

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 considerable 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 endow 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 regulations 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 Memoranda 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 meeting 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 follows:—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 Mortification 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 Assise in the following terms:—

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

“The Court haldyne in the tolbutth of Hadyngton before the Ballis of that ilk the xx day of Febr. the zeir of our Lord m cccc xxv comperit before the ballis of the samyn that is to say Alexander of Hepburne Jamis of Aytoun and William of Galway, Jamis of Bowlands & Eufame his spouse folowars of certane lands with a brefe of rycht of our Lord the Kyngs chapel whilk lands lye in the saide burgh and in the streete callyt the huchstraw on the north half of the samyn betuix the land of the prioryse 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 Gothreson on the south half and the street callyt Wyrlyng 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 actiounne & demand was with the consent of bath the parties put til ane assyse of thir men underwrytyn that is to say Walter of Cocburne Thom Wolf Wil Fayre John Nicholsons Robyn Tredgold Thom of Furd Thom of Greenlaw William Henrison 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 determane lely qwhilk of the said parties has ful rycht in the sayde tenements passit furth & was lang tyme auisit and in the Court to the bar enterit and than Alex<sup>r</sup> 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 Wal<sup>r</sup> of Cocburne 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 halfand ful rycht in the land befor sayd lyand in Poldrace.”

There is a short Building Contract recorded in this Register:—

*Concordia de Edificatione inter W<sup>m</sup> de Galway and Nicolaus Bowmater.*

“The six day of April the zeir before wrytyn (1425) it is concordyt betwix

William of Galway burgess of Hadyngton and nichole bowmater burgess of that ilk in the manner as folowys 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 sall 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 concordyt that the sayde nicole sal byg to the forsayde land to the gauyle on the west half and on the south syde towart the cors and sa bath the gauyle on the south syde and on the north syde sal serf 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.cccc.xxvi John of the furde gafe a sylver chalys weyand xii uncis & viii d<sup>s</sup> to Saynt Peters Altar."

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

"Anno Dni mill<sup>mo</sup> cccc<sup>o</sup> xxxij<sup>o</sup> in temp. ballivorum Jacobi de Aytoun Roberti de Furde et Patricii Bernarde copia evidencie Will<sup>mi</sup> Lam burgens, de Hadyngton sigillate sigill. Thome de Punton et William Harpar cujus tenor sequitur et est talis :

"Til al & syndry to qwhais knowlage thir present lettres sal cum Thomas of 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.cccc.xxxii comperyt befor the balzes & the consale of the said burgh sittand in the tolbutth for sundrie profits of the sayd burgh to be tretit Will<sup>m</sup> Harpar clerk and public notar & Jamys Wrycht burgess of that ilk burgh the executorys of the testament of umquhile Neil of Innerpefar our neichtbur as was schawyn be the testament of the sayd Neyl confernyt 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 westsyde of the samyn betuix the land of umquhile John Macbeth on the northsyde and the land of John of Bassynden on the southsyde 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 pundis & mairand than the said executorys made it notorabilly knawyn befor eve at thai had gert cry opynly at the market cors syndry market days four or fife that qwhasumever 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 aucht pundis 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 consale qwhat was best to do thairof and than we the sayd balyhes that is to say Alex<sup>r</sup> of Hepburne Andro of Crumby and I and sundry of the consale of the towne that is to say John of Furde Jamys of Ayton Robyn of Furde Nichol Bowmaker John Flemyng John Nicholson John Stenson Thom Scot Thom of Punton and mony uthirys was auyisit and thoct it spedful at the said executorys suld sel the said tenement to the said Will Lam for aucht pundis 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 consale and uthir nechtburs to the sayd tenement and gafe heritabil 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 affers I make knawyn be thir present lettres In witness of the quhilk thyng to this letre I haf set my seyl at Hadyngton the day moneth yher & place & witnes befor wrytyn 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<sup>mi</sup> Harpar executores predictum vicesimo se<sup>do</sup> 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 Hailles. 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 dayis, deuored more than the halffe of the English Garisone ther, wich moved them to quyte the Toune 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 baillies, counsel, and community; and it would appear, from the following entry, that the baillies were chosen in a most popular manner:—

"23 Octr 1544, The q<sup>lk</sup> day, The communitie present within the towbuith and universally conuenit be sound of the hand bell hes admittit the twa Baillies vizt John Lawtay and Thomas Wause q<sup>lk</sup> were chosen at the croce of befoir to be Baillies of this Burgh for this zeir."

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 1830. The Counsell ordains to gyf the officiars x<sup>s</sup> for the greit counsell."

"4 Novr 1539, The assyse ordains the Baillies till cause conuene the Great Counsale and the maist honest ny<sup>t</sup>bors of this Burgh on Monday next to cum for rype avisament concerning divers articles and matters of the commonweill and to warn the said ny<sup>t</sup>bors be the officaris personally as thai can be apprehendit ylk person under the payne of viij<sup>d</sup> unforgifen."

