

Market regulation in the early 16th-century burgh

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ABSTRACT

The 16th-century burgh depended on trade for economic survival, and on assured food supplies to sustain its population. Market regulation was therefore of great importance, and in its broadest sense was concerned with the control of food supplies, the maintenance of quality standards in foodstuffs and manufactured goods and the protection of trading privileges. This paper examines the ways in which these various aims of market regulation were pursued by urban communities, using as a particular example the royal burgh of Selkirk, and how these aims were achieved within a framework of national and local rules, as an important part of the fabric of social control. Like other aspects of social control, market regulation was ultimately concerned with the achievement of stability and continuity in the community.

INTRODUCTION

The control of the supply of foodstuffs to an urban community, and the regulation of the quality and price of the most important items of diet, were of such universal significance as to be described as essential features of town government throughout Europe, and there is ample evidence on which to base any study of the subject. Much of the Scottish evidence points to a pragmatic approach to the problems of urban food supplies, with rules and regulations designed to protect the consumer, and therefore aimed at maintaining stability and order in the burghs, but also aimed at the preservation of trading privileges. The staple food items of bread and ale were the most closely controlled of all foodstuffs, and bakers and brewers were compelled to follow regulations which were often of far more benefit to burgh authorities than to the trades concerned. The very nature of the regulations, and the suspicion felt towards traders by burgh authorities and no doubt many inhabitants, suggest that some food traders brought much unpopularity upon themselves¹.

A typical English approach to the problem may be seen in the example of 16th-century Exeter, where a system of market regulation had been developed 'which was concerned largely with the provision of victuals to the inhabitants of the city . . . controlled not from the trader's point of view but rather from that of the consumers' (MacCaffrey 1975, 80). The aim was to ensure a 'plentiful supply' at prices and qualities that would satisfy the population and prevent disorder and social instability. By contrast, Calvin's Geneva adopted food price-controls for reasons that were at least declared to be of a loftier nature, and the regulation of the prices of bread, meat and wine was seen as being a 'part of ecclesiastical discipline' (Koenigsberger & Mosse 1968, 152).

Most urban authorities were not interested in such abstract considerations, but were concerned with the maintenance of public order, and this was reflected in the way in which food prices and

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quality were controlled. It has been suggested that 16th-century Scotland did not experience bread riots (Wormald 1981, 46), although there were 'fairly frequent minor riots' involving baxters and other suppliers of basic foodstuffs, precipitated by the way in which urban authorities held down the prices of their products (Lynch 1984, 16). The Scottish bread riot was of a special nature, and was over-shadowed by urban unrest that was religious or political in origin, but the threat of the food riot was a familiar concern of city and town authorities throughout Europe, and remained the main reason for disturbances until industrialization raised new political issues which generated unrest². Scotland may well have avoided rioting because of the degree of control exercised over food prices. In the smaller burghs price and quality control could be effectively maintained in a manner not possible in the cities, but all burgh authorities were obviously aware of the threat to stability that could be posed by any lack of control in the supply, price and quality of basic foodstuffs, as well as being very conscious of the need to maintain the burgh as a successful centre of trade and market activity.

Such was the importance of stable food supplies that the basic framework of Scottish regulation was established at national level. Acts of Parliament appeared regularly, dealing with most aspects of food supply, from price checking of bread and ale³ to the prevention of forestalling and regrating⁴.

These acts were carefully followed by the burghs, and in addition there were many customs and practices followed in burghs, and recorded as the *Ancient Laws and Customs of the Burghs of Scotland*. The *Leges Burgorum* contain references to brewing⁵, baking⁶, fleshers⁷, sellers of fish⁸, and many other aspects of market regulation, and there are further references to the subject in the *Articuli Inquirendi*, the *Juramenta Officiariorum* and the *Fragmenta Collecta*, the last-named containing the heartless injunction that all rotten pork and salmon should be removed from open sale in the market and given to the lepers (*Ancient Burgh Laws: Fragmenta Collecta*, xlv).

STAPLES

BREAD

The operation of national laws and local customs in the control of food supplies and prices may be seen in detail in burgh records, and as may be expected, the most important foodstuff, bread, is often mentioned. The evidence suggests that wheat was the commonest bread grain in use in the burghs⁹, and that various grades of wheaten bread were made, referred to as white and gray bread in the Edinburgh records (*Edin Recs*, i, 178). There may well have been more than two grades, and it is recorded that bakers in late medieval York produced as many as three grades from wheat flour¹⁰. There is no evidence for bread made from barley flour, although it seems likely that barley or bere bannocks would have been made in the poorer households. Apart from the indigestible nature of barley bread, and the low gluten content of the flour which makes a risen loaf impossible to achieve, there is a further factor restricting the use of barley as a bread grain. Quite simply this was the heavy use made of barley for the manufacture of malt, used in large quantities by many households for the brewing of ale. The other important food was oats, normally sold in the form of meal, but also found in the form of bread¹¹.

