Gooding Baillies in the said Toune wntill this tyme twelve moneth and for that efect they have given their oath [etc.].

(127) [23 November 1685 ; Bailies as before, with the rest of the burgesses and town council.]

The Baillies and Counsell hes admittit and be thir presentis admittis Alexander Stivensoune officer till this tyme twelve moneth and he hes given his oath [etc.].

Continues Alexander Baxtir visitur in maner as he was admitted the last yeire and hes given his oath [etc.].

[22 December 1685 ; Bailies as before, with the rest of the town council and burgesses.]

In the actione persuit be John Stiven against Isobell Hendrie, spouse to John Stiven wricht, for saying the said John Stiven had stolne hir henes and put them in hir pot. And the said persuer having adused David Muir, John Young and Heilline Bartoune witnesses for proving thair of and the said David Muir about the age of 50 yeires married being suorne deponned that he was in his oun wark house and that he hard the said Isobell Hendrie makeing a great

clamur and cursing bot knew not what shoe sayd and heard hir say shoe wanted a hen bot hard hir not say who haid the hen.

The said John Young married about the age of 40 yeires or thairby being suorne deponned that he hard the said Isobell Hendrie flyting and cursing and saying, Divell be in the deponeris neist neighboures bellie that had hir hen in thair pot that shoe should payit¹ the rent with, bot heard not hir name no persoune and the deponner said he had maney neighboures.

The said Heilline Bartoune married deponned that shoe was in the house of James Lindsey and hard the said Isobell spier at the persueris wyfe gif hir hen was in hir pot and shoe denyed and shoe replied shoe was ather their in some vther bodies pot and this is all shoe knoues.

(128) The Baillies ordaines the persuer to adusse the rest of their witnesses for proving of their lybell the nixt Court peremptor.

Decernes John Lapslie to pey to William Gray merchant in Glasgow tuo pundis eightine shilling Scottis for lintseid upon his oun proper confessioun in Court.

[9 February 1686; Bailies as before, with the remanent burgesses.]

In the actioun persuit against James Hendre in Inchsteif, burgess in Kirkintilloch, be the remnent burgesses in the Eist syde thair for breaking ane areistment lafulie laid on, decernes him in the sowme of tene pund Scottis gif he cannot against the nixt Court approve the same was not lafulie done. And as for the debeat of the ground and causses thair of in Hillheid, continues and referris it to the Earle of Wigtoune Court and determinatioun thair of and their to produce his rightis for making the same apier to be his oun.

Decernes Heilline Birnet for 13s. 4d. for pies and meill dew to John Hendrie.

¹ *Sic* in MS.

Decernes James Lindsey of 1 lib. 2s. conforme to his oun confessione and asulyies him from the rest of the bill.

(129) [31 August 1686 ; Bailies as before, with the remanent town council and burgesses ; Assize : James Findley, John Gooding, Georg Stirling, James Hendrie, William Scott, David Drumple ; Robert Dollour, John Paull, John Cuniburgh, Robert Dollour younger, John Muir ; Androw Aikisone, Androw Stirling, William Boik, James Cuniburgh, Robert Dollour in Hill.]

[Robert Wilsone, son of umwhile William Wilsone, weaver in Kirkintilloch, was served heir to his father's (130) eldest brother, umwhile John Wilsone, burgess of Kirkintilloch, in his half Newland mailing ; his uncle, Robert Wilsone, merchant burgess of Kirkintilloch,¹ there-upon produced his nephew's heritable disposition of that half mailing, in favour of himself, dated at Glasgow 25 August 1686, was entered to it, was made burgess and freeman, gave his oath, etc.]

(131) [9 November 1686 ; Bailies as before ; Assize : Robert Burnes, David Drumple, Walter Bulle, John Paulle, David Calder ; John Cuniburgh, James Cuniburgh, Robert Watsone, Robert Dollour, John Andersone ; John Calder, Andrew Stirling, William Hendrie, William Boicke, Robert Dollour in Hill.]

[John Paull, only son of John Paull, weaver in Kirkintilloch, was entered to a burgess's half mailing on the west side of Luggie water, which had been made over to him by James Findley, burgess of the town, by heritable disposition dated 21 October 1685, and was admitted as burgess and freeman, giving his oath, etc.]

(132) Ane frie roape and offer of the customes of the peckes and pettie customes of mercatis and four small faires and ane sand glass being sett upe and severall oferes thairof

¹ For his acquisition of a half mailing from his eldest brother, John Wolsone, in 1673, see *supra*, p. 53.

being maide and last of all and at the verrie cloase and rining out of the glass offered be Robert Burnes thrie scoir ane pund tene shilling Scottis for the peckes and fyftie merkes money forsaid for the said pettie customes and he is content that James Hill have the said customes and is to give in his band as cationer for him.

[13 November 1686 ; Bailies as before.]

In the actione persuit against James Hendrie, Malcome Hendrie, Alexander Baxtir, William Findley for casting of fealle of the Comontie¹ of Kirkintilloch and bulding a dyke thairof on the Maynes grund belonging to the Earle of Wigtone at the backe of their owne housses and yeards. Compiered the said persones and confessit the same. And thairfor the Baillies ordines them to remove the said dyke betuixt and the first day of Apryll 1687 wnder the payne of One Hundred pund Scottis and for more securatie [they have subscribed, etc.].

In consideratioun hierof the Baillies amerciatis the foirnamit persones ilke ane of them in the sowme of . . .² pundis Scottis and to lye in waird till payment.

(133) [24 November 1686 ; Bailies as before.]

Decernes John Stiven smith to make payment to John Burnsyde wiver of the sowme of tuentie sixe shilling Scottis upon his not compierance being lafulie wairned and this the last dyat.

[Jonnet Donaldsone, spouse to William Hendrie in Brigend of Kirkintilloch,³ compeared without her husband, and ratified their heritable disposition of a house, yard and rood of land to Elisabeth Russall, spouse to Thomas

¹ Both Eastermains and Westermains are mentioned in the charter of 1670 ; see Watson, *Kirkintilloch Town and Parish*, 151, 152, 155. The Comonty must have adjoined these lands ; i.e. it lay close to the town.

² Sum left blank in MS.

³ I.e. the 'Eastside' of the town, and to be distinguished from both Brigend of Oxfang higher up the Luggie and Brigend of Inchbelly, across the Kelvin to the NE.

Whytlaw in Duntiblae,¹ to their heirs and, failing them, to Elisabeth's own heirs, declaring that she acted from her own free will and without compulsion, and renouncing any right of liferent, terce, conjunct fee or other interest in the property.]

(134) [13 December 1687; Bailies as before, with the town council and remanent burgesses; Assize: David Drumble, Robert Dollour, Robert Dollour younger, John Coneyburgh, John Morson; James Coneyburgh, Walter Bull, Georg Stirling, John Paull, William Scott; Robert Wilson, John Anderson, James Hendrie, Maister James Fleyming.]

