A DESCRIPTION OF THE OLDEST COUNCIL BOOKS AND OTHER RECORDS
OF THE TOWN OF HADDINGTON, WITH COPIOUS EXTRACTS. BY
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The Manuscript Books in possession of the Burgh of Haddington are of con-
siderable antiquity, and the earliest volumes are of some historical interest,
illustrating the manners and customs of the burgesses of Scotland at a period
prior to the Reformation, as contrasted with their habits and occupations during
the earliest years of the Reformed Church. In the former period, from 1423
to 1560, we have numerous notices of bequests left by pious burgesses to en-
dow and support chaplains, to serve at the altars of the Parish Church of
Haddington, in the performance of daily masses for the living and the dead,
the processions of the crafts on Corpus Christi day, and at other festivals of the
Church, with their pleyis and pageands, on these and less sacred occasions, the
annual election of the Abbot of Unreason, and the Weaponschawings in the
Town's Muir of Gladsmuir; and in both periods a series of stringent regula-
tions fixing the exact price of bread and ale, and of every other article sold
within the burgh, and rules for preventing the contagion of the pestilence, and
improving the sanitary state of the town. In the latter period, the games and
processions alike disappear, while the pious bequests are seized by the bailies,
and applied partly to the parish church, but chiefly to the parish school; the
spirit of monopoly, however, still reigns, there must be no schoolmaster within
burgh except the master of the common school and his doctor or assistant, and
bread and ale must be sold at the price which the bailies fix, and "na derrar
under the paine of ane unlaw unforgevin for the first fault, ane double unlaw
for the next fault, and for the third, suspension from their occupation in the
trade for a year."

It may be proper to mention, that Mr David Laing long since examined the
older Haddington Books, and made various extracts, which for the most part were
placed at the disposal of Mr James Miller, author of "Baldred of the Bass," and
other works. From these extracts he chiefly gleaned the notices which
appeared in the successive numbers of his East Lothian County lists, between
the years 1826 and 1838, under the head of "Remarkable Events and Me-
moranda of East Lothian, or Extracts from the Records of the Burgh of Had-
dington, with Notes and Additions." But many of these extracts I have given
in fuller detail than was suitable for the ephemeral publications in which they
first appeared; some of them were afterwards inserted in the same author's
"Lamp of Lothian." Mr W. W. Hay Newton, F.S.A. Scot., also, at a meet-
ing of the Society, 8th March 1852, communicated a series of extracts from these
borough records, 1531-1603, as noticed in vol. i., p. 57, of these Proceedings.

These records were compiled by the town-clerks for the time being, and are
generally written in their own handwriting. They may be classified as fol-
low:—I. The two Oldest Volumes; II. The Act or Statute Books of the Council
of the Burgh; III. The Burgh Court Books; and, IV. The Protocol Books.

I. THE TWO OLDEST VOLUMES.

The two earliest volumes are of a mixed character, containing the Acts of the
Town-Council and Decrees pronounced in the Burgh Court, and Deeds of Mor-
tification and Bequest to the Church.

Volume First, the Oldest Volume or Common Buke, is a large folio written
on vellum, and bound in wooden boards, covered with red leather, and having
iron clasps. This is a record of the most ancient writs and acts of the Council.
The first entry in it is dated 6th March 1423, and the last 23d June 1463, only
twelve folios have been engrossed, and folio first is wanting: the remainder of
the volume is blank. In the entry of 9th November 1428, reference is made to
"the common buke of the Burgh," under date, February 1421; this must mean
folio 1st of this volume. The first eight pages, ending with the entry of
13th December 1449, are in the handwriting of William Harpar, N.P., and
Town-clerk of the burgh, and the remainder from 20th July 1454 to 23d June
1463, are written by Alexander Clerk, N.P., who was probably his successor
in that office. This book was evidently not kept from day to day as an ordinary
Council record, but written out carefully as a permanent register of the
more important transactions of the burgh. It partakes more of the nature of
a Cartulary than of a Court Book or Notary's Protocol, but it contains entries
proper to each of these descriptions of record. There are in it thirty-five
writs or deeds, of which eighteen are in Latin and seventeen in English. These
consist of Acts of Sasine, copies of Charters, Writs of Assyse and Inquest, and
eleven Deeds of Mortification, nine of them by burgesses of annualrents, payable
furth of properties situated within burgh for pious uses, &c. This volume is
referred to in vol. 2, under date 25th April 1552, as "ane buke of ald Register
of Hadington, with ane red covering."

It appears from this volume, that from the early period of 1423, the town
was governed by three bailies, who held their courts within the Tolbooth of
the burgh. One or more of the bailies sitting in Court gave sasines within
burgh, and decided disputes and presided at the Courts of Assise and Inquest.

The earliest English document in this volume is an instrument of Assize in
the following terms:

"The assise of rycht of Will Lamie & James of boltoun.

"The Court haldyne in the tolbuthe of Hadyngton before the Ballis of that ilk
the xx day of Feb', the zeir of our Lord m cccc xxv comperit before the ballis of
the samyn that is to say Alexander of Hepburne Jamis of Aytoune and William
of Galway, Jamis of Bowlands & Eufame his spouse folowers of certane lands with
a brefe of rycht of our Lord the Kyngs chapel whilk lands lyis in the saide burgh
and in the streete callyt the huchstraw on the north half of the samyn betuix
the land of the priorise of the nuns of Hadyngton on the est half and the land
of patrik of Punton of the west half and ane uthyr land lyand in the street
callyt poldrace betwix the land of John Gotbreson on the south half and the
street callyt Wyrrlyng street on the tother half on the north half and than
incontinent comperit in Court eftir the tenor of the sumonds William Lamie to
answer for the fyrst land lyand in the huchstraw and Jamis of bolton and
Margarete his moder for the tother land lyand in Poldrace the qwhilk brefe
actioune & demand was with the consent of both the parties put til ane assyse
of thir men underwryttyn that is to say Walter of Cocburne Thom Wolf Wil
Fayre John Nicholsone Robyn Tredgold Thom of Furd Thom of Greenlaw
William Henrisson John of Leys Thom Nicolson William of Hadyngton
William Robynson John of Crumby John of Jedeworth Thom Scot John Mawer
and Andrew of Jedeworth the qwhilk assyse chargit and sworne the grete ach
at thai suld without fraude or favor of ony part determame lely qwhilk of the
said parties has ful rycht in the sayde tenements passit furth & was lang tyme
auisit and in the Co art to the bar enterit and than Alexr Hepburne ane of the
sayd ballis sperit at the sayde assyse gife thai war acordyt qwhilks answerit za
and than the balze sperit qwha suld say thair concordane qwhilks answerit Walr of
Cochburne and than the balze sperit how thai fund of the fyrste tenement qwhilks
answerit we fynd William Lamie hafand ful rycht in the said tenement lyand in
the huchstraw and than the Balze sperit of the tother tenement qwhilk answerit
we fynd Jamis & Meg of Bolton hafand ful rycht in the land befor sayd lyand
in Poldrace."

There is a short Building Contract recorded in this Register:

Concordia de Edificatione inter Wm de Galway and Nicolaus Bowmater.

"The xix day of April the zeir before wrytyn (1425) it is concordyt betwix
William of Galway burgess of Hadyngton and Nichole Bowmat burgess of that ilk in the manner as followys that is to say that William of Galway sal byg a gauyle betwix hym and the said Nicole in the strete callit caleperys northours fra the markete cors the quhilk gauyle sail contene in brede and thickness thre fute that is to say twa fute on Nicole bowmatars land and a fute on the sayde Williamis lande servand thaim bath Item it is concord'd that the sayde Nicole sal byg to the forsayde land to the gauyle on the west half and on the south syde towar the cors and sa bath the gauyle on the south syde and on the north syde sal serv thaim bath to byg til (Witnes) James of Ayton that tyme balze of the saydes burgh Robyn of Furde John of Jedworth John of Greenlaw burges of the sayde burgh and William Harpar notar that tyme comon clerk of the burgh and mony utheris."

The following is a specimen of the shorter entries:—

"The xxviii day of May the zer of our Lord m.ccce.xxvi John of the furde gafe a sylver chalys weyand xii uncis & viii d to Saynt Peters Altar."

From another document, it appears that Testaments were confirmed by the "Dene of Hadington" at this period: The entry is—

"Anno Dni mill° mo° ccccc°xxxij° in temp. ballivorum Jacobi de Aytoun Roberti de Furde et Patricii Bernardi copia evidencie Will° Lam burgens. de Hadyngton sigillate sigill. Thome de Punton et William Harpar cujus tenor sequitur et est talis:

"Til all & syndry to qwhais knowlage thir present lettres sal cum Thomas ot Punton that tyme balze of the burgh of Hadyngton gretyng in God aylestyng wit ye that the third day of the moneth of Apryl the yer of our Lord m.ccce.xxxii comperty befors the balzes & the console of the said burgh sittand in the tolbuth for sundrie profits of the sayd burgh to be tretit Will° Harpar clerk and public notar & Jamys Wrycht burges of that ilk burgh the executorys of the testament of unquhile Neil of Innerpefar our neichtbur as was schawyn be the testament of the sayd Neyl confermyt with the seyl of the office of the dene of the Cristianite of Hadyngton in the qwhilk testament, it was contenyt at the sayd Neyl had ordanyt in his testament at the sayd executorys suld sel his tenement lyand in the Sydegate on the westyde of the samyn betuix the land of unquhile John Macbeth on the northyde and the land of John of Bassynden on the southyde and it at thai aucht get thairfor to pay his detts, with quhilk detts as the testament bars witness extendyt to the soume of threttene punds & mair and than the said executorys made it notorabilly knawyn before eve at thai had gert cry opynly at the market cors syndry market days four or fife that qwhasum-ever wald cum & by the sayde tenement & gif maste price thairfor to haf it in fee & heritage and gif ony of the nerraste of the kin of the said Neyl wald cum to haf
it eithyr no ony uthir and of bettir price and at William Lam Burgess of that ilk burgh had byddyn thaim mayr thairfor na ony uthir that was to say aucth pundus of usuale monie of Scotland the qwhilk viii lib the sayd William Lam yhit (yet) as than in our presence profyrt to pay for the said land and than the said executorys askyt us console qwhat was best to do thairof and than we the sayd balyhes that is to say Alexr of Hepburne Andro of Crumby and I and sundry of the console of the towne that is to say John of Furde Janys of Ayton Robyn of Furde Nichol Bowmaker John Flemyn John Nicholson John Stenson Thom Scot Thom of Punton and mony uthirys was auysit and thocht it spedful at the said executorys said sel the said tenement to the said Will Lam for aucth pundus to pay thairwith the detts of the said Neyl and thairupon the said Will Lam gaf to the said executorys a godds peny and fand thai sekyrte to pay the said soum be the next fest of mydsoumer than folowand and than incontinent I passit furth with mony of the sayd console and uthir nechburs to the sayd tenement and gafe heritabl state possessione and sesying to the saide William be erde and stane of the sayd tenement with the pertinents as in sic case asks order of law til hym his ayris & his assignes eftir the tenor of the sayd testament and of thair concordance and this til al and sundry to qwham it afters I make knawyn be thir present lettres In witness of the quhilk thyng to this letre I haf set my seyl at Hadynston the day moneth yher & place & witnes befor wryttyn and to the mair sekyrte the said William Harpar ane of the sayd executorys to this writ in witnessyng hes set hys seyl scriptum et registrum per manum dicti Will™ Harpar executorem predictum vicesimo se°°° die mensis martii anno supradict.’