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 Ny<sup>t</sup>bors." 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 Baillies and Counsals.*

“ 13 Octr. 1530, The q<sup>lk</sup> day the Baillies and Communitie Acts and Statutes gyff ony of the counsale cumis 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 viijs<sup>s</sup> unforgiffyn.”

“ 13 June 1531, The q<sup>lk</sup> day maister John Hepburne parson of Daltry comperit in the Counsell house afor the Counsell and Comunitie then beand present And then maid It knawyn that my Lord erll Bothwell desyrit of the comon gude of Haidyngton xli<sup>ii</sup> wsuell mone of the realm to be delyverit be hym to the Lord Setone for gratitudis to be done and for unities and concord betwixt the Lord Setone and the communitie off Haidyngton the quhilk Inquest aboneytten (24 present) and comunitie then present considerand the effect of the said desyr be thaim arguuyt and ryple awysit all in a woce delyueris that the towne is pur and fer in det and may nocht furnys that soume of mone and attour thai delyuer all in a woce that thai wyll nocht gyf that soume of mone to that effec becaus 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 inconuenients that may follow thaireftir and alswa delyueris all in a woce 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<sup>t</sup>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.”

“ 9 Aug. 1531, The q<sup>lk</sup> 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<sup>t</sup> hartle and wit ze that the Bailzies of Hadington hes been at me schawand that ye haif poindit y<sup>r</sup> nyburs and burgeses for non compeirans to Or Court. For I charge ze that ye restoir or gar restoir the saids poindis to the bailzes and that ze deceis and ceis fra ony calling molesting or troubling of the said personis pointit or oyeris of their ny<sup>t</sup>burs wythin the bruche in tyme to cum q<sup>ll</sup> my Deliueras or q<sup>ll</sup> I be foreawisit and this ye faill not to do as ye will raport singular thankis and pleissour of me at Edin<sup>t</sup> the xxij day of October le z<sup>rs</sup>.  
PATRIK ERLI BOTHWELL.”

“7 Nov. 1538, The haill body of the town baillies Cownsale and comunitie delyveris that thai will seik remedy of the Injurus and wrangys done to the baillies in the execution of thair office be the Patrik Hepburne son to the maister of Halys and his complices takand Tho<sup>s</sup> Trumble of thair hawdis thai havand him to the Tolbooth for injurus and wrangis done to thaim in the execution of thair office.”

“28 Nov. 1538 The q<sup>lk</sup> day The Counsall delyveris that na owt burgess sall haif fredom q<sup>l</sup> 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 W<sup>m</sup> Mason to pass in their lenyn claythis on corpus Chrystis day afoir the sacrament all the tyme 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 thaim never to falt to the town again for brekin of the Knok and to restoir to the town the expensis 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 & catts at he fyndis one the gait fra this nycht furcht.”

“28 July 1530, The Counsell ordainis Gilbert Robison sall be haldyn & cloissit in hys house for xx dayis and the Sunday 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 sall gar serss and se gyf thair be ony Vacaboundis within the Towne and se whereone thai leif and expel them the towne.”

“23 Jan<sup>y</sup>. 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 qubilk the bailzes tuk an act.”

“26 Novr. 1538, The Assyss Ordains the Wedwyf and her dowther to be banisst the towne and to forswear the town and depart or ewyn under the payne of setting of ane key on thair Cheks and ever thai be fundyng in it efterwart.”

“10 Decr. 1538, The Assyss Ordains Howm to be bundyn 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 forswear the towne and obliis him to be hangit be the Sheriff and ever he cum in the towne again."

"The q<sup>lk</sup> day, The actioun and cause betwix the bailzies and John Gothra is referrit to the assyss q<sup>lk</sup> delyveris that John sall cum at the next heid court eftir Zowll bairhedit in face of court and sittand 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, W<sup>m</sup> Gibson Baillie disassentit that the priestis of the Colledgeis feis suld be arrestit and denyis that he gaif ony command to arrest the samyn."

"The q<sup>lk</sup> 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 xv<sup>s</sup>. 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 lyfetye 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 durrs."

"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 durris that ar not burges q<sup>l</sup> thai be maid burgess."

"29<sup>th</sup> Octr 1544, The q<sup>lk</sup> 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 Counsell ordains the baillies with certain honest nythors to pass to the freirs and comon with thaim quhat thai will have to mark John Fleming ane freir."

"27 Octr. 1540, The assys ordains the Baillies to gang through the towne and se quha 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 cumis about to thaim and gif thai be nocht disposit to gif him his meit thai will gif vi<sup>d</sup> for that dayis meet and ordains John Pier-sone Thesaurer to gif him clothyng 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 allendarlie.”

“ *The Pest.*

“ 20 September 1530. The q<sup>l</sup>k day, It wes thoct expedient that the mercat be cryt downe on the Setterday for this contagious pestilens fra the town west.

“ Item, at na stuf cum to the mercat bot vitailliche and flesche and at nane of Edinburg Leicht na otheris suspec place be lattyn in the towne na raset without speciallicens of the baillies And at na man travell to Edin<sup>r</sup> na Leicht onder the paine of banyssing of the Towne And at na Coupars cum to by corn to haif to Edin<sup>r</sup> na Leicht onder the paine of escheitynd of thir wittell and at na man ryd nor gang to Edin<sup>r</sup> na Leichte without speciallicens of the baillies onder the paine of banyssing of the towne and escheityn of thir gudes And at na schamyttis be set onder the gait onder the paine of escheityn of thir paks.”