[Walter Baillie was entered to a Newland mailing on the west side of Luggie water, with two tenements and an acre of land at the Tounhead (presently possessed by William Renkine and others), all sold to him by Androw Stirling, portioner in Easter Calder,² conform to a heritable disposition thereof dated 5 December 1687, in favour of Walter and his spouse, Lillias Flemyng, and the longer liver of them, in liferent, and to William Baillie, their son, and his heirs; and was made burgess and freeman, giving his oath, etc.]

(135) [29 January 1689; Bailies as before, with the town council and remanent burgesses.]

The Baillies having cleared all compts anent their intromissiones with the Tounes goods and stents and particularlie anent the stentt for the ryding and bying and mounting horse and armes thairto conforme to the proclamatioune for the same and it is found they have made just compt, reckning and payment of the same be the

¹ Duntiblae lies on the Luggie above Oxcang, and a little over a mile ESE. of Kirkintilloch. For the Earl of Wigtown's mill of Duntiblae, see Watson, *op. cit.*, 107, 158 *et seq.*, and Johnston, *Old Kirkintilloch*, 35-6.

² Easter Calder (i.e. the Lanarkshire Cadder, not the Midlothian Calder) lay only 2½ miles WSW. of Kirkintilloch. It was separated from Boghead by a bog adjoining the Park burn: see Watson, *op. cit.*, 152.

particular accompts thair of and quhair of the said Counsell and Burgesses hes accepted. [Subscribed.]

(136) [24 May 1689 ; Bailies as before, with the town council and remanent burgesses ; Assize : John Calder, Robert Dollour elder, Robert Wilson, John Paull, John Coneyburgh ; Walter Baillie, Robert Dollour younger, David Drumple, Thomas Renkine, Robert Forsyth ; William Scott, John Smith, Georg Stirling, John Coneyburgh, David Calder.]

[Malcom Fleyming, son of John Fleyming of Carderrock, was entered to a Newland mailing conveyed to him by heritable disposition, dated 15 May 1689 and granted by Georg Ralstoune, gardener in Glasgow, his spouse Margret Fleyming, Isobell Winchester, heir to umwhile James Winchester, stationer in Glasgow, and her mother Agnes Fleyming, with the consent of several others who had rights by wadset or otherwise, and was made burgess and freeman, giving his oath, etc.]

(137) It is statut and ordaind be the Baillies, Counsell and Burgesses of this Burgh that no burgesses that shall aither enter as air or as a singular sucessor bot befor they be infest they shall make payment to the Baillies and the Earle of Wigtoune of their fynes and entries and customable dewes quhich is recived and uises to be payit for that effect. And whosoever shall be Baillies is hearby prohibited to infest quhill the same be payit. And this act we ordain to stand in all tyme comming. And that they give no infestment but be the Town Clerk only. [Subscribed.]

[14 November 1689 ; Bailies as before, with ' the haill burgesses of the said toun ' ; Assize : John Calder, David Dalrimple, Malcom Fleyming, Georg Stirling, John Coneyburgh ; David Muir, William Hendrie, Robert Dollour elder, Robert Dollour Hill, Robert Dolloure younger ; John Smyth, Robert Forsyth, John Anderson, James Coneyburgh, John Paull.]

The Baillies and haill Burgesses of the said Toune hes statut and ordaind and be thir presentis statutis and ordaines that their shall be six suorn men choysen within the Toune to be Counsellouris quhilk shall be yearlie aither continued or rechoysen with the Baillies. And that the Baillies shall naither impose stents on the Toune nor uplifte aney of the Tounes publict goods without consent of the (138) said suorn men Counsellouris forsaid. And that they shall not doe aney thing aither of putting or ontaking debt or money on the Toune without consent of the said Counsell. And whosoever does in the contrair hearof in tyme coming without consent as said is if they be imposing stents or taking on money or aney thing that shall come to the prejudice or loss of the Toune in that caise they shall be lyable for and pay the same themselves oute of their oune purses. And if it be reciving money in that is of the Tounes goods without consent as said is they shall be lyable to the Toune in the double of what they shall suae intromett with and uplift. And furdur may be removit from their office as suspected persones.

Ordaines the suceding Baillies and Counsell to be lyable to collect and uplift the stents already imposed on the Toune and to aplye the same for the uses they are apoynted. At least give their full pouer and concurrence.

Be plurality of votts John Smith is nominat and choysen Baillie for the wast syde of the watter of Luggie and Robert Dollour, younger, Baillie in the east side of the watter and to continue Baillies of the Toune conjunctlie and severallie ay and quhill they be dischargit again by wryte quhilk is untill this tyme twelve month. And hes given their oathes [etc.].

In implement of the forsaid statut the said John Smith and Robert Dollour Baillies with the concurrence and consent of the forsaid fyftine burgesses hes nominat and choysen William Book, David Muir and William Hendrie in the east syde and John Gooding, John Coneyburgh elder and Georg Stirling in the wast syde to be Counsellouris for the said year and they are to attend the Baillies and their Courts and give their asistance and concurrence to

them as Counsellouris forsaid. And hes given their oathes [etc.].

(139) [9 December 1689 ; Bailies, John Smith and Robert Dollour, with the town council and burgesses.]

The Baillies and Counsell hes admitted and created and be thir presents admitts and creatts William Bull, younger, portioner of the east side of the watter of Luggie in Kirkintilloch, visitur of the meall mercat of this Burgh in tyme coming ay and quhill he be discharged thairfrae be wrytte and he hes given his oath *de fidei administratione* as afeires and for the which the Baillies gives him full pouer and libertie to amerciat and fyne persones culpable according to their fault, he being comptable to them for the fynes, and ordaines the officer to goe alonges with him and assist him thairin.

The Baillies and Counsell decernes and ordaines the hail herctouris and inhabitants of Kirkintilloch lyable to make payment of the teynd to pay their proportionall pairts theirow to the Baillies conforme to their brooking within fyftine dayes under the payne of poynding. The quhilk teynd is for the cropt and year of God 1689 yearis.

John Gooding lait Baillie being making his compts for his intromissions with the Tounes goods for byganes during the tyme he was Baillie, suae after charge and discharge he hes laid doune on the table to the said Baillies 8 lib. 2s. 8d. Scotts quhilk John Smith hes recived to imploy for the Tounes use and to be anserable for the same.

(140) [28 October 1690 ; Bailies as before.]

The said Baillies, Burgesses and Toune Counsell are content that James Hill keepe the customes of the pecks for a year to come at the former rait of 64 pundis Scotts and ordaines him to give in band and catione for the same. [Instruments and act of court.]

The said Baillies, Burgesses and Toune Counsell are content and hes voted that James Bisset keepe still the

pettie customes, being the mercats and four small faires for a year to come at the former rait. [Caution to be found ; instruments and act of court.]

James Findlay and John Gooding be pluralitie of votts is admitted and created Baillies within this Burgh for ane year to come. [Oaths and subscriptions.]

(141) [2 December 1690 ; Bailies, James Findlay and John Gooding ; Assize : Walter Baillie, Robert Dollour, John Coneyburgh, John Smith, Robert Dollour younger ; John Calder, Malcom Fleyming, Robert Wilson, David Calder, John Coneyburgh younger ; David Dalrumple, Robert Stirling, Georg Stirling, Thomas Renkine, John Andersone.]