The following names of Streets and Gates occur in this volume:—In 1425–6, Kyngs' street, Huchstraw or Huxtraw, Caleperys, Poldrace and pule of Poldrace, Wyrling Street, the syde gate on the King's wall.

In 1440 to 1454:—Hardgate, Baxtraw, Vice Media or Middleraw, Market Street, the Commonvennel, and Portus Anticiorus.

The Altars mentioned are the altars of the Virgin, of St Michael the Archangell, of St Ninian the confessor, of St Peter, and of St John the Baptist, all situated in the Parish Kirk of Haddington.

Volume Second. This is a large thick folio volume, bound in black leather, and is The Book of the Court of Counsale from June 1530 to 30 April 1555. The first page is much defaced and worn, and the exact date of the earliest entry cannot be deciphered. The second entry on the page is dated the last day of June 1530, and at that date the three Baillies of the Burgh were Nicol of Swinton, Patrick of Lawson, and Patrick, Master of Hailies. The entries in this Book are continuous from 1530 to 1544, and there are blanks from 1st
July to 6th October 1544, and from 10th December 1545 to 15th March 1551, after which the entries are again continuous down to the end of the volume, or 30th April 1555.

The breaks in this record are easily accounted for. The first marks the period when Patrick Earl of Bothwell was engaged in treasonable communications with the English within the town, and the second was occasioned by the Plague, which broke out in the month of November 1545 in the town, and for which the Provost, Baillies, Counsale, and Communitie made the stringent statutes after inserted in November and December of that year. The Earl of Hertford's invasion occurred shortly after this period, and thereafter the invasion of the Protector Somerset in 1547, when the English took and fortified the town of Haddington, and retained possession of it until the year 1549, when the plague again broke out, and, according to Sir James Balfour, "in a few days, devoured more than the half of the English Garrison ther, which moved them to quyte the Town and returne for England."

This is a most interesting record, and exhibits the manners and customs of the time very graphically. The minutes generally run in the name of the bailies, counsel, and community; and it would appear, from the following entry, that the bailies were chosen in a most popular manner:

"23 Octr 1544, The qth day, The communitie present within the towbuith and universally convenit be sound of the hand bell hes admittit the twa Baillies vizt John Lawtay and Thomas Wause qth were chosen at the croce of befoir to be Baillies of this Burgh for this yer."

Besides the ordinary Court of Counsale there was summoned, from time to time, "The Great Counsale," for important affairs, as the following entries show:

"20 July 1530. The Counsell ordains to gyf the officiars x$ for the greit counsell."

"4 Novr 1539, The assyse ordains the Baillies till cause convene the Great Counsale and the maist honest nybors of this Burgh on Monday next to cum for rype avisament concerning divers articles and matters of the commonweill and to warn the said nybors be the officaris personally as thai can be apprehendit ylk person under the payne of viijd unforgifin."

The power of these tribunals seems to have been absolute, and their management of the town seldom disputed within the town, but occasionally by the "Great Nybors." This is well exemplified in many parts of this volume, particularly in the stringent regulations for maintaining the health of the town during the visitations of the pestilence, in fixing the prices at which bread and other commodities were to be sold, and even in controlling the hours of opening
and lighting the parish church and ringing the bells, and in other matters after referred to.

The following are specimens, viz.:—

Powers and Privileges of Bailies and Counsale.

"13 Octr. 1530, The first day the Bailies and Communitie Acts and Statutes gyff any of the counsale cums not to the Court of Counsale, he beand in the Towne warnit be ane officiar or be the sound of the hand bell to be in viij\textsuperscript{th} unforgiffyn."

"13 June 1531, The first day maister John Hepburne parson of Daltry compert in the Counsell house asor the Counsell and Communitie then beand present And then maid It knawyn that my Lord eril Bothwell desyrit of the comon gude of Haidyngton xli\textsuperscript{th} usuell mone of the realm to be delyverit be hym to the Lord Setone for gratitudis to be done and for unitie and concord betwixt the Lord Setone and the communitie off Haidyngton the quhilk Inquest abonewrtytten (24 present) and communitie then present considerand the effect of the said desyr be thaim arguyt and rype awysit all in a weoce delyueris that the towe is pur and fer in det and may nocht furnys that soume of mone and attour thai delyuer all in a weoce that thai wyll nocht gyf that soume of mone to that effec because the Lord Setone clamis that to be in ws of gyffyn of the said soume and for Ingratitudis done be the said Lord Setone to the communitie of Haidyngton and for mone otheris inconveniences that may follow thaireftir and alswa delyueris all in a weoce that thai wyll do my lord Bothwell steid and service next the Kyng nocht hurtand thair fredome and comonweill of the towne syklyk as thai did to his predecessors he standand gud lord and ny*bur to the said towne and Comunitie thairof and to tak thair part and defend thair fredom and rychts syklyk as hes nobill predecessors hes done to the said towne & comunitie in tymis bypast."

"1 Aug. 1531, The first day the Counsale delivers that the persons that passes to my Lord Seton sell haif na Commission of ony thing that may hurt the town in their fredom."

"21 Oct. 1534, I commend me to zou Ry\textsuperscript{t} hartle and wit ze that the Bailzies of Hadington hes been at me schawand that ye haif poindit y\textsuperscript{r} nyburs and burgeses for non compeirans to Or Court. For I charge ze that ye restoir or gar restoir the saids poindis to the bailzies and that ze deceis and ceis fra ony calling molesting or troubling of the said personis poindit or oyeris of their ny\textsuperscript{b}urs wythin the bruche in tyme to cum q\textsuperscript{t} my Deiliueras or q\textsuperscript{t} I be foreawisit and this ye faill not to do as ye will raport singular thankis and pleissour of me at Edin\textsuperscript{r} the xxij day of October le z\textsuperscript{vs}. PATRIK ERL BOTHWELL."
"7 Nov. 1538, The haill body of the town baillies Cownsale and comunitie
delyveris that thai will seik remedy of the Injurys and wrangys done to the
baillies in the execution of their office be the Patrik Hepburne son to the maister
of Halys and his complices takand Tho Trumble of their hawdis thai havand him
to the Tolbooth for injurys and wrangis done to thaim in the execution of their
office."

"28 Nov. 1538 The q1k day The Counsall delyveris that na owt burgess sail
haif fredom q11 thai cum and find souertie to come and dwell in the town at
Witsunday."

"27 April 1542, The Baillies and Counsall ordains John Scharp and Wm
Mason to pass in their lenyn claythis on corpus Chrystis day afoir the sacra-
ment all the tyne of the procession and than to offer to the Baillies in name of
the Towne ilk ane ane pund of vallx and ask the Bailzes forgifnes and oblis
tham never to falt to the town again for brekin of the Knok and to restoir to
the town the expenis maid upon the mending of hir and gif thai refuse, to be
banisht the town for a zeir."

"23 May 1542, John Hay protestit that the continuation of this Court hurt
not my Lord Bothuillis privilege."

Police Regulations and Punishments, &c.

"12 July 1530, The Sys ordains that the hangman sell escheit to hymself all
swyne doggs & cats at he fyndis one the gait fra this nycht furcht."

"28 July 1530, The Counsell ordainis Gilbert Robison sail be haldyn &
cloissit in hys house for xx dayis and the Sonday thaireftir in tyme of hee
mess sell offer to the hee altar a Candill of twa lib wecht and ask the towne
forgifnes."

"15 Octr. 1532, The Counsell ordains that the baillies sail gar serss and se
gyf thair be ony Vacaboundis within the Towne and se whereone thai leif and
expel them the towne."

"23 Janv. 1536, The Sys hes fild Jok Greg & Howme of pikre and ordains
thaim to be banist the towne and scourgit and evir thai cum in it to be hangit of
the quhilk the bailzes tuk an act."

"26 Novr. 1538, The Assyss Ordains the Wedwyf and her dowther to be
banisst the towne and to forsweir the town and depart or ewyn under the Payne
of settyng of ane key on thair Cheks and ever thai be fundyng in it efferwart."

"10 Deer. 1538, The Assyss Ordains Howm to be bundyu at the erss of ane
cart and to gang trow all the streittis of the town and the Lockman to stryik hym
with ane vand and that the servands se that he execut his office on him and to
haif ane fresche vand at ylk streit end and to forsweir the towne and obliis him to be hangit be the Sheriff and ever he cum in the towne again."

"The ilk day, The actioun and cause betwix the bailzies and John Gothra is referrit to the assyss ilk delyveris that John sail cum at the next heid court eftir Zowll bairhedit in face of court and sitand on his knees ask forgyfness at the baillies of the offense done to thaim and to the town and the Baillies till admit the said penanss in condygne satisfaction."

"29 Jan. 1539, The Counsall ordains the Wodwyf to be banist this town for evir."

"26 Nov. 1540, Wm Gibson Baillie disassentit that the priestis of the Collegeis feis suld be arrestit and denyis that he gaif ony command to arrest the samyn."

"The ilk day, The Counsell ordains the baillies to require the maister of the College to perwuyss and correct the faltis within it and, faillieing that he do it not, to call him and thaim bayth for the samyn."

"12 July 1542, Patrik maltman band and oblist him to work in biggin of Calsay within this burgh of Hadington all the dayis of his lif for xvi. the rud he findand staine and sand and utheris necessaris and to pass to na uthir burgh by this and the Town to find him lawbor during his lyfetyme for the samyn price For quhilkis and gud utheris causes the baillies hes maid the said Patrik burges of this burgh."

"Penult of Octr 1543, The provost and baillies ordains the Thesaurer to by lokks and set on un fremenis durs."

"Item the first falt of all mesurs to be ane unlaw, the next to be accusit of thift, the third to be banist the Towne."

"Item all muk to be put off the Gait and all swyne to be put off the Towne."

"4 March 1543, The Counsell ordains the provost and baillies to lok up the personis dursis that ar not burges qll thai be maid burgess."

"29th Octr 1544, The ilk day, Issobell Gowinlock was ordainit to be banist the towne for steling of Patrik Shairpis caill and gyf evir sche cum in it againe the key to be sett on her cheik."

The following case of John Fleming, a pauper, illustrates the mode of supporting the poor at this period:—

"29 Jan. 1539, The Counsall ordains the baillies with certain honest nythbors to pass to the freirs and comon with thaim quhat thai will have to mark John Fleming ane freir."

"27 Ochr. 1540, The assys ordains the Baillies to gang through the towne and se qhna will gif John Fleming his meit and gif thair names to him in bill quha grantis thairto."
"20 July 1540. The assys abonewryting of thair awin fre will gif to John Fleming ane dayis meit as it cums about to thaim and gif thai be nocht disposit to gif him his meit thai will gif vii d for that dayis meet and ordains John Pier- sone Thesaurer to gif him clothyn as he thinks best and ordains the samyn to be allowit to him in his compt."

"20 September 1530. The q'k day, It wes thocht expedient that the mercat be cryit downe on the Setterday for this contagious pestilens fra the town west."