“ 25 Oct<sup>r</sup>. 1530. The q<sup>l</sup>k day the Counsell ordained that the mercat stands eftir the first proclamation.

“ The q<sup>l</sup>k day The Counsell ordains Nanie Hepburn & her marro to cleng thaim and thaireftir sell entir within thre dayis in the Towne and keip thaim close viii. dayis.”

“ 15 Novr. 1530. The q<sup>l</sup>k day The assys fyndis the wache to be supersedit q<sup>l</sup> 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 mornyng to haif thre pence ilk man and to haif a stand wache at the west yet.”

“ 17 Oct<sup>r</sup>. 1531 The Sys ordains a Stand wache at ylk port for viii dayis on the Towns coist.”

“ 24 Oct<sup>r</sup>. 1531. Item Thai delyvered 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<sup>l</sup> viii at ewyn and sa always about q<sup>l</sup> the towne be awisit.

“ Item, That na man ga furth of the Toun to na suspec place, wythout speciallicens of the Baillies and to taik twa ny<sup>b</sup>ors, wyth thaim at passis to beir thaim witness.

“ Item, That all ny<sup>b</sup>ors cum to the tolbuith quhen thai ar warnit wyth the bell or officiar wythout a ressonael caus one the paine of viij<sup>s</sup> unforgyffyn.”

"21 *September* 1538. The q<sup>l</sup>k day The Cownsale Ordains that the toun sall 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 sall put four men on the nycht of the ny<sup>t</sup>bors 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 q<sup>l</sup>k day, the counsale ordanis gyf any burges or Indwellar of this toun haif ony seikness wytin his hous 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 banyssching 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 q<sup>l</sup>k day The assys delivers that a man sall 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 q<sup>l</sup>k day the assys delyveris na carteris nor travelleris pass to Edinr nor Leith for xv dayis under the payne of banyssching 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 pur folk 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 8<sup>d</sup> to the Baillies as oft as thai do in the contrair eftir the intimation of the samyn quhilk 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 q<sup>l</sup>k 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 Customers heirop."

"27 *Novr* 1545. The q<sup>l</sup>k day The provost baillies Counsale and Comitite hes statut and ordainit that all maner of seik men or wemen or unclengt or

\*that is not able to be clengt 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 clengt 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 remittit to be common lockman wythin this town.

"Item, that the mercat be cryit the morn and that na manner of seik and unclengt personis cum w<sup>t</sup>out thir houses the tyme of the mercat under pain of deid.

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

"Item that q<sup>s</sup>omever person happyn to be seik schaw the Provost and Baillies incontinent under the pain of deid."

"7 Decr 1545. The q<sup>l</sup>k day comperit George Fourrois and maid it knawin how there wes ane act maid of befor be the provost baillies and Counsale quhair it wes statut be thaim that all manner of personis being full unclengt 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 allegit 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 protestand for the copy of the first act and remeid of law in case the samyn wer not fulfillit.

"The q<sup>l</sup>k day, John Ayton allegit that he wes an Juge constitut be the Counsale of the town and that there is na juge heir till him nor aucht till answer befor ony Juge heir present.

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

"The q<sup>l</sup>k day, Will<sup>m</sup> 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 Hail 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<sup>l</sup>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 *Novr* 1530. The q<sup>lk</sup> day the assys ordains the breid to be xiiis paise and the bailzes to serh gyf it keipis the pais and sufficient stuff.

" The q<sup>lk</sup> day the assys ordains twa Custumars to pass throu the Town and see gyf the aill be wort xvi<sup>d</sup> and it at is not wort xvi to be at xii<sup>d</sup>."

" 12 *Decr* 1530. The q<sup>lk</sup> day, The Sys ordains the aill to be sauld for xii<sup>d</sup>."

" 18 *July* 1531. The q<sup>lk</sup> 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 baillies to haif power to wey the breid and to be obeyit as the baillies and gyf the officiaris failzies in the exercising thairof to be in a unlaw unforgyffyn."

" 5 *Novr* 1531. The q<sup>lk</sup> 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 viiis and maikyn of the breid als gude as the day eftir.

" The q<sup>lk</sup> day. The Sys delyveris that aill be sald for xx<sup>d</sup> 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 sald for eleven pence the gallon & nane derrar on the paine of ane unlaw unforgyffyn."

" 9 *Novr* 1536. The q<sup>lk</sup> 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 viiis 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<sup>lk</sup> day the Counsall fynds xvs pays of breid and ordains the aill to stand as it wes 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<sup>d</sup> the quart q<sup>ll</sup> 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<sup>d</sup> the quart and na derrar under the payne of ane unlaws the first falt and ane double unlaw the next falt and the third falt of spanning (weaning) of thaim fra brewing for ane zeir and that the samyn stuff be gude and sufficient be fyt of the customeris and sicklyk fyndis xxiv unce of breid guid and sufficient stuff to be sauld for four pence under sicklyk panes."