[Robert Forsyth in Boghead of Kirkintilloch showed that his son Robert, portioner of Boghead, had died, leaving four children, William, Robert, Margaret and Marion, all minors under fourteen years of age, for whom tutors in law should be given, since their father had left them no tutors testamentary. The children's grandfather now produced a brieve of tutory given by the bailies and executed and endorsed by James Bisset, officer, and witnesses that this (142) had been lawfully done at kirk, market and dwelling-houses of next of kin. No objectors compearing, the bailies, knowing Robert to be apt, able, well qualified and the nearest agnate, admitted him as tutor in law to the children during their pupillarity and until their age of curatory. He found Georg and Robert Stirlings, portioners of Kirkintilloch, as caution and surety for his conduct as tutor and for his rendering a just compt and reckoning of his intromissions at the age of curatory, etc.]

(143) [The said Robert as tutor in law gave in a compt of the debts and possessions, heritable and movable, of his deceased son, now belonging to William Forsyth as heir. After examination, the bailies found that, if the Newland mailing, with privilege of burgess-ship, bought by umwhile Robert Forsyth from umwhile Malcom Fleyming in Carderloch with consent of umwhile Walter Donaldson in

Robreastoun, be not sold before William, the heir, attain his twenty-first year, the debts would exhaust its whole worth; and no other means existed of alimentering the children. They therefore authorised Robert to sell and dispose of that property, in order to defray the debts, and to manage the superplus for the good and behoof of the children—the rights so granted by him to be valid to the purchasers.]

(144) [20 June 1693; Bailies, John Gooding and Robert Dollour, with the rest of the burgesses and town council; Assize: James Findley, Walter Bull, William Hendrie, John Coneyburgh elder, John Coneyburgh younger; John Smith, William Scott, Georg Stirling, Androw Achison, John Paull.]

.¹

(145) [7 July 1694; Bailies as before, with the town council.]

In the dibeatt betuixt William Hendrie and William Hay anent William Hay building ane barn on the grund of the said William Hendrie as he aledgit, the Baillies ordaines William Hendrie to prove that grund to belong to him. Quhairupon they both mutuallie nominat and choysed the said tuo Baillies, James Findlay elder and William Hendrie of Borroustoun,² to convey betuixt and the fyftine of August nixt and thair to decyde all the dibeatable grund betuixt them.

In the actione persewit be James Morsone against James Bisset to flitt and remove frae that barn possess be him and pertaining to John Morsone his brother for whom he is factor, the Baillies knowing that he was legallie wairned conforme to the custome of this Toune, quhich James Bisset confessit, quhairupon decernes him to flitt and

¹ Blank page in MS. except for signatures.

² Perhaps this was simply Birdston, given as 'Buridstoun' in 1670 (*supra*, p. 21); William Hendrie seems to have been a local man.

remove thairfrae against Lambas nixt under the payne of tuentie pundis attour performance in caise they cannot agrie.

The Baillies and Counsell prohibitts all and quhatsomever heretouris within the Toun of Kirkintilloch to sett aney mosses or dargs of peatts and turfes to aney outtentounes folk quhatsomever under the payne of ten pundis for ilke sick transgression *toties quoties* and the peatts to be lede for the use of the Tounes publick good. And this present act to be lykewayes extendit to tennants alse weell as heretouris. [Subscribed.]

[A SERIES OF ENTRIES AT END OF VOLUME]

(b) [Petition to the Lords of Council and Session by William Cochran, factor appointed by the said lords for uplifting the rents of the estate of the late Viscount of Kilsyth, craving the remitting to Lord Arniston of a bill of suspension offered by the tenants against his charge to pay their rents. Undated.]

(a) [19 Feb. 1717. Discharge by the Lords of the foregoing suspension until the petitioner be heard by Lord Arniston.]

[25 March 1717. Receipts by Hugh Crawford, W.S., and John Marshall, writer in Edinburgh, for decreets and other papers in this case.]

(c) [23 March 1660. Instrument of sasine in favour of Walter Bryce in Balmuldie of half of the easter gable of a tenement called the Ludgate, on the east side of Luggie Water on the north side of the High Street of Kirkintilloch, standing next to the west end of the said Walter's house, with the empty ground lying between; on resignation by John Ingletoune, with consent of Jonet Findlay, his spouse, in the hands of Robert Dollore, a bailie of the burgh.]

(d) [5 December 1676. Registration, at the command of John Starke of Auchinvolle, baron bailie, of an assignation, dated at Kirkintilloch, 28 October 1673, by John Gillespie, sometime hammerman in Duntblae and now dwelling at Leith, narrating that Andrew Fleming, brother german of

James Fleming of Oxgang, in virtue of a bond to him for £24, dated at Kirkintilloch 17 February 1666, pointed from the said John Gillespie 'a paire of bellizes and a smyth's studdie with a new double covering for a bed and paire of linnen sheits at ten schilling the ell and ten ell in that paire of scheitts', and assigning to Robert Gillespie, hammerman in Kirkintilloch, his brother german, the superplus by which the value of the pointed goods exceeds £24.]

(e) Heir is registrat (att the desire of James Flemyng of Oxgang and diverse uthers having interest) the just coppie of ane letter and factorie thairintill sent be Patrike Flemyng unto James Flemyng of Oxgang.

Virginia in Attomacke March the 10th 1662.

Loving freind

I have receaved ane letter from yow the 25 of Jan. 1662 and I am very glade to heare of your welfare and my sisters and uncle and cussin. Haveing this oppertunitie I thoght good to write unto yow hopeing that yow ar in good health as I am at this present writing, thankes be to God. Iff I hade receaved your letter sooner I should have takine caire to provyde some tolbacke whairwith to paye for my passage home, but the tyme of the yere for tolbacke being expyred and shipping readie to sett saille homeward so that I could not accomlishe it. But I doe intend God willing this nixt insewing yere to come home. Thairfor I shall requeist yow to send some quantitie of money to Johne Flemyng which is in the kings service that I may cleare the tolbacke which I shall bring home, for befor I come for England I must ingadge with the maister of the shipe to paye sex pound sterling money or else fyve hunder pounds of tolbacke in Virginia. I doe intend to bring one thowsand pounds of tobacco with me and iff I have no readie with me to cleare my tolbacke from the custome house it will eate itselffe out and bring me indebtit thairfor. In this conditione I know not what I hade best doe. Iff tolbacke bears ane pryce at home then yow hade best take some caire that the money be in readines in his custodie or else some other freinds hand whom yow can best impose

trust. After consideratione of your letter I thought it most fitt to intrust yow with all my affairs in Scotland according to the will and desire of my deceassed father, requeisting yow to act for me as iff I wer thaire present. So wisheing health and happines to yow and yours my freinds and acquaintances I pray yow present my service to my young cheiff and be pleased to write ane lyne or tua concerning the weillfare of all the houshold. Remember my love to my sisters and thaire husbandis unknowne. I rest yours to power. Patrik Flemyng.