"The Pest."

"20 July 1540. The assys abonewryting of thair awin fre will gif to John Fleming ane dayis meit as it cums about to thaim and gif thai be nocht disposit to gif him his meit thai will gif vii d for that dayis meet and ordains John Pier- sone Thesaurer to gif him clothyn as he thinks best and ordains the samyn to be allowit to him in his compt."

"27 April 1542. The Baillies and Counsalle ordains the Thesaurer to gif fifty shillings to John Fleming at 4 termes for this year allemarlie."

"20 September 1530. The q'k day, It wes thocht expedient that the mercat be cryit downe on the Setterday for this contagious pestilens fra the town west."

"Item, at na stuf cum to the mercat bot vitaill fiche and flesche and at nane of Edinburg Leicht na otheris suspec place be lattyn in the towne na raset without special licens of the bailzies And at na man travell to Edin' na Leicht under the paine of banysing of the Towne And at na Coupars cum to by corn to haif to Edin' na Leicht under the paine of eseiteyn of thir wittell and at na man ryd nor gang to Edinr na Leichte without speciallicens of the bailzies under the paine of banysing of the towne and eseiteyn of thir gudes And at na schamyts be set under the gait under the paine of eseiteyn of thir paks."

"25 Octr. 1530. The q'k day the Counsell ordained that the mercat stands eftir the first proclamation."

"The q'k day The Counsell ordains Nanie Hepburn & her marro to cleng thaim and thaireftir sell entir within three dayis in the Towne and keip thaim close viii. dayis."

"The Pest."

"15 Novr. 1530. The q'k day The assys fyndis the wache to be supersedit q'll thai be afore awisit and gyf ony man will taik on hand to steik the zetts at viii hours at ewyn and opyn thaim at fyf in the mornyn to haif thre pence ilk man and to haif a stand wache at the west yet."

"17 Octr. 1531 The Sys ordains a Stand wache at ylk port for viii dayis on the Towns coist."

"24 Octr. 1531. Item Thai delvered that the ports of the Towne to be keipit with a man at ylk port and to begyn quhair the michaelmas wache left and go about the Town and to enter at vi hours at morne and bid q'll viii at ewyn and sa alwaysis about q'll the towne be awisit."

"Item, That na man ga furth of the Toun to na suspek place, wythout speciallicens of the Baillies and to taik twa ny'tbors, wyth thaim at passis to beir thaim witness."

"Item, That all ny'tbors cum to the tolbuith quhen thai ar warnit wyth the bell or officiar wythout a ressonael caus one the paine of viij un forgyn."

VOL. II. PART III.
"21 September 1538. The q1k day The Cownsale Ordains that the toun sail fee four sufficient men to waik at the four portis of the Toun on the day on the toun's expenses And at the Baillies sail put four men on the nycht of the nythors of the toun as thai four gangand about the toun be warnyng of the officiaris and ordainis the portis to be hung and cled with burdis.

"The q1k day, the counsale ordanis gyf any burges or Indwellar of this toun haif ony seikness wytyn his hons of quhat seikness that ever it be that thai cum incontinent and schaw it to the baillies under the paines of tynsall of lands and gudes and banysscing of the toun.

"Item thai ordain the fayr of Sanct mychaell to be cryit down quhill the toun be forther awisit and at all doggis and swine be put of the town under the panys that thai may incur to the Kings Grace."

"17 Octr. 1538. The q1k day The assys delivers that a man sail gang to the gentillmen about and shaw how the baillies and cownsale hes delyuerit that na man sal be lattyne in but thai that bryngys a testimonial fra the Lord and maisteris thai dwell under and to answer for thaim that thai are clene and usses na suspect placis.

"The q1k day the assys delyveris na carteris nor travelleris pass to Edinr nor Leith for xv dayis under the payne of banysching of the town and tynsall of thair fredom and at na pour folk that pass furth of this toune sal be lattyne in again and na uther puir folke of uther towns be lattyne under the paine of the portar to ly in the stockis xv dayis.

"Item, At the Baillies pass to the Gentilmen within this town and desyr thaim to gyf intyll thair Servants names quhom thai will answer for."

"4 Novr. 1539. The assys ordains for honor eyis weill and profit of the town and eschewin of Infection of air that nane Candelmaker within the burgh maik candell nor melt ony kynd of tawch in ony forgait of the town bot that thai do the samyn in quiet back rawis and that for the caus abone wryttin and it sal be lefull till sell the samyn quhair thai pleiss under the paine of twenty s to be applyit to the common purse and 8d to the Baillies as oft as thai do in the contrair eftir the intimation of the samyn quhill thai ordain to be instantly done be open proclamation at the mercat croce.

"The said day the baillies past till the mercat croce and proclamit this abone writting attour in all points as it is wryttin."

"8 June 1545. The q1k day John Peirson protestit gif the pest cum wythin the burgh sua that the town be left waist that the Provost Baillies and town haif consideration to the Custumers heirof."

"27 Novr 1545. The q1k day The provost baillies Counsale and Comunitie hes statut and ordainit that all maner of seik men or wemen or unclengit or
that is not able to be clengit be removit of this town to the south quarter out
with Sanct John’s Port on the morn at even and that na man of the said personis
cum within the town unto the tyme thai be sufficientlie clengit and proven be
the principal clenger and quha brekis this statute to be punished to the deid.

"Item, it is statut that quha ever first servis the punishment of deid be re-
mittit to be common lockman wythin this town.

"Item, that the mercat be cryit the morn and that na manner of seik and un-
clengit personis cum w’out thir houses the tyme of the mercat under pain of deid.

"Item that na seik or unclengit cum on the friday to the Kirk bot that mess
be said to thaim in Sanct Catherine’s Chapel.

"Item that q’somever person happen to be seik schaw the Provost and Baillies
incontinent under the pain of deid."

"7 Decr 1545. The q’k day comperit George Fourrois and maid it knawin
how there wes ane act maid of befoir be the provost baillies and Counsale quhair
it wes statut be thaim that all manner of personis being full unclengit or suspect
of the pest that thai suld pass of this town within 48 hours eftir the charge
under the pain of deid and confiscation of thir goods as escheit that ane half
to the provost baillies and town and that other half to the first warner and al-
legit that John Ayton and his complices had transgressit the said act and wes
apprehendit be him therefor he desirit the said act to be put till execution pro-
testand for the copy of the first act and remeid of law in case the samyn wer
not fulfillit.

"The q’k day, John Ayton allegit that he wes an Juge constitut be the Coun-
sale of the town and that there is na juge heir till him nor aucht till answer
befoir ony Juge heir present.

"George Fourrois desirit John Ayton to shaw his commission quhair he wes
creat bailze of this towne.

"The q’k day, Willm Gibson disassentit that John Ayton be dischargit of his
office quhill the zeir be run.

"The Provost and Counsale hes dischargit John Ayton of his office of Bailzery
of this zeir because thai fynd him unable thairfor and hes creat Thomas Dykson
Bailzie for this Zeir and ressavit his ayth for ministering of Justice.

"The Haill Counsale hes ordainit John Ayton and hes complices to be in the
Provost and Baillies will and thai to be punisht according to the act."

"Sale of Breid and Aill &c

"13 Octr 1530. The q’k day the Counsall delyueris that all baxteris that baiks
court breid sell baik the ta half of the bache twa penny breid the toyer half
our penny breid."
"15 Nov r 1530. The q'k day the assys ordains the breid to be xiiiis paise and the bailzies to serh gyf it keipis the pais and sufficient stuff.

"The q'k day the assys ordains twa Custumars to pass throu the Town and see gyf the aill be wort xvi\(^{d}\) and it at is not wort xvi to be at xii\(^{d}\)."

"12 Dece 1530. The q'k day, The Sys ordains the aill to be sauld for xii\(^{d}\)."

"18 July 1531. The q'k day, the Sys delyuers that the Bailzies sell pass and weye the breid and see at it keip the pais as thai will answer to God and on the execution of this office and at the officiars in absence of the bailies to halp power to wey the breid and to be obeyit as the bailies and gyf the officiars failzies in the exercising thairof to be in a unlaw unforgyffyn."

"5 Novr 1531. The q'k day, The Sys delyueris that nan pass wyt the Kyrk breid bot honest men and at nane be feit ane for ane other, onder the pain of viii\(^{s}\) and maikyn of the breid als gude as the day eftir.

"The q'k day. The Sys delyveris that aill be said for xx\(^{d}\) and it is not worth xx to pay 8s unforgyffen the cwstumare to maik payt thairof."

"15 Octr 1532. The Counsell ordains the aill to be said for eleven pence the gallon & nane derrar on the paine of ane unlaw unforgyffyn."

"9 Novr 1536. The q'k day the Counsall deliueris that all at lyks sal be fre to brew aill."

"26 Novr 1538. The assys delyveris that na Inhabiter of the toune sell na muk to na man at dwells outwith the town under the Payne of viii\(^{s}\) and the byar of the muk to pay ane penny of custom and ane penny for the breking of the causa and ordains the custumars to gadder it."

"24 April 1539. The q'k day the Counsall fynds xvs pays of breid and ordains the aill to stand as it was afoir and let the cwstumers owrse it And that ylk baxter of this town sall baik twelf penny worth of penny breid in ylk boll of quheit."

"8 Octr 1544. The Provost baillies and Counsall statutes and ordains that na aill be derrar sauld than viij\(^{d}\) the quart q'l Sunday at ewin next to cum that the aill now being in the lwmys (vats) may be sua sauld and fra Sunday at ewin fourth to be sauld for vi\(^{d}\) the quart and na derrar under the Payne of ane unlaw the first falt and ane double unlaw the next falt and the third falt of spaning (weaning) of thaim fra brewing for ane zeir and that the samyn stuff be gude and sufficient be fyty of the custumeris and sicklyk fyndis xxiv unce of breid guid and sufficient stuff to be sauld for four pence under sicklyk panes."

"Penult of Jan\(^{y}\) 1544. The Counsall fyndes the breid xx unce for liij\(^{d}\) Item the aill to viii\(^{d}\) the quart that is guid and the ver vi\(^{d}\) It. that the maisters of the bakehouse warne the Baillies or the breid pass furth of thair house."
**Lighting Church and Ringing Bells.**

_Last day of July 1539._ The _qth_ day, the assys abonewritten ordains the parroch clerks till uphald the Lamp with oyle that hingis in the Queyr and that samyn till be lytit in the mornyng at the five hours or thairby and till durur _qth_ the clerk stik the durris. Alswa thai ordain yaim till ring or gar ryng the menyng till all Inhabitars of the Burgh thai paying thairfor xxxii4 and gyf thai be chargit and will not do the samyn it sail be lefull till ony Inhabitor within the Burgh till fynd ane servand of his to ryng the said menyng gyf the Clerk forsaik till ryng thaim for the samyn money and for favor of the samyn the Town gevis thaim the bell stringis &c.”

**Election of Parish Clerk.**

“The _xxvii_ day off the moneth of May in the zeir of God a thowsand fyf hundred thretty & thre zeirs The Bailzies Cownsell and comunitie of the bruche of Haidinton gadderit at the sownd of the handbell to the tolbut of the said bruche for the gyffyn of the Clerkschip of the paroche Kyrk of Haidinton quhais namis eftir followis and thair delyuerance in the said matter and Instrumentis taikyn thairupon fulliar proportis.