The price and weight of bread were controlled by the burgh authorities in accordance with statute, and an entry in the Selkirk records describes how the bailies sent a firlot¹² of wheat to the common mill to be ground into flour which they then took to a baker and watched while it was made into bread. This bread was known as the 'pais' or standard loaf from which all others were to be judged. All bakers were then given a standard loaf, and if they broke the 'pais' by selling under-weight bread the bailies were empowered to confiscate it and break the ovens of the bakers concerned (TSBC, 16 February 1530).

The weight of the bread offered for sale was the most significant factor, and was related to the

price of wheat. Loaf weights were regularly checked in all communities, a practice found in many countries, and sometimes surviving to the present day. There is no doubt that control was strict in 16th-century Scotland, and there is ample evidence in burgh records to show how this control was maintained. Edinburgh council regularly fixed bread prices, relating price to weight, and penalizing unfree or 'outland' bakers by requiring them to sell heavier loaves for the standard prices. Edinburgh bakers were allowed to sell loaves priced at 1d, 2d, 4d, 6d, 8d, and 12d (*Edin Recs*, ii, 116) but for practical purposes the 1d, 2d and 4d loaves may be regarded as the normal range likely to be on sale. The approved weights, linked to the price of wheat, moved up and down as grain supplies fluctuated¹³. Peebles followed the lead of Edinburgh by basing loaf weight on the price of a boll of wheat, but the Peebles records do not specify the actual weights that were undoubtedly fixed from time to time. The Selkirk records present a slightly different picture. The main concern in Selkirk was that 'pennybread' should be the standard loaf¹⁴, and that no baker should give more than 12 loaves to the dozen (TSCB, 30 April 1527). The latter injunction was often repeated, and indicates determined but perhaps not very successful efforts to stop the practice of selling a baker's dozen, of 13 loaves. Burgh authorities tried to stamp out the practice because it went against the normal strict regulations about loaf weight¹⁵. In its efforts to control the price and weight of bread Selkirk was consciously following national standards, arranging for

'bailies and alderman to vesy oukly quhar that fre men makis nocht thair pennorthis efter cos of the four borchties'

(pennybread to be made after the laws of the four burghs) (TSCB, 16 May 1531). There is one mention of authorization for larger loaves when burgesses' wives who were bakers were ordered to give no more than 12 loaves to the dozen, and these to be two-penny loaves (*ibid*, 30 June 1528) but the penny loaf seems to have remained as the standard unit of sale.

In 1539 the burgh court took action to prevent the sale of 1½d loaves to strangers in the burgh or within the sheriffdom, and the landward bakers were placed under the same restriction (TSCB, 15 October 1539). This suggests that inspection of bread by the bailies was no mere formality, and that despite the strict control that existed, bakers were always likely to try to ignore the rules. The reference in the 1539 court-book entry to bread being sold by landward bakers probably refers to supplies being brought into the burgh on market days. Attempts were made from time to time to restrict baking to freemen or women, that is to say, those with full burgh rights¹⁶, but this was probably impossible to enforce except for limited periods.

The frequent orders that were issued to try to prevent the sale of foodstuffs by unfreemen have to be seen against other court-book entries that refer to both free and unfree bakers (TSCB, 30 April 1527; 15 October 1539) to stallangers (stall-holders not holding burgh status) being allowed to 'baik and brew as freemen'¹⁷, and to unfreemen and women holding 'freeman's office' to pay half a merk to the common good (*ibid*, 27 February 1538). The reality of the situation demanded that market regulation had to be interpreted pragmatically, particularly in the sensitive area of food supplies. To ensure that there was always enough bread for sale burgh authorities had to allow 'unfree' baking and sometimes even the supply of bread by landward or outland bakers. Burgh attitudes to external sources of supply must have been dependent on the size of the population to be fed, and we have seen how Edinburgh allowed outland bread but placed a weight penalty on this source. Attitudes were also dependent on the availability of grain and other foodstuffs, and dearth may have led Selkirk to welcome 'every man inbringand vittailis to our town, that thai salbe thankfully resaffit,' with the exception of fleshers (*ibid*, 8 October 1532). However, that fact that burgh regulations about bread were not always followed to the letter does not detract from the importance that must be placed on this aspect of market regulation.