Be it knowne to all men by thir presents that I, Patrike Flemyng, sone and appeareand aire to umquhile Robert Flemyng, burges and portiouner of Kirkintilloch, forsameikle as these lying in Kirkintilloch are appertaining to me and I living heir in Virginia my selff and not being near to doe my own bussines thaire, thairfor I doe appoynt and have made and be thir presents makes and constituts and gives full power to James Flemyng of Oxgang for entering me in and to my umquhile fathers possessione in Kirkintilloch and for uplifting my byrune duties in bringing in of all debts and sowmes of money quhatsumevir awghtand to me and to give dischairges for the same quhilk shall be also sufficient as iff I hade granted them my selff, with power to the said James Flemyng to persew in my name, obtaine decreits and to put them to executione against all those due to me, and to doe in everie thing as I could doe myselff. And for more securitie consents thir presents be insert and registratt in the Books of Counsall and Sessione or commissarie bookes of Glasgow to remayne *ad perpetuam rei memoriam* by thir presents. Writine by me the said Patrike Flemyng and subscrivitt att the day of Our Lord 1662 March the 10th befor thir witnesses. *Sic subscribitur*: James Barnabbi. Johnne Thompsonsone.

This is the just double of the abovewritine principall letter and factorie (which is writine on the on syde of halff a sheitt of paper), aggrieand with the principall verbatim, nothing being addit thairto nor takin thairfrom quhilk may alter the sense or change the sentance. Collationate be [blank] nottar publict undersubscriyvand quhilk [blank]

testifie to be of veritie be thir presents subscrivitt with [blank] hand att [blank] the [blank] befor thir witnesses.

Ita esse ut premittitur ego Jacobus Henrie notarius publicus ad premissa requisitus testantibus manu mea signoque attestor.

[*in margin :*] Having this inscriptione upon the backe : For my assured freind James Flemyng of Oxbang living att Kirkintilloch these.

(f) [Page blank.]

(g) List of Kirkintilloch quartering

Imprimis upon Mononday the 19 day of November 1666 yeares in westgoeing my Lord Lithgowes ragement was quartered all within Kirkintilloch.

Upon Wednesday the 21 of Novembere yeare forsaid by vertue of ane subscrivitt ordore from his majesties privie counsell thrie full dollors was given be Kirkintilloch unto him who carried the munitioun upon cairts after the arme.

Upon Thursday the 6 of December 1666 year forsaid in westgoeing my Lord Airlies wholle troupe wes quartered in Kirkintilloch. Upon Satturday the 8 day of December yeare forsaid in westgoeing his majesties love [i.e. life] guaird wes all quartered in Kirkintilloch.

Upon Sabboth the 9 day of December year forsaid in westgoeing the lord genneralls ragement wes all quartered in Kirkintilloch and my Lord Kellie.

Upon Monnday the last day of December 1666 in eastgoeing their wes above fyve hundreth of my Lord Lithgowes ragement and verie many straglers wes quartered in Kirkintilloch with Sir James Turnoure.

Also at all those tymes befoire writine the great expensses of furnisheing of their severall guairds, baggage horses, post horses, to the Burnsyde, Fawkirke and Glasgow.

Upon Saturday the 19 day of January ten foote men that belongit to Cornell Hayes companye belongit to the Lord [Lithgoes ragement *del.*] Generalls ragement haveing some prisonners with them and gave four shillings sterling for baggage horse to carie them to Fawkirke by and attoure thaire nights quarters.

Upon Tuysday the 29 of Januari 1667 years instant an

searjan of Cornell Hayes haveing packets of letters from Edinburgh to the lord generall we furnished him a horse in post unto Glasgow and thaire he put the horse in some house that the poore man that aught him could not find him till he caused the skillet bell goe through for him, and the horse will doe no more good. And we the toune of Kirkintilloch hath that horse to paye to the poore man.

Thaire wes so many baggage horse castine upon us that they drew all our staks to our great hershipes so that the commanders saw our case wes to pitie and caused some corne and strae to come in for our help out of some neighbours.

(h) Upon Thursday the 28 day of March 1667 Kirkintilloch wes pressed with fyve horse to carrie munitioun and armes of the generalls unto Glasgow.

Upon the last weike of Apprylle 1667 my lord Commissionners troupe under my Lord Montgumries command goeing east the on halffe of the troupe wes quartered in Kirkintilloch.

(i) An exemptioun

Heir followes ane just coppie of the principall letter that wes writine and subscryvit be his grace the Lord Commissioner.

Right honourable.¹

Februari 8 1667.²

I did formerlie grant ane ordore of exemptioun of the landis belonging to the Earle of Wigtoun and the toune of Kirkintilloch in your shyre, in respect of the trouble by transient quarters, and being informed that their is ineroachments made upon that ordore, by your late divisione, I shall thairfor desire that yow may prevent any trouble to me anent it, by proportioneing the locallities as the said proppertie of the Earle of Wigtoun and towne of Kirkintilloch may be frie. This I hope yow will not faillie in, as yow wold oblidge. *Sic subscribitur* upon the right hand at the close of the lettir: Right honorable your

¹ A note, wes writine at the left nooke, seems to refer to these words.

² A note, wes writine at the right nooke of the lettir, seems to refer to these words.

humble servant Rothes. Writine upon the left hand at the close of the lettir : I am informed that in the whole shyre yow have stentit each horse upon a thousand pounds and my Lord Wigtounes vassals at fyve hundreth merkes which I thinke strange of.

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REPORT OF THE SEVENTY-SECOND ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE SEVENTY-SECOND ANNUAL MEETING of the SCOTTISH HISTORY SOCIETY was held in the Rooms of the Royal Society, George Street, Edinburgh, on Saturday, 23rd May 1959, at 3 p.m.

At the commencement of the meeting, Dr. E. W. M. Balfour-Melville, Chairman of Council, occupied the Chair.

The Report of the Council was as follows :

MEMBERS of the Society will have learned with deep regret of the death on 23rd May 1958, of the President, Henry W. Meikle, C.B.E., D.Litt., LL.D., H.M. Historiographer for Scotland. Dr. Meikle was Hon. Secretary of the Society from 1928 to 1931 and remained a member of Council till 1956, being its Chairman from 1941 to 1945. In 1956 he was elected to the office of President which he held until his death. He edited *The Diary of Sir William Drummond of Hawthornden* for the Society's *Miscellany Volume VII*. Not only was he a scholarly historian with special knowledge of the seventeenth and eighteenth centuries but he was ready at all times to give generous help out of his wide experience to any who were engaged in historical research.

The Society has also lost by death Mr. Henry M. Paton who joined the Society in 1921 and had been since 1941 a member of council. Mr. Paton, who was also a prominent member and official of the Old Edinburgh Club and the Society of Antiquaries of Scotland and was the editor of many volumes of records, edited *Lauderdale Correspondence* for the Society's *Miscellany Volume V*.