The names of the bailzies Cownsell and comunitie follow in 4 columns each containing 32 names—138 in all.

“The _qth_ day, the bailzies Cownsell and comunitie abone wryttn fyndis that the paroche clerkschip of the Kyrk of Haidinton is waikand be the deceis of Sir Adam Hepburn paroche clerk of the samyn and findis Wylzem Watson maist aibill to haif the said clerkschip and delyuerys and all in a woce gyffis the said Wylzem the said Clerkschip wyth thir condicionis onder wrytten that is to say that Archibald Borthwik sail haif the ta half of all the profit and casualties that may fall to the said Clerkschip.

“Item the said Wylzem Watson & Archibald Borthwik bindis thaim and evir ylk ane of thaim to the town of Haidinton and thair successors to abid and maik residens in proper person and do daily service in the queir of Haidinton and nane other for thaim for all the dayis of thair lyfes in matins howrs he mes and ewynsang as the laif of the queir dois and to be preist als sone as thai cum to aig and gif thai faill in ony point of thir premessis this gyft to be of name awaill force nor effec and to retwrn to the gift of the Town to dispone on the said clerkschip at thair pleisour and this gift to be gyffyn onder thair Comone Seill on the condicionis abone wrytten. And for the oblisng of thir premessis Philip Gibson John Watson & Robyn Watson bindis thaim thair airis executors and assignais faithfullie to the Town of Haidinton thair gudis mowaibill
and unmovable that the said Wilzem Walson sal fulfill all thir premisses but fraud or gyll and in likwis Alexr Hepburn Thomas Dykson & Thomas Wause bind is thaim for Archibald Borthwik to fulfill all the pointis and articlis faythfullie thair gudis movabill & unmowabill to the town of Haidinton.

"The q1k day, the balyzis cownsell and comunitie delyeris that James Ayton sal gyf to Archd Borthwik & Wilm Walson the samyn presentacion that thai gali to Sir Adam Hepburn of the paroche Clerkschip and he to bruik the remanent for all the dayis of his lyfe without nouacion Desuper Instrumentum with consent of the said Archd & Wylzem of thir awyn Confession.

"Item the Bailzes Cownsell and comunitie gyffis thair Clerkschip as said is to the foresaid Wilzem & to Archd gyf thai may be bayth into it and failand thairof to the said Wilzem allenarly he fulfilland his condicion to the said Archd & his sourties.

"And gyf it hapnis that any of the twa deceis that part sal be gyffyn be the Town to quham thai pleis and in speciall to a nybour sone of the town maist abill and to nane otheris.''

The habits and occupations of the inhabitants of the Burgh are well illustrated by the following extracts:

Pleyes and Pagens.

"8 Feb. 1530. The q1k day the Sys delivers that Thorn Synclar sail haif xxs of the Common Guid to debait the pleye q1 the chekar betwixt Dunfermine and the towne of xls claimed by the town Dunfermling on the towne."

"28 May 1537. The q1k day The Sys wyt awiss of the bailzes contenuis the crafts to play thir Pagenis q1 Midsomerday.

"The q1k day. The Sys delyeris that the Baxteris mawtmen fleischors smyts Barbers Tailzeours Skynnaris Furiors Massonis wryts wobstaris Cordinaris and all oyer craftis sail playe thir pagenis and zeirly this zeir on midsomer daye."

"14 June 1541. The q1k the bailzies chargit the Dekynis of the craftis of Hadington personally present to pley thair padzanis this zeir as thai did afoir."

There are very curious accounts in this book regarding the order of the processions of the different Crafts on Corpus Christi Day; but as Mr D. Laing has promised to bring this subject forward in a separate paper, it is unnecessary to quote any of them here.

Abbot of Unreason.

The 12th day of Aug. 1534 yrs Thos Dyson and John Ayton Bailzies made James Raburn burges Gyffyn to Robyn Wolson Abbot of Unreason.
"24 April 1537. The 24th day The Syn delyueris that George Rychartson sall pa to the tressaurer 20s at Whitsunday next heir aftir and oyr 20s at Zoull next thairafthir quhilk 40s George wes award the town becaus he would not be Abbot of Unresson."

"8 April 1539. The 8th day The baillies after the takyn of the ayts of the 25 personis abonewritten present requirit the said personis quether thai thocht expedient till haif ane Abbot of Unreason this zeir or not to the 8th ane certain answerit and said thai thocht it expedient to have ane Abbot and ane uther certain quhais names eftir followes thocht it not expedient viz Nicholas Swynton & 7 others.

The 8th day the baillies and names abonewritten that thocht expedient till have ane Abbot for this zeir thynkis thai will gif four pounds and ane burgesschip till him that the town chesis Abbot of Unreason for this zeir and all that refusis it sall gif xls, the first xls to be given till him that taks it on him and the laif to cum to the common well of this town.

"The 8th day. Thos Ponton wes chosen Abbot of Unreason for this zeir and he had to do service usit and wont and failing of him Thos Sinclair and failing of the said Thos Sinclair Thos Burrell and failing of Thos Burrell John Aytoun."

"14 April 1539 (16 present). The 14th day John Payrson ane of the baillies in name and behalf of the Towny askit instruments that the baillies had causit the counsall to convene to the towbuy on Tuseday last bypast for chesing of the Abbot of Unreason and allegit that the maist part of the counsall had dissas-sented till have ane abbot as he allegit testibus comunitate.

"The 14th day the Counsall abonewryttyn thinks to put the acts mayd on Twisday till execution and thinks thaim orderlye done in the chesing of the Abbot and ordains the baillies to cause thair officer till profer the horn till him that the office is layd on or ellis gif he taks it not till point him for xls and the town and common guid till warrand and defend the baillies gif ony pley happen thairafthir and gif that he that is layd on first gives xls to profer it to the next that it is layd on and syne the third and syne the eyrd and all the comunitie ratifies the samyn &c."

"23 April 1539. The 23rd day the Counsall delyveris that the baillies pass and put the act to execution of the abbot chesying as thai will answer on thair ayt and that incontinent but delay.

"6 May 1539. The 6th day Davd Furrous Thesaurer grantit hym ressavit xls fra Thos Ponton for the forsakyn of the abbots-chyp and syklyk of Thos Sinclair xls, &c."

"30 March 1540. The 30th day the Baillies and comunitie ordains that qisom- ever be maid Abbot this zeir that he sall tak the samyn on him within xxiv
houris next eftir thai be chosen and chargit thairwith or thai to refus the samyn and pay thir xls q¹k ane eftir utheris as thai refusis and this to be observit in tyme to cum.

"The q¹k day James Horne wes chosyn be the baillies and communitie Abbot of Unresson for this zeir and failling of him Pat Douglace fleshour and failling of him John Douglas mason syne Philip Gibson syne Robert Litstar syne James Raburn syne John Douglas Baxtar and George Waik."

"20 July 1640. The Baillies and assys will that the first burges that beis maid except burgers air be gevin to Pat Douglas for his Abbot of Unreason that he suld have and will releive the town of the band that thai ar bund to him thairfor."

Gipsies.

"2 March 1540 The Baillies after tryal fine a company of Egyptians for coming into a house and stealing—Two appear for all the laif of the company—Ordain the Egyptians to pay 19/5 in 15 days."

Weaponshawin, coittis &c.

"27 April 1542 The Baillies and Counsell ordains ane wappinsshawin to be heldin in Gledsmuir on Sanct Helynes day afoirnoon and that to lay down the muir that the Laird of Skrailing hes gart teill.

"The Baillies and Counsell ordains thir muir of Gledsmuir to be zeirlie riddin on Whitsonday and quha is absent the Baillies to poind thaim.

"At the Burgh Court of Haidintown haldyn the 5 November 1532 the q¹k day the sys ordain a offlciar to pound Robyn Turner for xxiis vis for three playe coittis because it was assignit to him to pa and to be inlowit in his count.

"6 May 1539 The q¹k day the assys delyveris that the thesaurer sail vayr the four pownd he gat fra Thomas Synclar and Tho Ponton on play coittis and thai coittis to be kept in the common kit q¹l the next year to the abbot and that abbot to delyver thaim to the comoun kit agane unspoillt and sa furth zeirly to serve the Town and na utheris."

Election of First Provost.

The change of government of the town from the old regime of the three Baillies to that of a Provost and two Baillies, is entered as follows, viz. :- "on 9 Octr 1543, The Baillies Counsale and haill comunitie of this burgh being warnit be the sound of the handbell convenit in the Tolbuth think it expedient to eheise ane Provost with twa Baillies within this Burgh and finds Maister Wm Brown of Stotencleuch an abill man to be Provost of the samyn and thairfor
with ane consent hes chosen the said maister William Provost of this town for
the space of ane zeir and ferder indurand the towns will and he is oblist to
remain in this Town and sworne to do justice and maintaine the town and
sicklyk hes chosen Thomas Sinclair and John Peirson Baillies of the samyn for
ane zeir.

"The burro and Sheriff Court of Haddingtoun within the boundis and sheriff-
dom of the samyn haldyne in the pretorium thairof be the provost
maister William Brown the xi day of Octr the zeir of God Im v c xlijj
zeirs Dempster John Lowre.

"The q^th day the provost foresaid maid constitut and ordainit Alex^r Symson
elder and Alex^r Symson younger Clerks of the Sheriff Courtis within the
boundis and sheriffdom of the burgh foresaid Gilbert Robison officer and John
Lowre Dempster and resaivit thair and ilk ane of thair solemnpt ays the Haly
evangelis twechit for leile and trew administration in thair office."

It seems probable that the Burgh of Haddington was made a sheriffdom by
"The new Infeftment of freedomes" obtained about this time. The different
names given to the Courts held at Haddington are curious, they are as fol-
lows:—"The burro Court," "The Burro head Court or Heid burro Court,"
"The Court of Counsale of the Burgh," "The Burro Court and Court of Coun-
sall," "The Court of Schillinghill haldyn in the Pretorium of Haddington," and
"The Sheriff and Burro Court." This last designation only occurs during the
years 1843, 4, and 5.

This Provost continued in office down to the period of the plague in 1545,
and his powers of maintaining the town during pestilence and seige must have
been severely tried.

The Antient Wars of the burgh are enumerated in a minute of 11th July
1531 as then in private custody, probably owing to the plague of 1530 and
1531, and are:—"A Charter of King Robert of the fredom of the bruche of Had-
ington of the reign of xvii years in the hands of Tho^r Sinclair and also a
Charter of King James the Second of Showrling and schawing the reign of xv
years. It. A General Remission of the townis of King James the Fyft of his
reign the xiii year. It. A Retour of unq^l Rauf Eglims aikers in double furme.
It. A Decret of the Lords in double furme of the same aikers. It. A qu^ance of
John Crummys of a soume of monie for the said aikers. It. A Privy Seal of the
gift of the said aikers to John Crummys. It. A Transumpt of a Charter all thir
above evidents in Thom Sinclairs hands." "It. A Charter of Kyng Robert the
Brusses in Nicoll of Swyntons hands. It. A Charter of Robert Stewards in
Pat Lawsons hands. It. An Indenture of the teinds of the mylls in Pat Law-
sons hands. It. An Instrument of the bowmen of Gladdismuir in Patrick Law-
sons hands. It. A part of a Retour of the aikers in Will Kempis hands. It. Twa Instrumentis of the Haiflyn of Abyrlaydy in Patrick Lawsons hands." 