" *Penult of Jan<sup>y</sup>* 1544. The Counsall fyndes the breid xx unce for iiij<sup>d</sup> Item the aill to viii<sup>d</sup> the quart that is guid and the ver vi<sup>d</sup> It. that the maisters of the bakehouse warne the Baillies or the breid pass furth of their house."

*Lighting Church and Ringing Bells.*

*Last day of July 1539.* The q<sup>lk</sup> day, the assys abonewrytten ordains the paroch clerks till uphold the Lamp with oyle that hingis in the Queyr and that samyn till be lytit in the mornnyng at the five hours or thairby and till indur quhill the he mess be done and to be lytit at the second bell of the Insang and till indur q<sup>ll</sup> 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 xxxii<sup>d</sup> and gyf thai be chargit and will not do the samyn it sall be lefull till ony Inhabitor within the Burgh till fynd ane servand of his to ryng the said menyng gyf the Clerk forsaike 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 Bailzes 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 paroch 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 communitie follow in 4 columns each containing 32 names—138 in all.

"The q<sup>lk</sup> day, the bailzies Cownsell and comunitie abone wryttn fyndis that the paroch clerkschip of the Kyrk of Haidinton is waikand be the deceis of Sir Adam Hepburn paroch clerk of the samyn and findis Wylzem Walson 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 sall haif the ta half of all the profit and casualities that may fall to the said Clerkschip.

"Item the said Wylzem Walson & Archibald Borthwik bindis thaim and evir ylk ane of thaim to the town off Haidinton and thair successors to abid and maik residens in proper person and do daily seruice 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 fail in ony point of thir premissis this gyft to be of nane awaill force nor effec and to retwrn to the gift of the Town to dispone on the said clerkschip at thair pleissour and this gift to be gyffyn onder thair Comone Seill on the condicionis abone wrytten. And for the oblying of thir premissis Philip Gibson John Walson & Robyn Walson bindis thaim thair airis executors and assignais faithfullie to the Town of Haidinton thair gudis mowaibill

and wnmouaibill that the said Wilzem Walson sal fulfill all thir premisses but fraud or gyll and in likwis Alex<sup>r</sup> Hepburn Thomas Dykson & Thomas Wause bind is thaim for Archibald Borthwik tofulfil all the pointis and artiklis faythfullie thair gudis mouaibill & unmowabill to the town of Haidinton.

“The q<sup>l</sup>k day, the baylzis counsell and comunitie delyueris that James Ayton sal gyf to Arch<sup>d</sup> Borthwik & Wil<sup>m</sup> Walson the samyn presentacion that thai gaif 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 Arch<sup>d</sup> & Wylzem of thir awyn Confession.

“Item the Bailzes Counsell and comunitie gyffis thair Clerkschip as said is to the foresaid Wilzem & to Arch<sup>d</sup> gyf that thai may be bayth into it and fail-land thairof to the said Wilzem allenarly he fulfilland his condicion to the said Arch<sup>d</sup> & 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 some 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 q<sup>l</sup>k day the Sys delivers that Thom Synelar sall haif xxs of the Common Guid to debait the pleye q<sup>l</sup> the chekar betwixt Dunfermline and the towne of xls claimed by the town Dunfermling on the towne.”

“28 May 1537. The q<sup>l</sup>k day The Sys wyt awiss of the bailzes contenuis the crafts to play thir Pagenis q<sup>l</sup> Midsomerday.

“The q<sup>l</sup>k day. The Sys delyveris that the Baxteris mawtmen fleschors smyts Barbers Tailzeours Skynnaris Furiors Massonis wryts wobstaris Cordinaris and all oyer craftis sall playe thir pagenis and zeirly this zeir on midsomer daye.”

“14 June 1541. The q<sup>l</sup>k 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 y<sup>rs</sup> Tho<sup>s</sup> Dyson and John Ayton Bailzies made James Raburn burges Gyffyn to Robyn Wolson Abbot of Unreason.

“24 April 1537 The q<sup>lk</sup> day The Sys delyueris that George Rychartson sall pa to the tressaurer 20s at Whitsonday next heir aftir and oyr 20s at Zoull next thairaftir quhilk 40s George wes award the town becaus he would not be Abbot of Unresson.”

“8 April 1539. The q<sup>lk</sup> day The baillies after the takyn of the ay<sup>ts</sup> 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 q<sup>lk</sup> 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 q<sup>lk</sup> 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 refusit 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 weill of this town.

“The q<sup>lk</sup> 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 failling of Thos Burrell John Aytoun.”

“14 April 1539 (16 present). The q<sup>lk</sup> day John Payrson ane of the baillies in name and behalf of the Town askit instruments that the baillies had causit the counsall to convene to the towbuy<sup>t</sup> on Tuysday last bypast for chesing of the Abbot of Unresson and allegit that the maist part of the counsall had dissasented till have ane abbot as he allegit *testibus comunitate*.