Miscellany Volume IX was issued to members in October. Its items, which were described in the last Annual Report, include one from each of the fourteenth to the eighteenth centuries. The Society is again indebted to the Carnegie Trust for the Universities of Scotland for a grant towards publication. The next volume will be *Wigtownshire Charters* edited by Dr. R. C. Reid, to be followed by *John Home's Survey of Assynt*, to be edited by Mr. R. J. Adam, and a volume of *Scottish Supplications to Rome*, on which Mrs. Annie I. Dunlop is engaged. It is hoped to issue to members in the near future in two volumes the *Acta* of the Arts Faculty of St. Andrew's University, which Mrs. Dunlop is also editing, and *Kirkintilloch Burgh Court Book*, edited by Professor G. S. Pryde.

Members of Council who retire in rotation at this time are Professor W. L. Lorimer, Professor J. D. Mackie and Sir Thomas Innes of Learney. The Council recommend their re-election and the election of Miss I. F. Grant, LL.D., in place of the late Mr. Paton.

In consequence of a judgment given in the case of the National Book League, which came before the English law-courts, the Inland Revenue has now withdrawn from the Society the right to recover income tax on covenanted subscriptions. This means a loss to the society of some £60 annually. On the other hand individual members may in certain cases claim their own subscriptions as a deduction from their emoluments assessable to Income Tax under Schedule E. This concession, however, which is made under Section 16 of the Finance Act 1958, in no way benefits the funds of the Society.

During the past year 12 members have died, 8 have resigned and the name of one has been removed on failure

to pay his subscription. 19 new members have joined. The membership, including 166 libraries, stood at the close of the year at 448.

An Abstract of the Accounts as audited is appended.

In presenting the Annual Report, Dr. Balfour-Melville referred to the further loss suffered by the Society by the death on 5th December 1958, of the Hon. Treasurer, J. Douglas H. Dickson. O.B.E., W.S., Mus. Doc. Dr. Dickson became Treasurer in December 1939 and during the twenty years in which he held that office watched over the finances of the Society with unremitting care and conspicuous ability. It was owing to his enterprise that the Society enjoyed for some years the privilege of covenanted subscriptions. In spite of failing health, he courageously devoted himself to its affairs up to a few days before his death. Professor W. Croft Dickinson seconded the Report and Accounts, which were adopted.

Dr. Balfour-Melville then moved the election of Sir David Lindsay Keir, LL.D., Master of Balliol College, Oxford, as President of the Society for the ensuing four years. Professor J. D. Mackie seconded this proposal and Sir David was unanimously elected.

The President then took the chair and delivered an address entitled "A Hundred Years Since". He referred to past presidents whom he remembered as personal friends—John Buchan, R. K. Hannay and R. S. Rait. None of these had any use for those whom Hannay dismissed as "greetin' patriots". Scottish history was no dreary catalogue of frustration, wrong and grievance—it was a continuous experience of which each stage was relevant to the making of modern Scotland. It did not stop in 1707 or 1745, or indeed at all.

We must therefore go beyond the date-limits to which the writing of Scottish history has usually been carried. Otherwise there is a danger that as legend is banished by scholarship from earlier centuries it will occupy the unexplored tracts of the more recent past. Our own nineteenth century is a no-man's land, a dark age and, as Professor Pryde justly said, is the least understood of any century since the eleventh. Perhaps it is too close to be accurately observed. But how far does the evidence bear out the legend? What sort of Scotland would one have found in 1859?

It was a nation of country folk—of its three million people, only about a quarter lived in towns of over 20,000 inhabitants. Glasgow had expanded greatly, but the typically Scots town was still an ancient burgh, usually of less than 10,000 people. Local life was still contained largely within its historic forms. The central counties held a supremacy, but the Highlands and the south were still populous. The balance between town and country, between region and region and between agriculture and industry had not yet been fundamentally disturbed. Isolation kept the racial stock largely Scottish, except for Irish immigration in some areas. The new railway network spread in the central region, but not much beyond.

Several transactions during the year are significant of the forces beneath the surface of national life. In the General election, Scotland's M.P.s remained as before — two-thirds Liberal, one-third Tory. Outwardly nothing disturbed the Liberal ascendancy which had begun in 1832. But parliamentary reform aroused national excitement and events during the election showed that the long, untroubled reign of Liberalism is a legend and that radical opinion would soon break through from below.

In ecclesiastical affairs, the Churches tried to sort out the confusions that the Disruption had created. They felt authority slipping from their grasp, social and educational issues had got beyond them and the old unitary parish organisation had been broken. Control of poor relief passed from the Kirk-session to the Parochial Board—the temporal authority alone could deal with social and economic ills such as poverty. The Free Church attacked the bothy system, said to be responsible for Scotland having the highest illegitimacy rate in Europe; but its main efforts were towards alleviation of moral ills, not prevention.

In education, the universities now had General Councils and at Edinburgh the professional classes brought about the election as Chancellor of the radical lawyer, Lord Brougham, as against a Tory landlord, the Duke of Buccleuch. Here again the same forces were at work. When in a few years they gained political supporters, then would come the long-delayed impact of Scottish opinion and leadership in the political affairs of the United Kingdom and the Empire.

The meeting closed with a vote of thanks to the President.

ABSTRACT ACCOUNT of CHARGE and DISCHARGE
of the INTROMISSIONS of the HONORARY
TREASURER for the year from 1st November
1957 to 31st October 1958.

I. GENERAL ACCOUNT.

CHARGE.

I. Cash in Bank at 1st November 1957 :—		
1. Sum at credit of Savings Account with Bank of Scotland	£496	11 8
2. Sum at credit of Current Account with Bank of Scotland	216	9 11
3. Cash in hands of Bank of Scotland to meet postages	1	2 0
	<hr/>	
	£714	3 7
II. Subscriptions received	487	0 4
III. Past Publications sold (including postages recovered from purchasers)	58	4 6
IV. Interest on Savings Account with Bank of Scotland	16	10 8
V. Grant from Carnegie Trust for the Uni- versities of Scotland towards Volume 50	100	0 0
VI. Sums drawn from Bank Current Account	£890	11 5
	<hr/>	
VII. Sum drawn from Bank Savings Account	£150	0 0
	<hr/>	
	£1875	19 1
	<hr/>	

DISCHARGE

I. Cost of Publications during year . . .	£744	6	6
Cost of printing Annual Report, Receipt Forms and Printers' postages, etc. . .	69	5	8
	<hr/>		
	£813	12	2
II. Miscellaneous Payments	77	5	9
III. Sums lodged in Bank Current Account	£795	4	10
	<hr/>		
IV. Sum lodged in Bank Savings Account	£16	10	8
	<hr/>		
V. Funds at close of this Account :—			
1. Balance at credit of Savings Account with Bank of Scotland	£363	2	4
2. Balance at credit of Current Account with Bank of Scotland	121	3	4
3. Cash in hands of Bank of Scotland to meet current postages	0	15	6
	<hr/>		
		485	1 2
	<hr/>		
	£1375	19	1
	<hr/>		

II. DR. ANNIE I. DUNLOP SPECIAL FUND ACCOUNT.

CHARGE.