On 10 Decr 1532. The same writs are mentioned as then delivered up to the Baillies, and received by them " in syker keiping for the Towns profit."

There is another list of Writs belonging to the Town under date 5th April 1552, beginning with the new Infeftment of the fredomes of the Burgh of Haddington, and containing several additional Writs, chiefly Deeds of mortification to the Church.

At the time of the after plague of 1545, the CHURCH PLATE was deposited with various persons. (See extract printed in these Proceedings, vol. i., pp. 57-58.)

The following entries are curious as indicating the wages of the different classes in the Burgh, prices, &c.

" 22 Octr 1532 The q1k day the Counsall ordains Matho Huntar to waik on the tolbucht heid nytile and to half vi pennies ylk nycht of the common gud at the vil of the bailzes."

" 15 June 1535 The q1k day it was fundin that Sir Patrick Mawchlyn rud preist suld half four li xs for findyn of the barnis and buikis in the queir in the zeir.

" Item to Sir Tho8 Mawchlyn suld haif terme for his service ijli and for to find lychtis ij merkis.

" Item to Sir Vylzem of Cockburne for his service terme ij merkis and a half merk.

" Item, to Mr George Kerynton for his service terme ij merkis and a half merk.

" Item to Sir Adam Browne for this terme v merkis.

" Item to Sir Alexr Henryson terme vli.

" Summa terme to the Queir of Hadingtown is xix. li. and x5.

" 2 Jany 1542-3. The Counsall ordains the thesaurer to gif the piper viii d nychtile."

" 16 Octr 1543. The Counsell ordains the fermarars to render 100 lib to my Lord Bothwille."

" 22 Janv 1543-4. The q1k day the maist part of the town hes ordainit that xlvij. li. quhillis wer gevin to the xxiiij men that past till Edinr to my Lord Bothvile to be tane of the common gud."

These two entries shew that the Town of Haddington sympathised with Patrick Lord Bothwell in his treasonable proceedings.

An attempt was made in 1531 to work coal in the Common Muir of Gladsmuir, as appears from the following :—

" 11 July 1531. The q1k day the Counsale ordains and delyveris that the kyrk
to pass as esyly as it may and all the laif of the common gud to be warit (spent) on thewynning of a coil pit on Glaidsmuir and to na other wys and giff neid beis the town to be taxt for mair mone."

"27 July 1531. The Sys ratifies the act maid anent the wynning of the Coil-pet and gyf the Kirkmaister wares any monie by the masonis ony oyer waibot on the pet It to be disallowit in hys next count and at the bailizes put the act to execution of the Wynning of the pet in all gudly haist."

"4 June 1532. Item John Lawta wes choissyn to oversee the Coilzers for viii days for vi."

"16 Novr 1543. George Symson offerit ane hundreth pundis to be varit on the coill of Glaidsmuir quhair he plesis and gif he gettis it not to tyne the hundreth lib and gif he gettis the coill to haif it for xix zeirs fre and gif he gettis it not to haif vii akir of land of Glaidsmuir for xix zeirs fre quhilk offer thai continew qν Tesday eftir sanct mertynmes day."

"20 May 1538. Mr Dawe Borthwick Capitane of Tantallan borrowit fra the towne of Hadingtone and bailzies of the samyn to the Kyngs service in werk of Tantallon this zeir under wrytten In the first a Pikeschif of brass wy  the stok of the samyn ane Extre of Wyndess wy  the collar of the samyn thre In nails one dog a pair of clipis a baike a great towne conteinand fyftie fandois wy the man the qk geir abone wrytten the said Mr Dawe bound hym to delyver the samyn geir wytin 15 dayis next eftir he be requirit thairto be the Bailzies and Counsall for the qk geir Mr Dawe and John Ayton is caution and sour the qkhes subscribit this put act wy thir hands in plane court day and year abone wrytten Mr David Borthwick Jhon Ayton."

This volume contains both the Acts of the Baillies and Counsall as legislators, and their decisions as the Court of Counsale or Burgh Court, which were afterwards separately recorded in two distinct sets of books, viz.,—The Acts of the Counsale, and The Burgh Court Books.

II. THE COUNSALE BOOKS, OR ACTS AND STATUTES OF THE COUNSALE.

Vol. 1. of the "Act Book of the Counsale of Haddington, from 13 December 1554 to 3 March 1580." This small folio volume is bound in vellum, and in good condition, but very black and dirty. It contains prefixed to it a list of the Burgessos made between 1555 and 1580. Besides the Acts and Statutes made by the Magistrates and Counsale for the government of the Burgh, there are numerous entries relative to the common school of the Burgh which we have not space at present to extract. "On 30 Novr 1571, The Magistrates ordained all annuellis of the Chaplainries and altars within Burgh to be collected and applied to the Master of the School and Exhorter in the Kirk."
Vol. II. of the Counsale Book contains similar entries to vol. i., but is almost illegible from the effects of damp. It begins on 13th Octr 1581, at page 34. The previous minutes are torn away, and it ends in Novr 1602. As an appendix to this volume, there are,—"1st. Lists of Burgesses from 3 Decr 1554 with the dates of their creation collected furth of the Counsale Books of the Burgh by James Gray Notar & Common Clerk beginning at the Counsale Book written be umqle Thos Stevin—Item in the Counsale Books written be Alexr Symson & James Gray—2d Inventory of the Rents patrimonie & property pertaining to the Burgh be Alexr Symson Common Ck taken from the Rentals & Infeftments thereof 27 Sep. 1583. 3 Entry of Schipps enterin yaimselv.es in the haven of Aberlady beginning in the year 1593, 4th Roll of taxation of the Burgh for 503 merks as their part of the sum of 100,000 merks grantit to His Majesty by the Estates in the month of Janr 1593."

Vol. III. of Counsale Book commences with a List of Burgesses and a form of the Burgess oath prefixed, like the other 2 vols. The title prefixed to this volume is "The Counsall Duke of the burgh of Haddington beginnane the xiiij day of January 1603." The first entry is dated 14th January 1603 and the latest on 24th June 1616. This volume is also much destroyed with damp, and is wearing away from decay. It has been originally carefully written, and apparently in the handwriting of James Gray, the Town-Clerk. There are, prefixed to it, several pages of Reports of Cases decided between 1553 and 1557 by the Burgh Court, probably a private abstract of precedents taken by the Town-Clerk for his own use.

III. BURGH-COURT BOOKS.

Vol. I. A thick volume, bound in vellum, commencing in April 1555, and ending 28th July 1571.

II. A thin volume, from Oct. 1571 to Oct. 1575, with some leaves torn at the commencement, and otherwise injured, bound in vellum.

III. Last October 1575 to penult of April 1581.

IV. 2d May 1581 to 14th August 1585: only one-third of this volume is engrossed.

V. 26th Oct. 1585 to 1st June 1597.

VI. 10th June 1597 to 22d Nov. 1603.

VII. 15th Oct. 1604 to 21st July 1610.

VIII. 24th July 1610 to 24th Oct. 1615.

IX. 31st October 1615 to 5th June 1623.

X. 10th June 1623 to 22d Jan. 1628.

XI. 29th Jan. 1628 to 31st July 1632.
XII. Wanting.
XIII. 25th Feb. 1634 to 6th Dec. 1642.

This volume contains a trial of a witch named Anne Tait.
After this date, there is a blank in the Record down to 1669, from which it is continuous down to 1700.

The following is a List of the Provosts of Haddington, taken principally from this Record:

Oct. 1543 to 1545, William Brown of Stotencleuch. He was Provost at the time of the plague of 1545, and probably continued in office until the town was taken by the English in 1547.

Oct. 1551, Thomas Wause.
1552, James Oliphant.
1553, Adam Wilson.
1554, James Oliphant.
1555, John Forrest.
1556–1558, John Aytoun.
1559, James Oliphant.
1560, Adam Wilson.
1561, 1562, John Aytoun.
1563, James Oliphant.
1564, John Forrest.
1565–1568, Thomas Punton.
1569, John Aytoun.
1570, Thomas Punton.
1571, Bernard Thomson.
1572, 1573, James Cockburn.
1574–1576, John Douglas.
1577, 1578, Thomas Punton.
1579, 1580, Robert Neisbit.
Oct. 1580, James Cockburn.
1581, 1582, William Brown.
1583, John Carketill.
1584, Francis Earl of Bothwell.
1585, James Cockburn.
1586, 1587, Thomas Cockburn.
1588, Thomas Spottiswood.
1589, 1590, Philip Gibson.
1591, 1592, James Cockburn.
1593, Thomas Spottiswood.
1594, James Cockburn.
1595, John Kirkwood.
1596–1597, Wm. Slytoun.
Oct. 1597, Philip Gibson.
1598–1606, Thomas Cockburn.
1607, Sir Wm. Seytoun of Kyllymure.
1608, 1609, Thomas Spottiswood.
1610–1617, Henry Cockburn.
1618–1632, James Cockburn of Wester Monkrig.
(Blank in all the books from 1632 to 1634.)

1634, James Cockburn.
1634–1645, John Cockburn.
1669–1670, John Sleigh.
1671–1673, Henry Cockburn.
1674, 1675, John Sleigh, sen.
1678–1680, John Sleigh, jun.
1681–1683, Henry Cockburn.
1684, John Sleigh.
1685, Wm. McCall.
1686–1689, John Sleigh.
1690, John Lessell.
1691, 1692, James Landre.
1693–1694, Wm. McCall.
1695–1697, Alex. Edgar.
1698, Alex. Smith.
1699, 1700, Alexander Edgar.
The following were the Town Clerks:

<table>
<thead>
<tr>
<th>Period</th>
<th>Name(s)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1423-1450</td>
<td>William Harpar, N.P.</td>
<td></td>
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<tr>
<td>1450-1463</td>
<td>Alexander Clerk, N.P.</td>
<td></td>
</tr>
<tr>
<td>1529</td>
<td>Alex. Symson, elder N.P.</td>
<td></td>
</tr>
<tr>
<td>1539, 1544</td>
<td>Alex. Symson, younger, N.P.</td>
<td></td>
</tr>
<tr>
<td>1556-1580</td>
<td>Thomas Steven, N.P., a Priest</td>
<td></td>
</tr>
<tr>
<td>1580-1586</td>
<td>Alex. Symson, N.P.</td>
<td></td>
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<tr>
<td>1584-1620</td>
<td>James Gray, N.P.</td>
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<tr>
<td>1613-1624</td>
<td>James Gray, N.P.</td>
<td></td>
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<tr>
<td>1634-1650</td>
<td>George Gray, N.P.</td>
<td></td>
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<tr>
<td>1668-1683</td>
<td>Andrew Young, N.P.</td>
<td></td>
</tr>
<tr>
<td>1683-1687</td>
<td>James Smith, N.P.</td>
<td></td>
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</tbody>
</table>

Documents of importance, such as contracts and agreements, were entered in the Burgh-Court Records, with a view to their being enforced by the authority of the Court; but these are not numerous in the early volumes. The most interesting minutes are those authenticating the Protocol Books of the Town-Clerks, as they show what Protocols existed at their respective dates. The earliest is dated 15th July 1586, and is in substance as follows:

"The q'th day anent the Judges Edict at the instance of James Gray N P & Common Clerk of the Burgh for Cognoscing of the Prothogoll Books of umqle Alexr Symson Elder Alex Symson younger & Thos Steven Notarys Public & Common Clerks of the Burgh of Haddington." This minute does not specify the dates of these Prothogoll Books. The description is:

"Henry White haver and keiper of the Books of the said Alexr Symson Elder & Younger Compeirand & producit ane prothogoll Book of umqle Alexr Symson Elder and three prothogoll Books of Alexander Symson Younger and William Wilson haver Compeirand & producit the three prothogoll Books of umqle Thos Steven. And the Judges having called witnesses all maid faith that the Prothogoll buke of the said umqle Alexr Symson Elder wes his awin hand writt the said 3 bukus of the said umqle Alexr Symson Younger wes his awin hand writt and the said three prothogolls of the said umqle Thos Steven vitz the first prothogoll is all his awin hand writ, the second is all written at the leist subscrivit be him & the third so far as is written or subscrivit thairof by the said Thomas Stevins awin hand ar all authentic Instruments and that the said Notaries wer haldin & repute honest famous & condigne notaris all the dayis of their lyves. James Gray is then authorised to transume & extract these Instruments."