“The q<sup>lk</sup> day the Counsall abonewrytten 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 poind him for xls and the town and common guid till warrand and defend the baillies gif ony pley happen thireaftir 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 feyrd and all the comunitie ratifies the samyn &c.”

“23 April 1539. The q<sup>lk</sup> day the Counsall delyveris that the baillies pass and put the act to execution of the abbot chesyng as thai will answer on thair ay<sup>ts</sup> and that incontinent but delay.

“6 May 1539. The q<sup>lk</sup> day Dav<sup>d</sup> Furrous Thesaurer grantit hym ressavit xls fra Tho<sup>s</sup> Ponton for the forsakyn of the abbots-chyp and syklyk of Thos Synclar xls, &c.”

“30 March 1540. The q<sup>lk</sup> day the Baillies and comunitie ordains that q<sup>tsom</sup>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 q<sup>lk</sup> ane eftir utheris as thai refusis and this to be observit in tyme to cum.

“ The q<sup>lk</sup> day James Horne wes ehosyn be the baillies and communitie Abbot of Unresson for this zeir and failling of him Pat Douglace fleshour and failing 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 relieve the town of the band that thai ar bund to him thairfor.”

*Gipsies.*

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

*Weaponshawin, coittis &c.*

“ 27 April 1542 The Baillies and Counsall ordains ane wappinshawin to be haldin in Gledsmuir on Sanct Helynes day afoirnoon and that to lay down the muir that the Laird of Skrailling hes gart teill.

“ The Baillies and Counsall ordains thir muir of Gledsmuir to be zeirliche riddin on Whitsonday and quha is absent the Baillies to poind thaim.

“ At the Burgh Court of Haidintown haldyn the 5 November 1532 the q<sup>lk</sup> day the sys ordain a officiar to pound Robyn Turnor for xxii<sup>s</sup> vi<sup>d</sup> for three playe coittis because it was assignit to him to pa and to be inlowit in his count.

“ 6 May 1539 The q<sup>lk</sup> day the assys delyveris that the thesaurer sall vayr the four pownd he gat fra Thomas Syncler and Tho<sup>s</sup> Ponton on play coittis and thai coittis to be kept in the common kist q<sup>l</sup> the next year to the abbot and that abbot to delyver thaim to the comoun kist agane unspoilte 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 hail communitie of this burgh being warnit be the sound of the handbell convenit in the Tolbuth think it expedient to cheise ane Provost with twa Baillies within this Burgh and finds Maister W<sup>m</sup> Brown ó 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 Hadingtoun within the boundis and sheriffdom of the samyn haldyne in the pretorium thair of be the provost maister Williame Brown the xi day of Octr the zeir of God Im v<sup>c</sup> xliij zeirs Dempster John Lowre.

“The q<sup>lk</sup> day the provost forsaid maid constitut and ordainit Alex<sup>r</sup> Symson elder and Alex<sup>r</sup> 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 solemp ayts 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 Infestment of freedomes” obtained about this time. The different names given to the Courts held at Haddington are curious, they are as follows:—“The burro Court,” “The Burro head Court or Heid burro Court,” “The Court of Counsale of the Burgh,” “The Burro Court and Court of Counsall,” “The Court of Schillinghill haldyn in the Pretorium of Hadington,” 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 ANTIEN WRTIS 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 Hadington of the reign of xvii years in the hands of Tho<sup>s</sup> 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 umq<sup>le</sup> Rauf Eglims aikers in double furme. It. A Decreit of the Lords in double furme of the same aikers. It. A qu<sup>a</sup>nce 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 Lawsons 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 Haiffyn of Abyrlaydy in Patrick Lawsons hands."

On 10 Deer 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 Infestment 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 q<sup>l</sup>k day the Counsall ordains Matho Hunter to waik on the tolbucht heid nytlie and to haif vi pennies ylk nycht of the common gud at the vil of the bailzes."

"15 June 1535 The q<sup>l</sup>k day it was fundin that Sir Patrick Mawchlyn rud preist suld haif four li x<sup>s</sup> for findyn of the barnis and buikis in the queir in the zeir.

"Item to Sir Tho<sup>s</sup> Mawchlyn suld haif termle for his service ijli and for to find lychtis ij merkis.

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

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

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

"Item to Sir Alex<sup>r</sup> Henryson termle vii.

"Summa termle to the Queir of Hadingtown is xix. li. and x<sup>s</sup>."

"2 Jany 1542-3. The Counsall ordains the thesaurer to gif the piper viii<sup>d</sup> nychtlie."

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

"22 Jan<sup>y</sup> 1543-4. The q<sup>l</sup>k day the maist part of the town hes ordainit that xlviij. li. quhilkis wer gevin to the xxiiij men that past till Edin<sup>r</sup> 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 q<sup>l</sup>k day the Counsale ordains and delyveris that the kyrk

to pass als esyly as it may and all the laif of the common gud to be warit (spent) on the wyning of a coil pit on Glaidsmuir and to na other wys and gif neid beis the town to be taxt for mair mone."