I. Cash in Bank at 1st November 1957 :—

1. Sum at credit of Savings Account with Bank of Scotland	£254 8 9
2. Sum at credit of Current Account with Bank of Scotland	19 6 0
	<hr/>
	£273 14 9

II. Sixth payment received under Deed of Covenant dated 16th January 1953 .	100 0 0
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III. Interest on Savings Account with Bank of Scotland	7 17 0
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IV. Refund of Income Tax	73 18 3
	<hr/>
	<u>£455 10 0</u>

DISCHARGE.

I. Sums lodged in Bank

Savings Account . . .	£181 15 3
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II. Funds at close of this Account :—

1. Balance at credit of

Savings Account with

Bank of Scotland . . .	£436 4 0
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2. Balance at credit of

Current Account with

Bank of Scotland . . .	19 6 0
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£455 10 0

£455 10 0

EDINBURGH, 18th November 1958.—I have examined the General Account and Dr. Annie I. Dunlop Special Fund Account of the Honorary Treasurer of the Scottish History Society for the year from 1st November 1957 to 31st October 1958, and I find the same to be correctly stated and sufficiently vouched.

C. T. McINNES,
Auditor.

Scottish History Society

THE EXECUTIVE

1959-1960

President

Sir DAVID LINDSAY KEIR, LL.D.

Chairman

Professor G. S. PRYDE, Ph.D.

Council

Mrs. ANNIE I. DUNLOP, O.B.E., D.Litt., LL.D.

Rev. DONALD MACKINNON, D.D.

W. A. McNEILL.

Professor W. L. LORIMER.

Professor J. D. MACKIE, C.B.E., M.C., LL.D.

Sir THOMAS INNES of Learney, K.C.V.O.

Miss I. F. GRANT, LL.D.

Professor W. CROFT DICKINSON, D.Lit., LL.D.

C. A. MALCOLM, O.B.E., Ph.D., LL.D.

Sir JAMES FERGUSSON of Kilkerran, Bt.

C. T. McINNES, O.B.E., LL.D.

GORDON DONALDSON, D.Litt.

Corresponding Members of Council

G. M. TREVELYAN, O.M., C.B.E., F.B.A., D.C.L., LL.D.,
D.Litt., Trinity College, Cambridge.

V. H. GALBRAITH, F.B.A., sometime Regius Professor of Modern
History in the University of Oxford.

Hon. Treasurer

H. H. DONNELLY,
Room 339, St. Andrew's House, Edinburgh.

Hon. Secretary

E. W. M. BALFOUR-MELVILLE, D.Litt.,
2 South Learmonth Gardens, Edinburgh.

Hon. Assistant Secretary

GRANT G. SIMPSON, Scottish Record Office, Edinburgh.

REPORT OF THE SEVENTY-THIRD ANNUAL MEETING OF THE SCOTTISH HISTORY SOCIETY

THE SEVENTY-THIRD ANNUAL MEETING of the SCOTTISH HISTORY SOCIETY was held in the Rooms of the Royal Society, George Street, Edinburgh, on Saturday, 12th December 1959, at 3 p.m.

Sir David Lindsay Keir, LL.D., President of the Society, was in the Chair.

The Report of the Council was as follows :

THE Council regret that the volume of *Wigtownshire Charters*, which should have been issued to members in October, is not yet ready. This is partly due to the impaired health of the editor, Dr. R. C. Reid, and partly to the effects of the dispute in the printing trade. It is hoped to issue the volume in the course of the coming winter. It will include documents relating to Whithorn Priory, Glenluce Abbey, Saulset Abbey, the burgh of Wigtown and Crugleton Castle, together with a section on the office of parish clerk. To its editing Dr. Reid has brought the accumulated scholarship of a life-time spent on the history of Galloway.

John Home's Survey of Assynt, edited by Mr. R. J. Adam, which is to be the next volume, is already in the press and Dr. Annie I. Dunlop is at work on another volume of *Scottish Supplications to Rome*. The Council have under consideration for future volumes the *Autobiography of Lauchlan Rattray to 1747* and manuscripts contained in the Warrender Papers relating to ecclesiastical affairs of the sixteenth century. They are always glad to hear from members and others of historical manuscripts suitable for

printing by the society either as Volumes or as items in a Miscellany Volume.

The Council have elected as Chairman Professor G. S. Pryde, Ph.D., in succession to Dr. E. W. M. Balfour-Melville, who resigns the chairmanship after three years' occupation of that post but retains the secretaryship. Professor Pryde will take office after the Annual Meeting of the Society. In succession to the late Dr. J. Douglas H. Dickson they have appointed Mr. H. H. Donnelly, LL.B., as Honorary Treasurer.

Mrs. Dunlop, the Rev. Dr. Mackinnon and Professor Pryde retire from the Council by rotation at this time. The Council recommend the re-election of Mrs. Dunlop and Dr. Mackinnon and the election of Mr. W. A. McNeill in place of Professor Pryde.

It is with satisfaction that the Council have received the recent decision of the Inland Revenue authorities to allow again the recovery of Income Tax on covenanted subscriptions and to make this concession retrospective for last year when it was withheld. They would urge more members enter into these seven-year covenants by which the inadequate income of the Society is augmented at no cost to themselves. The necessary particulars can be obtained from the Hon. Treasurer, whose address is Room 339, St. Andrew's House, Edinburgh.

During the past year 7 members have died and 6 have resigned. 13 new members have joined. The membership, including 167 libraries, thus remains at 448.

An Abstract of the Accounts for 1958-1959, as audited, is appended.

The Annual Report was presented by Dr. E. W. M. Balfour-Melville, Chairman of Council, and seconded by Dr.

Gordon Donaldson. The meeting duly adopted the Report and Accounts.

The President then delivered an address entitled "My Grandfather's Politics". He described the scene at Perth Station on the afternoon of 2nd December 1879, when Mr. Gladstone arrived from Queensferry. The newly-adopted candidate for Midlothian had begun to mobilise the forces of Liberalism in Scotland. He said that his grandfather, who was present on that day, had been bred in the United Presbyterian Church, a nursery of radicalism, and remained a life-long Gladstonian Liberal. He was thus present at Scottish Liberalism's finest hour, when it became the dominant force in British politics. The Midlothian campaign has often been described in the context of British history, but to his grandfather it was a famous episode of Scottish history too.

Gladstone used Midlothian and Scotland as a lever with which to move the kingdom. His "whistle-stop" campaign was an unprecedented electoral activity and his words were intended to be heard on both sides of the Border. Scottish Liberalism seemed a reliable enough weapon, but until 1868 it had been largely unproved in practice. In some constituencies, there had been no contest for decades. The cities were strongly Liberal and after the burgh franchise was broadened in 1868, the aim was to wrest county seats from the Conservatives. But in the election of 1874 the Conservatives had notable gains and the old Liberal domination was apparently over. In the new Liberal attack, the counties were the key. When Gladstone agreed to stand in Midlothian, the hope was that from there all Scotland could be won.