The next is dated 25th October 1673:

"The q'th day in presence of the Judges sitand in Judgement compeared personally James Smyth Notary Public and Common Clerk of the said Burgh and
Producit ane precept and Edict direct be them at his instance duly and lawfully execut and indorsed at the mercat croce of the said Burgh be James Kellie ane of the ordinary officers and sergeants of the said Burgh summoning all parties having or pretending to have interest in the Prothogoll Books of the deceased James Gray James Gray Elder and Mr George Gray Notars Public and Common Clerks of the said Burgh to have compeired this day and place to hear and see the same Prothogoll Books cognosced before them and the hail Public Instruments therein contained decreed to be transumed be the said James Smith and sick faith to be given to his transumpt as might have been given to the Principal instruments if the samyn had been extracted be the saids umqie Notars thaimselves before deceise and wer that extant and the said judges their authorities to be interponed thereto on the called and the said Books producit non compeirit to object in the contrair thereof. Thairfoir the said Judges recavd certain witnesses that are to say Patrick Young elder Patrick Young junior and Andw Young Notars Burgesses of the said Burgh and Mr Thomas Wilson Burgess there for cognoscing the said Books and hail Instruments therein contained (wha being all sworne and admitted be the said judges made aith and deponed that Conform to their knowledge the first Prothogoll Book of the said deceased James Gray is all written and subscribed with his own hand beginning the 21st day of Jan 1585 and ending the 20 of Feby 1595 and that his second Prothogoll Book is likewise all written with his own hand, beginning the 21 day of Feby 1595 and ending the 15th of July 1610 and that his third Prothogoll Book is likewise written and subscribed with his own hand beginning the 27th day of May 1610 and ending the 11th of April 1620.—and that the Prothogoll Book of umqie Mr James Gray is all written with his own hand except a part of the last Instrument qlk is written also with his own hand till the words Quoquidem sasinse Precepto qlk fra thencefurth is written be another hand and are all subscribed be him except the said last seeing Qlk prothogoll begins the last of Feby 1613 and ends the 6 day of March 1624. And that the first Prothogoll Book of the said umqie Mr George Gray is all written with his own hand beginning the 22 Feby 1634 ending the 22 November 1647. And that the second Prothogoll Book of the said umqie Mr George Gray begins the 15 Dec 1647 and ends 4 June 1650 years and that both the said books and hail Instruments therein contained are all written and subscribed with his own hand and that all the Instruments contained in the said Prothogoll Books are all authentic Instruments and that they are all hail and unvicial and that all the said Notars wer holden and reput honest and famous notars all the days of their lives and that the said Judges Decerned and Ordained and Decerns and Ordains all the said Instru-
ments contained in the said Prothogolls sua far as are above written or subscribed with their or any of their hands to be transumed and extracted be the said James Smith Notary Public Common Clerk of the said Burgh and to be given out under his sign and subscription manuel and common seal of cause of the said Burgh and decerned all the aforesaid instruments cognosced as said is and contained in the said books sua be extracted and transumed be the said James Smyth to have sick force strength and effect in time coming in judgement and outwith the samyn as the principals might have had if the samyn had been extracted be the said unque Notars themselves in their lifetimes and wer yet extant and the said judges interponed and interpones their authorities thereto. In Witness thereto the said judges and Witnesses have subscribed their presents the day and date foresaid.”

IV. THE PROTOCOL BOOKS OF THE TOWN-CLERKS AND OTHER NOTARIES.

1. Protocol Book of William Meldrum, notary public, commencing on 26th April 1520, and ending on 16th May 1533. This Protocol Book is almost wholly composed of protocols of sasines in lands in and near Edinburgh, particularly at Newhaven & Inverleith, taken in the hands of Robert Leslie, of Inner Peffrey, principal baillie of the king in his port, called Novus Portus, or Newhaven. Nearly all the protocols are subscribed by the notary. The book is evidently in no way connected with Haddington, and was kept by a notary, resident and practising in Edinburgh.

2. Protocol Book of Alexander Symson, elder, notary public and town-clerk of Haddington, commencing 15th June 1529 and ending 8th April 1544, with a “tabill” of contents annexed. 1 vol. 4to. 142 folios.

   Vol. I. Commencing 13th October 1539, and ending 27th September 1542, with table annexed, 170 folios. This volume is defective, as it wants folios 1 to 19, and from folio 35 to 82.
   Vol. II. Commencing on 13th October 1542, and ending on 22d January 1544, with table of contents annexed. 101 folios.

   Vol. I. Commences on 22d April 1545, and ends on 15th December 1565. The early part of this volume was written while Sir Thomas Stevin was chaplain of the chapel of St Lawrence near Byres, and probably a monk resident within the Abbey of Newbottle. It contains protocols of transactions of the abbey and of the
neighbouring proprietors, particularly the family of Ramsay of Dalhousie. He was made town- clerk in May 1556, and sheriff- clerk probably about the same period, and after that date he is named Thomas Stevin, having dropped the Sir as a title then given to a priest, and the protocols are thereafter connected with the burgh and constabulary of Haddington. The volume consists of 442 folios, but has no index.

Vol. II. Commences 19th December 1565, and ends 7th March 1574.
Vol. III. Commences 24th March 1574, and ends 5th January 1580.

   Vol. I. Commencing 21st January 1584, and ending 20th February 1595.
   Vol. II. Commencing 21st February 1595, and ending 15th July 1612, with a complete index.
   Vol. III. Commencing 27th May 1610, and ending 11th April 1620. Index prefixed.


   Vol. I. Commencing 22d January 1634, and ending 22d November 1647. 354 pages, with a complete index.
   Vol. II. Commencing 15th December 1617, and ending 5th June 1650. Only 39 folios, with complete index.


   Vol. I. Commencing 20th January 1670, and ending 6th September 1684; and,
   Vol. II. Commencing 6th April 1655, and ending 25th April 1687, has been lost or mislaid.

The contents of these books, particularly of the Protocols of Alexander Sym-
son, elder and younger, and of Thomas Stevin, are very interesting. The two former contain documents in which the name of the great Reformer John Knox, then Sir John Knox, a Roman Catholic priest, occurs, which will be made the subject of a communication to the Society, in connexion with the question, whether Haddington was the birthplace of that Reformer.

There are many parts of the first volume of Thomas Stevin's Protocols worth extracting, as throwing light on the civil and ecclesiastical state of the country at that period. The first extract refers to the notary himself.

"Duodecimo die mensis Februrij anno Domini MCCLXVIII Indictione octava ponti"ssis pape Pauli tercii anno xvi.

"Personaliter constitutus ego Dominus Thomas Stevin Capellanus Capellanie beati Lawrencij prope Byris Concessi et dedi facultatem et licenciam Domino Joanni Croser presbytero ad intromittendum cum uniuersis et singulis fructibus prouintibus & spectantibus et pertinentiis dicte Capelle durante toto tempore vite sue pruoso tamen quod dictus Dominus Joannes celebret vel celebrarj faciat per se aut alium presbyterum idoneum diuina serviciia apud prefatam Capellam secundum tenorem pergamene fundationis. Et in eodem Instanti dictus dominus Joannes fatetur se contentum et bene pacatum quod ego Intromittam ad meam voluntatem et beneplacitum cum duabus acris terre et tribus lye sowmes et cum horto dicte Capelle adjacente et eindem pertinente satisfaciendo ei de summa Octo mercurum monete Scotie annuatim ad duos anni terminos festa viz. pente-costes et Sancti Martyni in hyeme per equales portiones super quibus domnus Thomas Reid monachus nomine ipsius domini Joannis Croser petitit Instrumentum Acta Apud Dirltoun hora undecima ante merediem presentibus Thoma Newtoun Roberto Thornbrand et Joanne Charlis."

The next extract exhibits incidentally the state of the country during the invasion of the Protector Somerset.

"5 June 1549 Nicol Ramsay liferenter of Dalhoussie in church of Kerrington demands a debt due to him by Dionesi Elphinston and Margaret Maxwell. Witness Alex Ramsay."

The same day the said Nicol consigned this money in the hands of the Vicar (James Hopkirk Vicar of Kerrington), who promised to keep it for him, but protested that he should not be held to warrantice of this sum of 200 merks "si contingat ipsam auferri ab eo per Anglos latrones raptores aut hujus modi homines male mentis, Witnesses Cuthberto Ramsay Georgio Ramsay Feodario de Dalhoussie Alex Ramsay," &c.

The following Documents are interesting, as illustrating the law of marriage,
and the meaning of the words *naturalis* and *carnalis*, which are both used in the same instrument, as describing *filia legiitima* Niniani Domini Ros.