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

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

"16 Nov<sup>r</sup> 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 tynne the hundreth lib and gif he gettis the coill to haif it for xix zeirs fre and gif he gettis it not to haif viii akir of land of Glaidsmuir for xix zeirs fre quhilk offer thai continew q<sup>ll</sup> Tesday eftir sanct mertynmes day."

"20 May 1538. Mr Dawe Borthwick Capitane of Tantallan borrowit fra the towne of Hadington and bailzies of the samyn to the Kyngs service in werk of Tantallon this zeir under wrytten In the first a Pikeschif of brass wyt the stok of the samyn ane Extre of Wyndess wyt the collar of the samyn thre Ir<sup>n</sup> nailles ane dog a pair of clipis a baikie a great towe containand fyftie fandois wyt the man the q<sup>lk</sup> 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 q<sup>lk</sup> geir Mr Dawe and John Ayton is caution and sour<sup>tie</sup> q<sup>lkes</sup> subscribit this p<sup>nt</sup> act wyt 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 Hadington, 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 Burgesses 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 Nov<sup>r</sup> 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 3<sup>d</sup>. 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 umq<sup>le</sup> 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 Cl<sup>k</sup> taken from the Rentals & Infettments thereof 27 Sep. 1583. 3 Entry of Schipps enterin yaimselfes 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 Jan<sup>y</sup> 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 Buke of the burgh of Hadington 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.	1539, 1590, Philip Gibson.
Oct. 1551, Thomas Wause.	1591, 1592, James Cockburn.
1552, James Oliphant.	1593, Thomas Spottiswood.
1553, Adam Wilson.	1594, James Cockburn.
1554, James Oliphant.	1595, John Kirkwood.
1555, John Forrest.	1596-1597, Wm. Slytoun.
1556-1558, John Aytoun.	Oct. 1597, Philip Gibson.
1559, James Oliphant.	1598-1606, Thomas Cockburn.
1560, Adam Wilson.	1607, Sir Wm. Seytoun of Kyllmure.
1561, 1562, John Aytoun.	1608, 1609, Thomas Spottiswood.
1563, James Oliphant.	1610-1617, Henry Cockburn.
1564, John Forrest.	1618-1632, James Cockburn of Wester Monkrig.
1565-1568, Thomas Punton.	(Blank in all the books from 1632 to 1634.)
1569, John Aytoun.	1634, James Cockburn.
1570, Thomas Punton.	1634-1645, John Cockburn.
1571, Bernard Thomson.	1669-1670, John Sleigh.
1572, 1573, James Cockburn.	1671-1673, Henry Cockburn.
1574-1576, John Douglas.	1674, 1675, John Sleigh, sen.
1577, 1578, Thomas Punton.	1678-1680, John Sleigh, jun.
1579, 1580, Robert Neisbit.	1681-1683, Henry Cockburn.
Oct. 1580, James Cockburn.	1684, John Sleich.
1581, 1582, William Brown.	1685, Wm. McCall.
1583, John Carketill.	1686-1689, John Sleigh.
1584, Francis Earl of Bothwell.	1690, John Lessell.
1585, James Cockburn.	1691, 1692, James Lauder.
1586, 1587, Thomas Cockburn.	1693-1694, Wm. McCall.
1588, Thomas Spottiswood.	1695-1697, Alex. Edgar.
	1698, Alex. Smith.
	1699, 1700, Alexander Edgar.

The following were the

TOWN CLERKS.

1423-1450, William Harpar, N.P.	1580-1586, Alex. Symson, N.P.
1450-1463, Alexander Clerk, N.P.	1584-1620, James Gray, N.P.
1529, Alex. Symson, elder	1613-1624, James Gray, N.P.
N.P.	1634-1650, George Gray, N.P.
1539, 1544, Alex. Symson, younger.	1668-1683, Andrew Young, N.P.
N.P.	1683-1687, James Smith, N.P.
1556-1580, Thomas Steven, N.P., a Priest.	

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<sup>l</sup>k 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 umq<sup>le</sup> Alex<sup>r</sup> Symson Elder Alex<sup>r</sup> Symson younger & Tho<sup>s</sup> 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 umq<sup>le</sup> Alexr Symson Elder and three prothogoll Books of Alexander Symson Younger and William Wilson haver Compeirand & producit the three prothogoll Books of umq<sup>le</sup> Thos Steven. And the Judges having called witnesses all maid faith that the Prothogoll buke of the said umq<sup>le</sup> Alexr Symson Elder wes his awin hand writt the said 3 bukis of the said umq<sup>le</sup> Alexr Symson Younger wes his awin hand writt and the said three prothogolls of the said umq<sup>le</sup> Thos Steven vizt 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 thair of by the said Thomas Stevens awin hand ar all authentic Instruments and that the said Notaries wer haldin & repute honest famous & condigne notaris all the dayis of their lyfes. James Gray is then authorised to transume & extract these Instruments.”

The next is dated 25th October 1673:—

“The q<sup>l</sup>k day in presence of the Judges sittand 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 summonding 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 heir and see the same Prothogall Books cognosced before them and the hail Public Instruments therein contained decerned 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 umq<sup>les</sup> 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 And<sup>w</sup> 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 21<sup>st</sup> day of Janv 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 umq<sup>le</sup> 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 sasinæ Precepto qlk fra thencefurth is written be another hand and are all subscribed be him except the said last sesing 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 umq<sup>le</sup> 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 umq<sup>le</sup> 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 thairfor 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 umq<sup>le</sup> 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.