For Gladstone, success in Midlothian would enhance the

prospects of Liberalism in England and stimulate what had become a strangely ineffective Opposition. Since 1876, the tide had turned against the Conservative government under Lord Beaconsfield. Depressions, bad weather and reverses in foreign policy had left his government weaker than he realised.

The prospects for winning Midlothian were good. Its population was growing, on account of the spread of Edinburgh, always a Liberal stronghold, with a powerful professional middle class, Liberals almost to a man. The sitting member, the Earl of Dalkeith, owed his position to the Duke of Buccleuch and his faggot-votes. But Lord Rosebery owned much land also and Drumlanrig was at a disadvantage in the fight with Dalmeny.

Gladstone's speeches, very fully reported in the press, were a vital feature of the campaign and as an orator he far outmatched Lord Dalkeith. These speeches heightened the impression that Scotland was involved in issues transcending domestic affairs. He condemned foreign and colonial policies as criminal and attacked failures in Asia, Africa and Europe. The emotions of contemporaries were captured by an eloquence which subjected politics to moral and religious tests and they failed to notice that what they cared for in Scotland had been deliberately played down. In the Midlothian campaign, Gladstone's political gifts were brilliantly displayed in the success with which he persuaded Scotland to forget its own problems in a passionate resentment of the wrongs of others.

The meeting closed with a vote of thanks to the President.

ABSTRACT ACCOUNT of CHARGE and DISCHARGE
of the INTROMISSIONS of the HONORARY
TREASURER for the year from 1st November
1958 to 31st October 1959.

I. GENERAL ACCOUNT.

CHARGE.

I. Cash in Bank at 1st November 1958 :—			
1. Sum at credit of Savings Account with Bank of Scotland	£363	2	4
2. Sum at credit of Current Account with Bank of Scotland	121	3	4
3. Cash in hands of Bank of Scotland to meet postages	0	15	6
	<hr/>		
	£485	1	2
II. Subscriptions received	443	4	10
III. Donation towards cost of next publication	50	2	6
IV. Past Publications sold (including postages recovered from purchasers)	53	15	5
V. Interest on Savings Account with Bank of Scotland	12	5	2
VI. Income Tax Refund on Subscriptions under Covenant :—			
	1957-8 :	£64	6 6
	1958-9 :	£61	4 6
		<hr/>	
		125	11 0
VII. Sums drawn from Bank Current Account	£418	17	2
	<hr/>		
VIII. Sums drawn from Bank Savings Account			
	<hr/>		
		<hr/>	
		£1170	0 1
		<hr/>	

DISCHARGE.

I. Cost of Publications during year . . .	£323 17 0
Cost of printing Annual Report, Notices and Printers' postages, etc. . . .	42 0 11
	<u>£365 17 11</u>
II. Miscellaneous Payments	52 17 11
III. Sums lodged in Bank Current Account	<u>£647 11 3</u>
IV. Sums lodged in Bank Savings Account	<u>£37 7 8</u>
V. Funds at close of this Account :—	
1. Balance at credit of Savings Account with Bank of Scotland	£400 10 0
2. Balance at credit of Current Account with Bank of Scotland	£349 17 5
3. Cash in hands of Bank of Scotland to meet current postages	0 16 10
	<u>751 4 3</u>
	<u>£1170 0 1</u>

II. DR. ANNIE I. DUNLOP SPECIAL FUND ACCOUNT.

CHARGE.

I. Cash in Bank at 1st November 1958 :—		
1. Sum at credit of Savings Account with Bank of Scotland	£436	4 0
2. Sum at credit of Current Account with Bank of Scotland	19	6 0
	<hr/>	
	£455	10 0
II. Seventh payment received under Deed of Covenant dated 16th January 1953 . .	100	0 0
III. Interest on Savings Account with Bank of Scotland	10	7 11
IV. Refund of Income Tax	73	18 3
	<hr/>	
	£639	16 2
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DISCHARGE.

I. Sums lodged in Bank Savings Account.		
	£184	6 2
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II. Funds at close of this Account :—		
1. Balance at credit of Savings Account With Bank of Scotland	£620	10 2
2. Balance at credit of Current Account with Bank of Scotland	19	6 0
	<hr/>	
	639	16 2
	<hr/>	
	£639	16 2
	<hr/>	

EDINBURGH, 12th November 1959.—I have examined the General Account and Dr. Annie I. Dunlop Special Fund Account of the Honorary Treasurer of the Scottish History Society for the year from 1st November 1958 to 31st October 1959, and I find the same to be correctly stated and sufficiently vouch ed.

C. T. McINNES,
Auditor.

Scottish History Society



LIST OF MEMBERS

1st November 1963

LIST OF MEMBERS

- ADAM, R. J., Cromalt, Lade Braes, St. Andrews.
Adamson, Miss Margot R., 100 Handside Lane, Welwyn
Garden City, Herts.
Air, Jas. A., 1 Blackie House, The Mound, Edinburgh, 9.
Alexander, Joseph, Trust per J. A. Carnegie & Smith,
Solicitors, Union Bank of Scotland Buildings, Kirrie-
muir.
Anderson, Mrs. Marjorie O., West View Cottage, Lade Braes
Lane, St. Andrews.
Anderson, Rev. W. J., M.A., 16 Drummond Place, Edin-
burgh, 8.
Annand, A. McK., Magdalen, High Street, Findon,
Worthing, Sussex.
Annand, James K., 174 Craighleith Road, Edinburgh, 4.
Anton, Professor A. E., 18 West Chapelton Crescent,
Bearsden, Glasgow.
10 Apted, M. R., Ministry of Works, 122 George Street,
Edinburgh.
Arbuckle, Sir William, 1 Murrayfield Gardens, Edinburgh,
12.
Armet, Miss Catherine M., 6 Charlotte Square, Edinburgh, 2.
- BAIRD, KENNETH D., 17 Bellevue Crescent, Edinburgh, 8.
Balfour-Melville, E. W. M., D.Litt., 2 South Learmonth
Gardens, Edinburgh.
Barclay, R. S., Ph.D., 22 George Street, Edinburgh.
Barlow, Miss Ethel, 4 Hillside Terrace, Old Kilpatrick,
Glasgow.
Barron, Evan M., Inverness Courier, Inverness.
Barrow, Professor G. W. S., Department of Modern History,
King's College, Newcastle-upon-Tyne.
Bayne, Mrs. Neil, 51 Ann Street, Edinburgh, 4.