**Documents relative to the Marriage of Nicol Ramsay and Christiane Ross, Daughter of Ninian Lord Ross of Hawkhead.**

"5 November 1552 Personaliter constituti Nobilis et Potens Ninianus Dominus Ros et Cristiana Ros ejus filia naturalis quondam Domina de Calduellis inierunt. Apunctnamentum seu Contractum subscriptum prout sequitur in vulgari Forsamekle as the said Noble Lord Ninian Lord Ros is becumin souertie for the said Cristiane to John Mure of Calduellis unqle hir spouse and thairto actit in our Souerane Ladies Bukis of Counsall that she sail renunce and ourgyf all rycht titill of rycht claim property and possession qulikis she had to the Lands of Calduellis and specially to the Lands of Capillrig with pertinents qulikis were given to hir in hir virginitye Herefor she renounces all claim to the said lands in favor of hir said father and his heirs and discharges the said John Mure and his heirs of all claim under the said contract. Then follows a contract between the said Ninian Lord Ros and Cristiana Ros dowchter carnalie to the said Lord on the one part and Nicholaus Ramsay of Dalhousie on the other part dated at Maillyyll 5 Novr 1552 whereby it is agreed that the said Nicolas Ramsay sail solemnly matrimony and to his wyf have the said Cristiane in face of haly kirk betuixt the day and date heirof and the feist of Sanct Androis day next to cum and sail mak exact diligence and provide the sum of one thousand pounds money of this realm and lay the same upon land and put the said Cristiane and himself in conjunct fye thairof to be joysit and brukit be thaim the langar levand of thaim and the ayris to be gotten betwixt them heritably quhilk failzeand the said L.1000 to be laid on land as said is sail redunde to the said Nycholaus and his assignais quhatsumever eftir the decease of the said Cristiane and the said sum of L.1000 to be laid upon land quhat tyme or quhow sone it happenis barne or barnis to be gotten betwixt thaim And in likewyse the said Ninian Lord Ros sail mak exact diligence and obliss him to provide the soume of 1000 merks money and lay the same upon land and sail infleth the said Nicholaus and Cristiane the langar levand of them twa in conjunct fie and the barns to be gotten betuixt thaim heritably in the said land and that quhat tyme or how soon it sail happen barnis to be gotten betwixt them qulikis failzeand to redunde to the said Cristiane and her assignais quhatsumever and in case thair be impediment fundin betwixt the said Nycholas and Cristiane of Divorce and movit be the said Nycholas then and in that case the said Nycholas faithfully binds and obliges him to obtain and get ane Dispensation ane or ma upon his awin expenses and thairafter sail fill the said Band of
marriage how oft it shall happen them to be divorced and if this present contract be not sufficient in manner foresaid and that either of the said parties shall be content to reform the same in most surest manner that can be divest as oft as need be to the effect foresaid and for observing keeping and fulfilling of the premises and on ilk point thereof either of the said parties are bound and sworn ilk ane to utheris be the faith and trewth in their bodies and are content that this present contract be insert in the Books of our Souerane Ladies Counsell and the same to have the strength of ane Decree of the Lords thereof and in the books of the official of Lothian and they to be bound for fulfilling thereof under the pains of cursing and executorials to pass thereupon as oft as need be and as effect. In Witnessing whereof baith the said parties he subscribavit this present Contract with their hands day zeir and place foresaid and he askt Instruments in the Notar's hands underwritten befor thir witness Patrick Sinclair of Castlelaw William Pyott, Adam Law George Sinclair Richard Knowis Sir Thos Stevin Chapellane and Alex Law Notar Publice with utheris diverse and in case the said Nicolas of Dalhousie move the said cause of Divorce betwixt him and the said Cristiane and gets not the said Dispensation as said is as soon as he beis requirit thereto upon the premonition of 40 days with diligence then and in that case I the said Nycholaus bind and oblige me to refund content and pay to the said Cristiane the sum of L.1000 money foresaid to her heirs or assignais quhatsoever but any revocation contradiction or again calling quhatsummer of law spiritual or temporal, or before whatsoever judge or judges day zeir and place and witness aboue writting. Sequuntur subscriptiones Niniane Lord Ros wth my hand Nycholaus Ramsay of Dalhowsy Cristiane Ros with my hand at the pen ledd at my command be the notar underwriting. Ita est Alex Law Noti Publicus manu propria. Super quibus dictae partes petierunt instrumentum Acta apud fortalicium de Maillwill horas inter septimam et octauam post meridiem aut eccirca presentibus Patricio Sinclair de Castellaw Wmo Pyott Adam Haw Georgio Sinclair Rychardo Knowis et Alex Law Nort Publico testibus.

"T Stevin, Notas Publicas."

After the above quoted Deeds the following short Instrument occurs:

"Instrumentum copulationis predictorum Nycholai et Christiane ad longum. Personaliter constituti honorabilis vir Nycholai Ramsay de Dalhousy et Cristiane Ros filia legitima nobilis et Potentis Niniani domini de Ros et Maillwill mutuo contraxerunt et inter se solemnizarunt nuptias seu matrimonium per verba de presenti prout sequitur in wigari, viz. I Nycholai Ramsay of Dalhousy takis zow Cristiane Ros to my spousit wyf and thairto I gyf zow my
trowth et e converso I Cristiane Ros takis zow Nycholaus Ramsay of Dalhousy to my spousit husband and tairto I gyf zow my trowth Celebratum per me alterum notariorum publicorum subscriptorum. Super quibus dictus Ninianus Nobilis dominus petiit instrumentum. Acta apud Locum de Mailwill hora quinta post meridiem aut eocirca, &c. Alex™ Law, Notario Publico.”

This Christian Ross had been married to John Mure of Caldwell under the sanction of a Papal dispensation, dated 10th July 1538. (See Caldwell Papers, vol. i., pp. 12 and 67, printed for the Maitland Club.)

The other extracts refer to an occurrence which greatly disturbed the peace of the monks of Newbottle, introducing dissension among them, and resulting in what they were pleased to consider an infringement of their privileges and immunities as members of the Cistercian order of monks. It arose in the following manner. John Harwy, a most energetic monk, who had, as appears from the chartulary of Newbottle, resided in the monastery since the year 1528, had been moved by the warlike spirit of the time, and leaving the peaceful habit of his order, had taken part in the battle of Pinkie in the year 1547. Being probably an English monk, he was joined by some of his countrymen, and with their assistance he killed in battle several of the gentlemen of the Lothians, in particular two of the sons of Ramsay of Dalhousie, who were said to have been slain by his own hand. This outrage apparently passed unnoticed at the time, and the monk Harwy resumed the duties of his office, and is represented as most active in the discharge of them. He is the monk put forward to collect the teind sheaves due to the monastery, in name of his brethren, in September 1551, and in November 1552 he transacts a still more important business, indicating that he was then the moving spirit of the place. This transaction is narrated in the following notarial instrument:—

“Sexto Nouembris anno Dni Im V° lii Indictione undecima pontus pape
Julii tertii anno tertio.

“Personaliter constitutus Venerabilis et religiosus Dominus Joannes Harwy monachus monasterii de Newbotle habens et tenens in suis manibus quandam obligationem papiro scriptam per honorabilem virum Jacobum Adamsone burgense burgi de Edinr confectam eiusque subscriptione manuale subscriptam quam michi notario publico subscripto ad perlegendum tradidit ac me in publicam et autenticam instrumenti formam redigendum transumendum et copiandum pro se et nomine totius conuentus requisuit et mandavit cujus tenor sequitur I James Adamsone burges of Edinr promittis and oblissis me nocht to intromett vpak nor mell with na maner of gudis patrimony nor sowmez of mony nor vtheris profettis pertainand to the Abbay of Newbotle in tymne cuming
without the conventis consent and assent given thereto and shall not furnish any venerable father James Abbot of the said Abbey with any merchandis or goods without their consent except wyne ther Iren salmund and abulzementis for the abbots body nor any vtheris in his nayme and shall rasue thankfull payment of the sowme of L.100 mony aucht to me be the saidis Abbot and convent in greit & small sowmez lykas thai pleis offer and perfurnis and deliuer to thaim my acquittans conforme to the rasait thairof and shall not mak assignay nor assignais of hear degre nor myself to my lettre of tak of certane akeris of Mussilburgh and gif I perfurnis any mony or merchandis or deliueris to the said abbat without the said conventis consent I am contentit to tyne the samyn and that the place be nocht compellit to agayne pay the samyu to me and shall observe & suffer Johne Wache occupy his akeris quhilkis he hes in tak of the said Abbey for yeris to ryn conforme to the samyn the fermez teyndis and caynefoulez aucht & wont to be payit to the abbay being thankfully payit to me during my takkis. In witness heirof I haue subscriuit this my obligation with my hand at Newbotle the sext day of November in the zeir of God IM V° lij before thir witness Johne Adamson burges of Edinr Adam Dougles (i.e. Dolgleish) Johne Adamson & Schir Tho Stevin chapellane and notar publict. Sequitur subscriptio ipsius Jacobi James Adamson, Quamquidem obligationem ac omnia et singula ineadem contenta deducta et narrata idem Jacobus Adamsone Obserue et perimplere promisit. dominus super quibus idem Joannes Harwy pro se et nomine totius conventus petiti instrumentum. Actum apud Locatorium de Newbotle hora tertia post merediem aut eocirca presentibus Joanne Adamson Adam Dougles et Joanne Adamson testibus Eodem die venerabilis Jacobus abbas monasterii antedicti suprascriptum obligationem nec non omnia et singula in eadem contenta deducta et narrata ratificauit approbauit laudauit et acceptus prout presentis instrumenti tenore ratificat approbat laudat et acceptat. super quibus Dominus Thomas Guld subprior monasterii antedicti pro se et nomine totius conventus petiti instrumentum. Actum apud ecclesiam monasterialem de Newbotle hora antedicta presentibus testibus antedictis.

Eodem die prefatus conventus constituerunt nominauerunt ordinauerunt et fecerunt omnibus melioribus &c. prout presentium tenore constituant nominant ordinant et faciunt prefatum Jacobum Adamson eorum assignatum ad petendum leuandum et recipiendum firmas decimas garbales et lye cayne foulez a Johne Wache comorante in Fischerraw debita per ipsum dictis Abbati et conventui pro certis acris terrarum suarum de Prestongrange vocatis Mussilburgh Akeris per ipsum occupatis et super prefatis firmis decimis garbalibus et lye cayne foulez libere disponendum prout sibi videbitur expedire et si necesse fuerit Ipsum Joannem curam quoenunque inde pro non solutione earundem
A few months after this transaction, William Ramsay, son of Nicolas Ramsay of Dalhousie, laid a formal complaint before Walter Abbot of Glenluce, the principal visitor of the Cistercians, on behalf of his father and other gentlemen of the Lothians, describing the outrage, and demanding that the monk, John Harwy, should be removed from the monastery to some other place situated in a remote part of the kingdom, in order that the gentlemen of the Lothians might continue to frequent the monastery for worship, without being obliged to encounter one who had done them so great an injury. The instrument containing this complaint is in the following terms:—

Decimo septimo Januarii anno Dni IM Veiij° indictione xij° pontius Pape Julii tertii anno quarto.

Personaliter constitutus Willelmus Ramsay filius honorabilis viri Nychoi Ramsay de Dalhousy accessit ad presentiam Venerabiliis in Christo patris Galteri Abbatis Wallis Lucis principalis visitatoris ordinis Cisterciensis infra regnum Scotiæ constituti et ibidem nomine dicti sui patris vt asseruit exposuit qualiter frater Joannes Harwy Monachus Monasterii de Newbottle infra dictum monasterium pro tune degens interfuit exercitui Anglorum in bello comisso apud Pynkewelch habens sub se certos stipendiarios Anglos quo in bello proh dolor, quam plures Scotorum nobiles ceciderunt inter quos ceciderunt eciam duo fraterns dicti Willelmum per dictum fratrem Joannem vt creditur qua de causa dictus Nychoi necon varii nobiles infra Laudoniam degentes egere ferentes ipsum fratrem Joannem abire impunitum pro hujusmodi celeri per ipsum Willelmum rogant dictum venerabilem abbatem visitatorem amovere ipsum fratrem Joannem extra dictum monasterium ad quodcumque aliu in partibus remotis ob eorum diurno respectu sic quod dicti nobiles possint frequentare dictum monasterium et ibidem interesse orationibus et suffragis conuentus dicti monasterii prout interfuerunt temporibus retroactis absque occasione ire vel impedimenti alioquin protestatur quod non cedat dictis nobilibus in quodcumque periculum si contingat dicto fratru Joanni incurrere aliquod dampnum seu offensam per ipsos et ipsorum aliquem seu eorum factores. Super quibus dictus Willelmus nomine dictorum Nychoi et nobilium pecpit
instrumentum. Actum apud dictum monasterium hora prima post meridiem aut cocirca presentibus Joanne Morton Roberta Thornbrand et Gilberto Creste son testibus. T Stevin Notius publicus"

It would appear from the next extract, that the immediate cause of this complaint being made, was a quarrel between John Harwy and another monk, named George Rychartson. The monks who appear in this instrument, and describe themselves as “Sanior pars conventus,” are those who take part with George Rychartson against John Harwy.