Burgh authorities were concerned with quality as well as with weight and price, and burgh records contain references to the need for bakers to produce 'good and dry' bread¹⁸, to improve quality (TSCB, 23 February 1511) and to ensure that the quality was 'sufficient and nychtbourlyk' (*ibid*, 3 October 1536). Similar regulations were also in force in England, where the first national assize of bread was ordered in the reign of Henry II (1154–89) (Ross 1957, 335) which at local level meant that bread and beer had to be 'good and wholesome for mannes body' (MacCaffrey 1975, 81).

Enforcement of the bread regulations was backed by a range of penalties, the most common of which was a fine¹⁹, but which included the breaking of ovens, forfeiture of freeman's status, confiscation of the bread²⁰, and in one case involving violence, a solemn statement of great wrong-doing²¹.

ALE

The next most important commodity was ale, the common drink for most people in 16th-century Scotland²², although large quantities of wine were consumed in the larger burghs. Much of the available barley and its more primitive relative, bere²³, was converted into malt for the brewing of ale, and almost every household brewed for its own use. Like bread, ale was subject to national regulations, some of which specified the amount of grain to be used in making malt (*APS*, ii, 245 & 253), the price by which malt could exceed the price of the grain from which it was made²⁴, the quality of the ale and a variety of other topics including the clear advertising of the price of each batch of ale. The price of each brewing was fixed by burgh officials variously described as ale-tasters, conners or cunnars, who were supposed to take an oath to 'taste the ale and lawfully to apprise the same according to the price of malt, and that in so doing they will spare no one for fear or favour' (*Ancient Burgh Laws*). The ale-tasters were appointed to serve for a set period, often one year, and the appointments were usually made at the October head court, although this procedure was not always followed²⁵.

Ale prices were fixed according to the price of malt, and the Selkirk records contain a reference to the tasters being accompanied by a maltman (TSCB, 19 October 1540). The price also reflected quality, with a maximum price being set for the better ale²⁶, and a lower figure for the second grade. Edinburgh prices ranged between a maximum of 12d per gallon in 1516 to 32d per gallon in 1550, (*Edin Recs*, i & ii) linked to the constant fluctuations in the price of malt. Peebles prices are not shown as regularly in the burgh records as those for Edinburgh, but also illustrate the effects of inflation and possible grain shortages²⁷. Selkirk prices are given in some detail in the burgh court records, ranging from a maximum of 12d per gallon in 1515, a price still found in 1525, with the second grade to be sold at 8d per gallon, to a high of 16d per gallon for the best and 12d per gallon for the second grade. All the available evidence points to a high rate of consumption of ale in Selkirk and this may have tended to limit price rises.

Once ale prices had been fixed these were notified by the tasters who chalked the figures on the doors or shutters of brewsters and ostlers²⁸. Penalties were imposed for price-breaking, the standard fine being eight shillings. A more drastic punishment for over-charging was for the bottom of the brewing vessel to be struck out with a hammer, a measure threatened by both Edinburgh (*Edin Recs*, ii, 150) and Peebles (*Peebles Recs*, i, 218 & 219). Edinburgh proposed a similar punishment for those selling wine at more than the fixed price (6d per pint), ordering that the puncheon head should be knocked off (*Edin Recs*, i, 197).

MEAT

Bread and ale can certainly be regarded as the most important foodstuffs to an urban community, and for the poorer sort of people bread would do doubt have been replaced by oatmeal and ale by water. However, the urban diet was perhaps more varied than that to be found in country

areas, and burgh records contain references to a number of other food commodities²⁹. The average diet was likely to include cheese and some fish and meat, with meat being much in evidence in the records.

Analysis of animal remains found in burghs shows that cattle, sheep, pigs and goats were killed for food, with successful over-wintering of animals until maturity (Hodgson 1983, 3). Extensive use was also made of castration of male sheep and goats to produce meat animals for slaughter at three to four years (*ibid*, 12 & 13). Beef, mutton and pork are specified in the *Leges Burgorum*, to be sold openly by fleshers at the time of slaughter and burghs controlled the way in which fleshers bought and sold as well as fixing prices³⁰ and quality.