3. Protocol Books of Alexander Symson, younger, notary public and town-clerk. 2 vols. 4to.

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.

4. Protocol Books of Sir Thomas Stevin, N.P. and common clerk of the burgh, and sheriff-clerk of the constabulary of Haddington. 3 vols. folio.

Vol. I. Commences on 22d April 1548, 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.

5. Protocol Books of James Gray, N.P. and town-clerk, consisting of 3 vols. folio.

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.

6. Protocol Book of James Gray, senior, N.P. and town-clerk, commencing 10th November 1613, and ending 6th March 1624. 109 pages. Index defective and torn.

7. Protocol Books of George Gray, N.P. and town-clerk, consisting of 2 vols. folio.

Vol. I. Commencing 22d January 1634, and ending 22d November 1647. 354 pages, with a complete index.

Vol. II. Commencing 15th December 1647, and ending 5th June 1650. Only 39 folios, with complete index.

8. Protocol Book of Alexander Weir, N.P., commencing 28th February 1615, and ending 10th April 1655. This book consists chiefly of instruments connected with the family of Seton, and other proprietors in the constabulary.

9. Protocol Book of David Elliot, N.P., commencing 11th June 1673, and ending 12th December 1677.

10. Protocol Book of Andrew Young, N.P. and town-clerk, commencing on 11th December 1668, and ending 21st July 1683.

11. The remaining Protocol Book of James Smyth, N.P. and town-clerk, consisting of 2 vols.

Vol. I. Commencing 20th January 1670, and ending 6th September 1684; and,

Vol. II. Commencing 6th April 1685, 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 Februarij anno Dni IM Vc xlixº Indictione octava pont<sup>us</sup> 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 vniuersis et singulis fructibus prouintibus &c spectantibus et pertinentiis dicte Capelle durante toto tempore vite sue prouiso tamen quod dictus Dominus Joannes celebret vel celebrari faciat per se aut alium presbyterum idoneum diuina seruicia 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 eidem pertinente satisfaciendo ei de summa Octo mercarum monete Scotie annuatim ad duos anni terminos festa viz. pentecostes et Sancti Martyni in hyeme per equales portiones super quibus dompnus Thomas Reid monachus nomine ipsius domini Joannis Croser petiit 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 Dalhousie in church of Kerrington demands a debt due to him by Dionesius Elphinston and Margaret Maxwell. Witness Alex<sup>r</sup> 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 warrandice 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 Feoditario de Dalhousie Alex<sup>ro</sup> 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 legitima* 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. Apunctuamentum seu Contractum subscriptum prout sequitur in vulgari Forsamekle as the said Noble Lord Ninian Lord Ros is becum in souertie for the said Cristiane to John Mure of Calduellis umq<sup>le</sup> hir spouse and thairto actit in our Souerane Ladies Bukis of Counsall that she sall renounce and ourgyf all rycht titill of rycht claim property and possession quhilkis she had to the Lands of Calduellis and specially to the Lands of Capillrig with pertinents quhilkis 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 Maillwyll 5 Novr 1552 whereby it is agreed that the said Nicolas Ramsay sall solemply 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 sall 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 gottin betwixt them heritably quhilc failzeand the said L.1000 to be laid on land as said is sall 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 happinnis barne or barnis to be gotten betwixt thaim And in likewyse the said Ninian Lord Ros sall mak exact diligence and obliiss him to provide the soume of 1000 merks money and lay the same upon land and sall infest the said Nicolaus and Cristiane the langar levand of them twa in conjunct fie and the bairns to be gottin betuixt thaim heritably in the said land and that quhat tyme or how soon it sall happen bairnis to be gottin betwixt them quhilkis 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 sall fulfil the said Band of

marriage how oft it sall happen them to be divorsit and gif this present contract be nocht sufficient in manner foresaid and that ather of the said parties sal be content to reform the samyn in maist surest manner that can be divisit als oft as neid beis to the effect foresaid and for observing keeping and fulfilling of the premises and on ilk point thair of ather of the said parties are bundin oblist and sworn ilk ane to utheris be the faith and trewth in their bodies and are contentit that this present contract be insert in the Books of our Souerane Ladies Counsall and the same to have the strength of ane Decrete of the Lords thair of and in the books of the official of Lothian and they to be bound for fulfilling thair of under the pains of cursing and executorials to pass thair upon as oft as neid beis and as efferis In Witnessing whereof baith the said parties hes subscrivit this present Contract with their hands day zeir and place foresaid and hes askit Instruments in the Notar's hands underwritten befor thir wites Patrick Sinclair of Castlelaw William Pyott, Adam Law George Sinclair Richard Knowis Sir Tho<sup>s</sup> Stevin Chapellane and Alex<sup>r</sup> Law Notar Public 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 als soon as he beis requirit thereto upon the premonition of 40 days with diligence then and in that case I the said Nychloaus 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 quhatsumuer bot any revocation contradiction or again calling quhatsumuer of law spirituall, or temporall, before whatsumeuer judge or judges day zeir and place and witness aboue wryting. *Sequentur subscriptiones* Niniane Lord Ros w<sup>t</sup> my hand Nycholaus Ramsay of Dalhowsy Cristiane Ros with my hand at the pen ledd at my command be the notar vnderwriting. *Ita est* Alex<sup>r</sup> Law Norius Publicus manu propria. *Super quibus dicte partes petierunt instrumentum Acta apud fortalicium de Maillwill horas inter septimam et octauam post meridiem aut eocirca presentibus* Patricio Sinclar de Castellaw W<sup>mo</sup> Pyott Adam Haw Georgio Sinclar Rychardo Knowis et Alex<sup>ro</sup> Law Norio Publico testibus.