“Decimo Septimo Marchii anno Dni IM Ve liij Indictione xij Pontius Pape Julii tertii anno quinto.

“Personaliter Constituti fratres Willelmus Harlaws Thomas Guld Thomas Reid Joannes Carmychell Adam Scott Robertus Henderstoun Georgius Symson Joannes Anderson monachi monasterii de Newbottle capitolariter congregati ac maior et sanior pars conventus monasterii antedicti confessi sunt ex eorum certis scientiis et animis deliberatis et dicerunt ipsos nulla scripta subscripsisse concernentia querele mote inter fratres Georgium Rychartson et Joannem Harwy monachos monasterii antedicti quorum occasione dictus frater Georgius debeat amoueri a dicto monasterio ad quodunque aliud monasterium infra regnum Scotie nec eorum Consensu aut assensu prebuisse aut prebere in huiusmodi amotione facta per Galterum Abbatem Wallis Lucis visitationem ordinis Cisterciensis sed omnino dissentire Super quibus dictus frater Georgius peclit instrumentum apud domum capitularem dicti monasterii hora septima ante merediem aut cocirca presentibus David Skougall patricio Johnston Joanne Skougall et Joanne Andniston testibus T Stevin Notius Publicus.”

From the foregoing instrument, it would appear that John Harwy was for a short time removed from Newbottle by the Abbot of Glenluce; but if so, he soon returned to the monastery.

The next document narrates a summons at the instance of George Rychartson, served on the Abbot of Newbottle, citing him to appear before John Hamilton, Archbishop of St Andrews, the papal legate, with his refusal to receive it, and protest that the Archbishop is not his ordinary.

“Vicesimo nono Julii anno Dni Millesimo quingentesimo quinquagesimo quinto Indictione decima tercia Pontius Pape Pauli quarti anno primo.

“Personaliter constitutus dominus Joannes Hoggart capellanus accessit et venerabilem in Christo patrem Jacobum abbatem de Newbottle personaliter apprehensum cituit ad comparendum in insula Diui Gabriellis archangeli
situata infra ecclesiam parochiale Beati Egidii Edinburgi xix° augusti proximo futura hora causarum coram reuerendissimo in Christo patre Joanne Archiepiscopo Sancte andree legato a latere &c aut suis subdelegatis pluribus aut uno ad instantiam fratris Georgii Rychartsoun monachi secundum tenorem cujusdem Commissionis et literarum citationis emanatarum per predictum Dominum Archiepiscopum et dictus venerabilis Dominus Abbas dixit et respondit dictum Dominum Archiepiscopem minime fore eius ordinarium et sic non tenetur respondere aut comparare protestando pro remedio iuris. Super quibus dictus Dominus Abbas peciit instrumentum. Actum infra ecclesiam monasterialem de Newbotle hora octaua ante merediem aut eocirca presentibus Jacobo Hoppyngill Alex° Adamsone David Merr et Roberto McCleen testibus.”

There follows a formal instrument taken in the presence of the official of Lothian and others, declaring that the venerable James, Abbot of Newbotle, and his convent, if they received the Papal Legate John, Archbishop of St Andrews, in their place and monastery, dressed in their robes of state, should not, by that act, be held to have prejudiced or derogated from the privileges and immunities of their order.

“Penultimo Augusti anno Domini IM V° Indictione decima tertia pontius pape Pauli quarti anno primo.

“Personaliter constituti venerabiles et egregii viri Magistri Jacobus balfoure rector de Mintous ac officialis Sancti andree infra archidiaconatum Laudonie—Dennistoun rector de Dysart Alex° Forros prepositus Ecclesie collegiate beate Marie de Campis prope Edinburgh promiserunt et eorum quilibet pro se promisit ac se coniunctim et divisim obligauerunt prout presentium tenore obligant venendo in Christo patri Jacobo abbati de Newbotle et illius conventui sub pena amissionis suorum beneficiorum quod si prefatus Dominus abbas habens caput tectum mitra et baculum manu abbaciali et illius conventus capsulis Induti processionaliter et reuerenter reciperint reuerendissimum in Christo patrem Joannem Dei gracia episcopem Sanctiandree commendatarium de Pasleto ac legatum a latere in eorum loco et monasterio quod huiusmodi receptio nullo modo prejudicebit eorum preuilegio et indultis prefatis monachis et toti ordini in favorem totius ordinis Cisterciensis concessis nec ipsa cessabit aut aliqua modo viciabit seu derogabit. Super quibus frater Thomas Reid cellerarius de Newbotle nomine dictorum abbatia et conventus peciit instrumentum, actum apud insulam Beati Michaelis Archangeli infra ecclesiam monasterialem de Newbotle hora quarta post merediem presentibus Alex° Adamsone Joanne Smyth Joanne Reid Joanne Hay et fratre Joanne Harwy Monachis dicti monasterii testibus.

T Stevin Norius Publicus.
The next is an Instrument taken on the visit of John Archbishop of St Andrews, the papal legate, and containing a statement by the Abbot and Convent, that they received him in state with becoming reverence and honour, not in the character of a visitor or superior, but only as a guest, and as primate of the Church of Scotland, and that the Archbishop had acknowledged that his admission did not infer any interference with their privileges.

"Vltimo Augusti anno Dni IM V c lv Indictione decima tertia pontifas pape Pauli quart! Anno primo.

"Personaliter constituti Venerabilis in Christo pater Jacobus permissione divina Abbas monasterii de Newbottle capsum e indutus mitram in capite et baculum abbacialem in manu et illius conuentus capsulis induti processionaliter accesserunt prope ingressum cimiterii monasterialis ante dicti et ibidem reuerendissimum in Christo patrem Joannem Sanctiandree Archiepiscopum &c reuerentia et honore quibus congruit in dictum monasterium receperunt non tanquam eorum visitatorem seu superiorem sed tanquam hospitem huiusmodi honorem et reuerentiam dando tanquam primati ecclesie Scoticane et non alio modo saluis eorum priuilegiis protestando quod huiusmodi receptio nullum inferat preuidicium seu dirogantiam eorum privilegio et indultus per sedem apostolicam dictis monachis et monasterio gracise concessis in fauorem tocius ordinis Cistercieusis sed quod remaneant huiusmodi privilegia et indulte illis integra et illesa per ipsum reuerendissimum patrem Archiepiscopum quibus dictus reuerendissimus respondit pater et dixit quod ipsius accessio et adventus ad illorum locum et monasterium non preuidicabit eorum privilegio gracise concesso vt predictur, sed quod remaneat integra et illesa et nullo modo per ipsum molestanda aut perturbanda. Super quibus frater Thomas Reid cellerarius de Newbote nomine dictorum Abbatis et Conuentus peciit instrumentum. Actum apud cimiterium predictum hora nona ante meridiem aut ecirca presentibus Willelmo Turnbull in Dalkeyth Alexro Adamsone Joae Hay Joae Reid et Dominis Willelmo Blake et Laurencio Watson presbytris testibus. T. Stevin Noriss Publicus."

The next Document is an Instrument taken in the hands of the notary by the Prior, Cellarer, Sub-Prior, and John Harwy, adhering to an appeal made by James, Abbot of Newbottle, from John, Archbishop of St Andrews, the Papal legate to Pope Paul the Fourth.
ANTIQUARIES OF SCOTLAND.

"Decimo Quarto Februrij anno Dni IM Vc Iv° Indictione xiiiia pon tus Pape Pauli quarti anno primo.

"Personaliter constituti venerabiles et religiosi viri fratres Andreas Langlandis Prior Monasterii de Newbotle Thomas Reid cellerarius eiusdem monasterii, Ioannes Bannatyne Subprior et Joannes Harwy Monachus monasterii prefati adherentes appellatione interpositae per venerabilem in Christo patrem Jacobum abbatem monasterii antedicti antedicti eorum patrem abbatem ae ipsam rati ficant prolonged prout haram serie appellant et provocant ab omnibus et singulis mentionibus visitationibus correctionibus censuris penis excommunicationibus aggradationibus et reaggradationibus fulminatis seu fulminandis latis seu ferendis contra et adversus eos eorum monasterii prenligia et ordinis cisterciensis indulta per reuerendissimum in Christo patrem Ioannes Archiepiscopum Sanctiandree &c auctoritate ordinaria legallive aut alia quacunque potestate ipsi Concessa ad Sanctum Dominum nostrum Paulum papam modernum eiusque Sacrosanctam seden apostolicam secundum tenorem cedule dande. Super quibus dictus cellerarius pro se et nomine predictorum peciit instrumentum. Actum apud conclave dicti Domini Abbatis hora quasi decima ante merediem aut eocirca presentibus Roberto Craufurd Jacobo Thin in Newbotle commorantibus. Thoma Turen ibidem Magistri We M'Gowne et Joanne Bannatyne connotariis testibus.

"T Stevin Nos Publicus."


The following appears to be an admonition addressed by the Archbishop of St Andrews to the Prior, Cellarer, Sub-Prior, and John Harwy, ordering them to release three of the monks who were incarcerated in the monastery, probably in consequence of their differing from their brethren in the matter of the appeal, and that within six hours, on pain of excommunication. The monks here named are three of those who were, along with others, described as "sanior pars conventus" in a former instrument:

"Eodem die Magister Andreas Olephant nomine reuerendissimi Domini Archiepiscopi monuit prescriptos monachos ad ecarcerandum fratres Adam Scott Joannem Andersone et Georgium Symson monachos incarceratos intra predictum monasterium infra spatium durum horarum huiusmodi monitionem proximo et immediate sequentium sub pena excommunicationis et aggravationis et reaggradationis in eventu non ecarcerationis eorundem infra sex horas successive. Super quibus dictus (M) Andreas peciit instrumentum. Actum apud magnam portam dicti monasterii hora tercia post meridiem aut eocirca presentibus Jacobo Arros Jacobo Reid in Newbotle Commonarantibus.
There is an instrument taken "apud conclave Fratris Joannis Harwy" on 14th April 1560, which shows that this monk was reinstated in his place in the monastery; and, on referring to the title-deeds of the Marquis of Dalhousie, I find a feu-charter of the church lands of Cockpen, granted by Mark Ker, Commendator of Newbottle, with consent of John Harwy, George Richardson, and four of the other monks of that monastery, in favour of James Ramsay, second son of George Ramsay of Dalhousie, on 24th December 1569, so that it is probable this warlike monk became reconciled to the gentlemen of the county, and lived in peace and quietness among them.