We have already seen how the *Ancient Burgh Laws* provided for the disposal of putrid pork to the lepers, and other attempts were made to stop the sale of meat unfit for human consumption. Meat from 'longsought' or lung-diseased animals was banned from sale (TSCB, 3 July 1515) as was meat that was damaged in any way or even badly butchered (*ibid*, 19 October 1529). Burgh regulations for the sale of meat were intended to control supply, price and quality, and these regulations included measures to prevent the use of dishonest practices by fleshers. These practices were aimed at altering the appearance of meat so as to attract customers, and included the blowing or inflating of a whole carcass, usually of mutton, to give the meat a full and rounded appearance (*Peebles Recs*, i, 215) and the scoring or bleeding of animals before slaughter to remove any signs of over-conditioning caused by last-minute feeding³¹.

In addition to measures taken to control these practices, fleshers were also required to openly display meat for sale, using the open market and not keeping meat in houses or booths (TSCB, 15 October 1521). Different burghs specified different times by which all meat was to be displayed in markets, but the clear intention was to ensure that all available supplies of meat were openly offered for sale, with none being held back for private dealing³². Peebles was prepared to allow landward fleshers to bring meat into the burgh, but only if this was in the form of whole carcasses or complete legs, perhaps feeling that if they allowed landward men to trade in small pieces of meat that quality control by the burgh would be made more difficult (*Peebles Recs*, i, 274).

Fleshers who infringed any of the burgh regulations could be fined³³, but Selkirk's bailies usually followed the procedure of confiscating part of the carcass, sometimes the 'best' leg³⁴. A more extreme sanction was threatened in 1528, with the possible loss of burgess freedom, or banishment for a year and a day for unfreemen³⁵.

FISH

Regulations controlling the sale of fish were similar to those for meat, and included the requirement that supplies of fish should be offered for sale openly and during daylight hours (*Ancient Burgh Laws*), and a rule that fish should be sold whole, or if sold in pieces to be sold together with the skin³⁶. Salmon was readily available in the border burghs, and other fish on offer in markets was likely to have included salt herring and stockfish (dried salt cod). Fresh sea fish was available in coastal burghs, but not far inland, except perhaps during the winter months.

OTHER FOODSTUFFS

Other foodstuffs mentioned in burgh records include cheese, butter, oatmeal and salt. These items were not covered by national regulations, but were subject to a variety of local rules in the burghs. Selkirk required sellers of cheese and butter to leave their goods for sale at the market cross until midday, 'that the gud town and burgessis be deuly servit', and only then to be offered from booths and houses (TSCB, 19 October 1529). Hucksters (small-scale dealers) were forbidden to buy cheese and butter for re-sale except from burgesses' wives, and if they sold salt they were required to

sell 'na derer in the ouk day then the merkat day under the pane of viii s.' (*ibid*, 30 June 1528). To try to prevent unfreemen from setting up as small retailers of foodstuffs, Selkirk restricted their purchases to the amount necessary to feed themselves and their families for eight days (*ibid*, 2 October 1526).

MARKETS AND FAIRS

Scottish burghs exercised control over the quality and price of foodstuffs, specified who might sell and who might not, and laid down the times at which various commodities were to be sold. The interests of burgesses were placed before those of unfreemen, and this is illustrated by the action taken by Selkirk in 1534, banning purchases by the unfree until burgesses and indwellers were satisfied (TSCB, 13 April 1534). An English parallel may be seen in the operation of the corn market in 16th-century Exeter. Here no corn could be sold before the ringing of a bell, and only free citizens were entitled to buy. A second bell was rung, allowing all-comers to buy. Market men were appointed by the city authorities, and they were responsible for enforcing the market regulations (MacCaffrey 1975, 82).

Exeter also provides evidence for the way in which the various market commodities were allocated specific areas in which to be sold (*ibid*, 81), and similar arrangements were made in Scottish burghs. Edinburgh 'crowded most of the markets, with the exception of those for cattle and grass, into the High Street' (March 1914, 485). Peebles required all commodities to be presented for sale at the market cross (*Peebles Recs*, i, 166 & 167), and Selkirk designated the areas of the burgh that were to be used on fair days (TSCB, 2 August 1536):

. . . ix men hes devyssit and assignet every geir ane rowm within the burgh viz., the chepman merchandis one the southt sid of the croice, the cordinaris one the southt sid of tolbuith, voll, skyne, cheis, butter about the trone, the meil mercat quhair it vas effoir, uther vytaillis est by to George Lydderdail hous, and all to be estail the tobulbuith, the mercat of hors, nowt and scheip in the ester part of the town about the forggis. The vod mercat one Hallowelhill.