- 20 Bell, Graham, Royal Hotel, Ladybank, Fife.
 Berry, Miss E. M. E., Fetternear, Kemnay, Aberdeenshire.
 Bonar, John J., 30 Greenhill Gardens, Edinburgh, 10.
 Branston, Miss A. L., 41 Raeburn Place, Edinburgh, 4.
 Briggs-Davie, C. H., Innerahavon, R.M.B. 114, Bundarra,
 5N., N.S.W., Australia.
 Brown, Cmdr. A. R. P., R.N.(Retd.), Capelaw, 29 Woodhall
 Road, Edinburgh, 11.
 Brown, A. L., D.Phil., History Department, The University,
 Glasgow, W.2.
 Browning, Professor Andrew, D.Litt., Durie House, 6 West
 Abercromby Street, Helensburgh.
 Buchanan, G. A., Gask House, Auchterarder.
 Buchanan, John, 67 Great King Street, Edinburgh, 3.
- 30 Buist, Frank D. J., Fairneyknowe, by Arbroath, Angus.
 Bulloch, Rev. James, Manse of Stobo, Peebles.
 Burnett, Robert McDonald, R.E., 'Booklaws', High Street,
 Melrose.
 Burns, Rev. Charles, Archivio Secreto, Citta Del Vaticano,
 Roma, Italy.
 Butchart, H. J., Willowwood, 626 King Street, Aberdeen.
 Burns, David Murray, 60 North Castle Street, Edinburgh, 2.
- CAMPBELL, COLIN, c/o First National Trust Co., 399 Park
 Avenue, New York, 22, N.Y., U.S.A.
 Campbell, Sir George I., of Succoth, Bart., Crarae, Minard,
 Argyll.
 Campbell, Lt.-Col. H. Alastair, Altries, Milltimber, Aber-
 deenshire.
 Campbell, I. N., Yr., of Strachur, Hammonds, Sandridge,
 St. Albans, Herefordshire.
- 40 Campbell, J. L. of Canna, Isle of Canna.
 Campbell, Mrs. Margaret M., LL.B., Ponsonby Hall Hotel,
 2 and 3 Ladbroke Square, London, W. 11.

- Campbell, Peter H., Levensholme, Tyneview Road, Holtwhistle, Northumberland.
- Campbell, R. H., Department of Economic History, The University, Glasgow, W. 2.
- Campbell, Robert R., 98 West George Street, Glasgow, C. 2.
- Campbell, Rev. William M., The Manse, Barloan, Dumbar-ton.
- Cant, Rev. Alan, 2 Kinburn Place, St. Andrews.
- Carmichael, P. O., Arthurstone, Meigle, Perthshire.
- Carnon, R. J. F., 64 Grange Loan, Edinburgh, 9.
- Carr, H., 14 Inver Court, London, W. 2.
- 50 Checkland, Professor S. G., Ph.D., Department of Economic History, The University, Glasgow, W. 2.
- Colquhoun, Rev. John, Free Presbyterian Manse, Glendale, Skye.
- Cockburn, Very Rev. J. Hutchison, The Cathedral, Dunblane.
- Corsar, Kenneth Charles of Cairniehill, F.S.A.Scot., Mauricewood, Milton Bridge, Midlothian.
- Corson, James C., 11 Tantallon Place, Edinburgh, 9.
- Cowan, Ian B., Ph.D., 119 Balshagray Avenue, Glasgow, W. 1.
- Cowe, F. M., 2 Love Lane, Berwick-upon-Tweed.
- Cowie, Miss Isabella, Glenrinnies, Dufftown, Banffshire.
- Cowie, John, O.B.E., 20 Blythswood Square, Glasgow, C. 2.
- Craig, L. M., 24 Robsland Avenue, Ayr.
- 60 Crawford and Balcarres, The Rt. Hon. The Earl of, Balcarres, Colinsburgh, Fife.
- Cross, A. R., B.A., Old Ballikinrain, Balfron, by Glasgow.
- Currie, Captain Edward A., Jr., P.O. Box 1, Hattiesburg, Mississippi, U.S.A.
- Cuthbert, Alexander, C.A., F.S.A.Scot., 27 Cumlodden Avenue, Edinburgh, 12.
- DAVIDSON, W. A., 12 York Place, Edinburgh, 1.

- Davidson, W. L., C.A., 142 St. Vincent Street, Glasgow,
C. 2.
- De Beer, E. S., M.A., 11 Sussex Place, Regent's Park,
London, N.W. 1.
- Dickson, A. Hope, House of Aldie, Rumbling Bridge.
Kinross-shire.
- Dickson, C. H., 8 Highwood Gardens, Ilford, Essex.
- Dickson, D., 20 Lime Grove, Lenzie, Dunbartonshire.
- 70 Dickson, Miss M. A. Ruth, 8A Fountainhall Road, Edin-
burgh, 9.
- Dickson, Walter, Lynedoch House, Elcho Terrace, Porto-
bello, Edinburgh, 15.
- Doig, James, 520 North Michigan Avenue, Chicago 11,
Illinois, U.S.A.
- Donaldson, Professor Gordon, D.Litt., 24 East Hermitage
Place, Edinburgh, 6.
- Donaldson, Robert, National Library of Scotland, George
IV Bridge, Edinburgh.
- Donnelly, H. H., C.B., LL.B., Scottish Education Depart-
ment, St. Andrew's House, Edinburgh, 1.
- Dow, Rev. A. C., Ph.D., Stoneywood Church Manse,
Bankhead Road, Bucksburn, Aberdeenshire.
- Dow, J. B. A., 1 Lennox Street, Edinburgh, 4.
- Draffen, George S., The Cottage, Longforgan, by Dundee.
- Drummond-Murray, P., Orchard Cottage, New Road,
Tylers Green, Penn, Bucks.
- 80 Dunbar, John G., Royal Commission, Ancient and Histor-
ical Monuments (Scotland), 7 Coates Gardens, Edin-
burgh, 12.
- Duncan, Archibald, Windward House, Kilcreggan,
Dunbartonshire.
- Duncan, Professor Archibald A. M., Scottish History
Department, The University, Glasgow, W. 2.
- Dunlop, Mrs. Annie I., O.B.E., Ph.D., D.Litt., LL.D., 73
London Road, Kilmarnock.

Dunlop, Rev. A. Ian, 11 Bellevue Place, Edinburgh, 7.
 Dunlop, George, 15 Craigmuschat Road, Gourrock, Renfrewshire.

Durack, Mrs. Isabel J., 87 Comiston Drive, Edinburgh, 10.
 Durkan, J., Ph.D., 14 Newfield Square, Glasgow, S.W. 3.

ELRICK, W. J. H., c/o Bank of New South Wales, 29
 Threadneedle Street, London, E.C. 2.

Edwards, L. W. L., 318 Longford Road, Cannock, Staffs.

90 FERGUSON, WILLIAM, Scottish History Department,
 University of Edinburgh, Edinburgh, 1.

Fergusson, Sir James, of Kilkerran, Bart., Kilkerran,
 Maybole, Ayrshire.

Filby, P. W., Peabody Institute, Baltimore, U.S.A.

Finlayson, Rev. Angus, Free Church Manse, North Tolsta,
 Stornoway.

Finlayson, C. P., 17 Granville Terrace, Edinburgh, 10.

Finlayson, G., History Department, The University,
 Glasgow, W. 2.

Fleming, A. Gibb., Woodlands House, Milngavie, Dunbartonshire.

Fleming, Mrs. M. J. P., M.B., Ch.B., 17 Graham Park Road,
 Gosforth, Newcastle-upon-Tyne.

Fraser, Barclay S., Viewforth, Glebe Road, Cramond.

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