In 1541 the men of Selkirk's east watch petitioned the burgh court to have the meal market moved from the market cross to the east end of the town, arguing that they paid as much in taxation as any around the cross. There were obvious advantages in having an important part of the market near one's house, since this gave the householder the opportunity to sell food and drink, and perhaps to trade in other items. The burgh court was not moved by this petition, and ordered that all goods should be presented for sale 'in ald usit boundis near about the mercat croice and na uther partes of the town for certain causes' (*ibid*, 20 January 1541).

The royal burghs enjoyed a monopoly of all foreign trade, and 'of all domestic trade within their own bounds' (Keith 1913, 460). This gave the royal burghs the right to hold weekly markets, but it did not stop other burghs from attempting to establish markets. The protection of trading privileges, which when allowed to flourish without encroachment, gave the royal burghs a total monopoly of trade within their landward areas, was a 'principal function' of the Convention of Royal Burghs (*ibid*, 466).

Apart from weekly markets, the royal burghs were given the privilege of holding one or more fairs. Royal permission to hold fairs was usually contained in burgh charters, but might, as in the case of Selkirk's second fair, be granted in a royal letter. Selkirk had two fairs, one being held on St Lawrence's day and for the octave (eight days) following, and the second was on the Feast of the Conception (8 September) and its octave. The fact that the St Lawrence fair was proclaimed at market crosses and by hand bell 'throu greit borrow tounes' suggests that buyers and sellers were expected to come from a wide area, and fairs gave the smaller and more remote burghs the chance to

buy goods that could not be manufactured or supplied locally. Some areas specialized in a particular product, for example Selkirk produced shoes, and fairs provided a framework within which needs could be satisfied and surpluses disposed of. Fairs also gave people the opportunity of buying luxury or unusual goods many of which were likely to be imported. A list of trade goods from Northern Europe includes the following: bricks from the Low Countries; swords and helmets from Cologne; tapestries and painted images from Flanders; books from France and the Low Countries; amber paternosters from Prussia; beeswax and honey from Russia; thread and lace from Cologne and Brabant; hawks from Bruges and Calais; feathers for pillows from Germany (Postan 1973, 102).

The Selkirk records contain references to lace, 'Flanders' beds and a counting table, English cloth, peppercorns and a tapestry, probably of Flemish origin, all of which may reasonably be described as luxury items, and perhaps acquired at fairs.

WEIGHTS AND MEASURES

Communities that were dependent on trade were also dependent on weights and measures. Almost everything that was sold had to be weighed or measured, and the importance of standards was recognized 'as early as the reign of David I' when a number of national standards were established (Zupko 1977, 119). However, despite these early efforts to bring about a measure of national control, followed by many more acts of parliament in the centuries that followed, a multiplicity of local variations remained. During the 16th century parliament passed seven acts relating to weights and measures, admitting just after the middle of the century that earlier attempts to achieve standardization had proved ineffectual, and naming new commissioners to create universal standards (*APS*, ii, 496). Perhaps the most useful piece of legislation was the act of 1503, (*ibid*, ii, 246) in so far as it instructed all burghs to keep sealed (branded or marked) measuring vessels to act as standard measures, enabling burgh authorities to enforce local regulations to prevent fraud and deception in this important aspect of trade. As we shall see, serious efforts were made to ensure that these regulations had some practical effect, but local custom also recognized the right of every burgess to have 'private' measures, consisting of a measure for corn, an ell-wand and both stone and pound weights (*Ancient Burgh Laws*).

The *Leges Burgorum* contain a reference to the penalties to be imposed on people using false weights and measures. Bailies had the power to fine offenders for the first two offences, but the third offence could lead to appearance before the king's court, with liability for 'life and limb' if found guilty (*ibid*). Burghs attempted to regulate the use of 'private' measures by checking their accuracy and marking them by branding (TSCB, 3 October 1536). Selkirk marked such measures on the side to distinguish them from the official burgh measures held by the customer, which were branded on both side and bottom. Only buyers and sellers of goods were allowed to use the marked 'private' measures, and unauthorized measures (usually specified as half a firlot in capacity) were confiscated and broken up, with the owners being fined eight shillings (*ibid*, 20 January 1541). Private measures could not be used in the market, where the customer had the monopoly of the official measures, taking a toll of the measured goods as a fee³⁷. The customer, who paid the burgh for the right to collect the petty customs, was expected to enforce this monopoly, answering to 'God and the town' for any failure (*ibid*, 23 November 1518). The official measures were likely to include a firlot, half firlot, peck and sack, and the customer might also be called upon to hold a large number of firlot or half firlot measures for use by meal-men³⁸.

Selkirk ordered Janet Brown 'to inbryng xiii halff furlattes to be merket with the common merk for the tyme', and these measures were intended for the meal market. At the same time women were forbidden to measure meal for men, and every man was expected to measure for himself, or 'every

gud man for uther, the quhilk is for the common proffet of the countre' (TSCB, 19 October 1529). Seven years later another 13 half-firlot measures were to be supplied by Selkirk's customer, 12 for malt, bere and meal, and one for wheat. All were to be branded to mark them as official measures. Two weeks later 12 burgesses were asked to lend the customer 12 half-firlot measures, whilst the burgh court considered if he should look after all the half-firlot measures in the market (*ibid*, 17 October 1536). The process of checking and branding measures was normally carried out in the tolbooth under the supervision of the bailies, and the burgh court might call for a special inspection, as in 1526, to find measures that were 'skant' or inaccurate (*ibid*, 15 January 1526).

All the activity by burghs points to a real need for control in the use of weights and measures. It has been said that 'commercial morality was lax . . . light weights, false measures and bad material were used without scruple' (Murray 1924, i, 314) and this would seem to be supported by the evidence in burgh records. However, it can also be said that burghs were able to exercise quite effective controls in the whole area of market regulation, as may be seen in the example of Will Winterhope of Selkirk who was accused 'be the haill cummite' of forestalling. Faced with this sort of community pressure, and not under threat of a fine or any other sort of punishment, he agreed to reform and 'do as nichtburis and otheris hes don' (TSCB, 21 August 1520).

THE CRAFT GUILDS

In the larger burghs the various crafts exercised a degree of self-regulation by enforcing quality standards, but this was largely designed to stop dilution of the crafts by unfreemen, and protection of the consumer was a secondary consideration (Smout 1969, 160). However, burgh authorities were jealous of their rights to control all aspects of the buying and selling of goods, and this could lead to conflict with the crafts. In the larger burghs this conflict came to the surface from time to time, and was often linked to the conflict between merchants and craftsmen. Burgh authorities gained control of quality inspection, and the bailies were responsible for examining the standards of workmanship (Wormald 1981, 49).

The Scottish approach was similar to that in the larger English towns, with Exeter council reserving the right to punish 'faulty workmen' rather than letting this be done by the wardens of the crafts (MacCaffrey 1975, 89) while in York the degree of self regulation allowed to the craft guilds 'was as great or as little as the city council would allow' (Swanson 1980, 331). In the smaller burghs the picture was slightly different. Community ties, less obvious extremes of wealth and power and the weaker nature of oligarchic control in some of the smaller communities, led to a more co-operative relationship between burgh authorities and the crafts.

It is possible to find evidence showing that urban authorities were sometimes willing to delegate their powers over quality to 'associations of craftsmen' (Reynolds 1984, 200). An example of this may be seen in the Selkirk records, and concerns a burgh court decision to order the tailors' burgesses 'to consider the clath and schap (shape) of Thome Hendersone vyf kyrtaill and tak thaim sworne to decerne in the verite' (TSCB, 6 April 1540). Their judgement is not recorded, but their involvement as representatives of their craft shows that market authorities were prepared to be guided by specialist opinion. Another example, although not involving craft representation in such a formal way, has already been discussed in this paper, in the case of the Selkirk ale-tasters being accompanied by a maltman (*ibid*, 19 October 1540).

The quality of leather seems to have been a matter of concern for both national and local authorities, and souters who tanned their own hides were only allowed to use the skins from young animals, the age being judged by a requirement that ears and horns should be of equal length (*Ancient Burgh Laws*). Even if this rule were applied, any lack of skill in the tanning process adversely affected

quality, and it has been said that late medieval footwear, usually made of tanned leather, was 'liable to wear out quickly' (Swanson 1980, 92). Leather was not the only manufactured item which could suffer from poor quality, and despite the existence of craft guilds with their declared interest in quality standards, and the efforts of burgh authorities, it has been said that 'Scottish manufactures were known through half Europe for their bad quality' (Smout 1969, 161).

CONCLUSION

It is in the control of the price and quality of food that burgh market-regulation may be seen at its most effective, and in the smaller burghs this area of activity owed more to community consensus and a degree of co-operation than to the coercive power of burgh authorities. Despite ample opportunity for fraud and deception, the framework of rules made it possible for burghs to deal with the worst and most obvious offenders. As a trading community the burgh was aware of the need for self-regulation.

NOTES

- 1 Smout 1969, 209: 'Riots in the burghs had been common in the sixteenth and seventeenth centuries, stirred sometimes by purely local grievances . . . such as by the greed of baxters and mealmen in the time of scarcity'.
- 2 Rudé (1970, 18) argues that the characteristic riot in 'pre-industrial' societies was over the price of bread, 'understandable enough . . . when bread accounted for something like half, or more, of the working-man's budget'.
- 3 *APS*, ii, 238. This act, passed in 1496, ordered provosts and bailies to examine the quality and price of bread and ale, and to punish those who over-charged for these commodities.
- 4 *Ibid.*, 253, ii, 347 and ii, 376. Forestalling involved buying up supplies of a commodity before a market to force up the price, and regrating was keeping goods away from the market for private sale.
- 5 *Ancient Burgh Laws, 'Leges Burgorum'*, xxxvi, annual payment by brewsters; lxiii 'ale to be of good quality, with fines for making 'uvil' ale.
- 6 *Ibid.*, lx, bakers to sell bread, both white and grey, to the quality and price fixed by the burgh; lxi, regulations for the operation of bakehouses.
- 7 *Ibid.*, lxiv, fleshers to sell good meat openly and at the time of slaughter; lxxv, beasts to be slaughtered during the hours of daylight, in full view of the public.
- 8 *Ibid.*, lx, fish to be displayed openly at prices fixed by the burgh.
- 9 The Edinburgh records refer to the price of bread being related to the price of wheat (*Edin Recs*, i, 108, i, 233). Similar evidence exists for Peebles (*Peebles Recs*, i, 25 October 1462 and 30 September 1471) and Selkirk (TSCB, 17 October 1525).
- 10 Swanson 1980, 131. White bread was known as wastel, simnel cocket or main bread; the next grade, perhaps corresponding to Edinburgh's 'gray' bread was bastard wastel or simnel and *panis integer* was the common coarse loaf, presumably made of whole wheat.
- 11 *Edin Recs*, ii, 17. Oat bread is mentioned, a penny loaf to weigh one third of the weight of the penny wheaten loaf.
- 12 Zupko 1977, 128. The traditional definition of the firloft prior to 1600 was a vessel holding 41 pounds of the clear water of the Tay. There were, however, many regional variations, and the Selkirkshire firloft of wheat was 2281-350 cubic inches.
- 13 *Edin Recs*, i and ii, *passim*. In 1518 unfree and outland bakers were ordered to sell their 4d bread 4 oz heavier than the weight fixed for white 'town' bread, and 6 oz heavier than the coarser or 'gray' town loaf (*ibid.*, i, 178). The 1528 prices were fixed on wheat at 12s a boll, and the 1d loaf was set at 11½ ozs (*ibid.*, i, 233). The 1529 weight for the 2d loaf was 18 ozs, and by 1535 this had fallen to 17 ozs (*ibid.*, ii, 5 & ii, 71). One year later in 1536 the 2d loaf weight had gone up to 24 ozs with the 'outland' equivalent weighing 26 ozs (*ibid.*, ii, 80). By 1539 the 2d weight was down again to 17 ozs (*ibid.*, ii, 95) reaching 21 ozs in 1545 (*ibid.*, ii, 116).

- 14 TSCB, 17 October 1525. The bailies were ordered to buy a firlot of wheat and have it ground and baked into 'penny-bread' as standard loaves to act as the pais.
- 15 Evans 1981, 72. The practice of giving 13 loaves for 12 arose because of the heavy penalties inflicted for selling short-weight bread and, to avoid this, bakers would add an extra loaf, called the 'vantage loaf', to make up any possible short-fall in weight. Although on the face of it, it seems that the buyer should benefit, if all 13 loaves were short-weight the practice became fraudulent.
- 16 TSCB, 3 July 1515. ' . . . we ordane that na man or woman be admittit to bake bot freman under the payne of chetyng (forfeiting) of the samen'. A later entry (20 October 1528) elaborates this doctrine, ordaining 'nayne unfremen to us the officis of fre [men], as baking, brewing and owder siclyk officis pertenand to the fredom of the town'.
- 17 *Ibid*, 17 October 1536. Two stallangers were given permission to bake and brew.
- 18 *Edin Recs*, i, 217. We might now take this to mean 'well-risen and well-fired' bread.
- 19 The standard fine was 8 shillings.
- 20 TSCB, 6 April 1540. On this occasion the confiscated bread was to be given to the poor.
- 21 *Ibid*, 5 April 1535. 'We find that where an unfreeman offers for sale any goods forbidden by the community, and on being reproved, strikes a giltine burgess on the face with forbidden goods, then such a man is guilty of a great wrong'. Such a statement clearly refers to an actual incident, which unfortunately is not recorded.
- 22 McNeill 1973, 2. ' . . . ale, which for centuries remained the common beverage of Lowland Scotland and the Scandinavian north-east'.
- 23 Bere, or bear, still grown in small quantities in Orkney, is a type of four-rowed barley.
- 24 *APS*, ii, 351. The price of a boll of malt was not to exceed the price of a boll of bere beyond two shillings, modified in 1551 to four shillings for one year only because of scarcity of fuel (*ibid*, ii, 486).
- 25 TSCB, *passim*. Ale-tasters were also appointed in February and in December, one December appointee being Ninian Bryden, priest and notary, and the common clerk of the burgh (7 December 1529).
- 26 *Edin Recs*, ii, 124. The price for strong ale was fixed at 4d a pint, with the proviso that it was really strong.
- 27 *Peebles Recs*, i, *passim*. The maximum price per gallon in 1471 was given as 10d. This had risen to 32d by 1555.
- 28 TSCB, 27 January 1540. Detailed instructions are given for ale-tasting and pricing, with the bailies rather than ale-tasters being required to 'drink one gallon of aill of every man that breuit xvi d ail at Yoill'. All the burgh's brewsters are charged with the duty of brewing 'worthy' ale for feast days and fair days, and to sell it at the price chalked on every ostler's door by the two tasters accompanied by a bailie, according to the strength of the ale. All ale still being brewed to be sold for 12d per gallon, with subsequent brewings to be sold for 16d if of sufficient quality.
- 29 Ferguson (1981, 16) suggests that the diet contained 'barley and oats, cheese and very little fish and meat', which was perhaps true for the population of the borders as a whole, but may be somewhat pessimistic a view for the burghs. She comments on the population's vulnerability to poor harvests and the subsequent grain shortages – even in good years grain yields were very low by modern standards, with a three or four fold return suggested by one writer (Renwick 1903, 125).
- 30 *Ancient Burgh Laws, 'Fragmenta Collecta'*, xliii. This burgh custom also denies fleshers the right to trade as pastry-cooks, perhaps in recognition of the meat pie as a receptacle for meat not of market standard.
- 31 TSCB, 22 November 1538. Several entries in the Selkirk records refer to attempts to control the fleshers' practice of bleeding before slaughter. Meat is described as having been 'Flauchit' or 'lattin down', and in this context flauchit does not seem to mean flayed, since carcasses would be flayed before sale, but to the use of a flane or flaine – an arrow-like tool used within living memory for piercing animal veins and bleeding them as a means of restoring health or condition. (I am indebted to Mr H McKerchar, veterinary surgeon, Galashiels, for this information.)
- 32 Peebles required the flesh market to operate on Saturdays from 10.00 am to 4.00 pm (20 October 1564). Selkirk fixed 8.00 am or 9.00 am as the times by which all meat was to be openly displayed.
- 33 TSCB, fines of 12d for each beef carcass and 4d for carcasses of mutton were threatened in 1521, with the 'standard' 8s fine or a leg from the offending carcass being called for in 1539.
- 34 *Ibid*, 22 November 1538. Those found to have bled their meat before slaughter were ordered to

- forfeit the best leg to the bailies. An earlier order dated 19 October 1529 called for confiscation of one leg from each carcass of mutton and the hough, head and feet of a cow or steer.
- 35 *Ibid*, 20 October 1528. On 8 October 1532 the burgh court decided that unfreemen could not sell meat unless authorized to do so by the bailies.
- 36 *Ancient Burgh Laws, Articuli Inquirendi*, 57. Peebles applied this rule by requiring those selling pieces of salmon to also sell the skin (*Peebles Recs*, i, 154 & 155).
- 37 Everitt 1976, 184. The English equivalent of the customer was the toll-gatherer, 'dyping his toll-dish into the mouth of each man's sack'.
- 38 *Peebles Recs*, i, 158. The customers were ordered to look after nine firlot measures.

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