“ T Stevin, Norius Pubcus.”

After the above quoted Deeds the following short Instrument occurs:—

“ *Instrumentum copulationis predictorum* Nycholai et Christiane ad longum.

“ *Personaliter constituti honorabilis vir* Nycholaus Ramsay de Dalhousy et *Cristiane Ros filia legitima nobilis et Potentis* Niniani domini de Ros et Maillwill mutuo contraxerunt et inter se solempnizarunt nuptias seu matrimonium per uerba de presenti prout sequitur in wlgari, viz. I Nycholaus Ramsay of Dalhousy takis zow Cristiane Ros to my spousit wyf and thairto I gyf zow my

trowth et e conuerso I Cristiane Ros takis zow Nycholaus Ramsay of Dalhousy to my spousit husband and thairto I gyf zow my trowth Celebratum per me alterum notariorum publicorum subscriptorum. Super quibus dictus Ninianus Nobilis dominus petiit instrumentum. Acta apud Locum de Maillwill hora quinta post merediem aut eocirca, &c. Alex<sup>ro</sup> 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 brèthren, 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 D<sup>ni</sup> Im V<sup>o</sup> lli Indictione vndecima pont<sup>us</sup> 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 Adamsonem burghensem 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 requisivit et mandauit cujus tenor sequitur I James Adamson burges of Edin<sup>r</sup> promittis and oblissis me nocht to intronett vptak nor mell with na maner of gudis patrimony nor sowmez of my nor vtheris profettis pertenand to the Abbay of Newbotle in tyme cuming

without the conventis consent and assent gevin thairto and sall nocht furnis ane venerable fader James Abbot of the said Abbay with ony merchandis or gudis without thair consent except wyne teir Irn salmund and abulzementis for the abbotis bodi nor ony vtheris in his nayme and sall rasaue thankfull payment of the sowme of L.100 mony aucht to me be the saidis Abbot and convent in greit & small sowmez lyk as thai pleis offer and perfurnis and deliuer to thaim my acquittans conforme to the rasait thairof and sall nocht mak assignay nor assignais of hiear degre nor myself to my lettre of tak of certane akeris of mussilburgh and gif I perfurnis ony 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 samyn to me and sall obserue & suffer Johne Wache occupy his akeris quhilkis he hes in tak of the said Abbay for yeris to ryn conforme to the samyn the fermez teyndis and cayne foulez aucht & went 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 Nouember in the zeir of God IM V<sup>o</sup> lij before thir witness Johne Adamson burges of Edinr Adam Dougles (i.e. *Dolgleish*) Johne Adamson & Schir Tho<sup>s</sup> Stevin chapellane and notar publict. Sequitur subscriptio ipsius Jacobi James Adamson, Quamquidem obligationem ac omnia et singula in eadem contenta deducta et narrata idem Jacobus Adamson Obseruare et perimplere promisit. dominus super quibus idem Joannes Harwy pro se et nomine totius conventus petiit instrumentum. Actum apud Locatorium de Newbotle hora tertia post meridiem aut eocirca presentibus Joanne Adamson Adam Dougles et Joanne Adamson testibus Eodem die venerabilis Jacobus abbas monasterii antedicti suprascriptam 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 petiit 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 presentibus tenore constituunt nominant ordinant et faciunt prefatum Jacobum Adamson eorum assignatum ad petendum leuandum et recipiendum firmas decimas garbales et lye cayne foulez a Joanne 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 quocunque indice pro non solutione earundem

firmarum decimarum garbaliū et lye cayne foulez in ius vocandum et hoc durantibus annis et terminis contentis in assedacione per ipsos abbatem et conventum dicto Jacobo confecta super omnibus et singulis acris in Prestongrange vocatis lye Akeris of Mussillburgh sub eorum communi sigillo et subscriptionibus manualibus. Super quibus dictus Jacobus petiit instrumentum Actum apud locutorum antedictum hora et testibus prescriptis.

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 D<sup>ni</sup> IM V<sup>c</sup> liij<sup>o</sup> indictione xij<sup>a</sup>  
pontus Pape Julii tertii anno quarto.

Personaliter constitutus Willelmus Ramsay filius honorabilis viri Nycholai Ramsay de Dalhousy accessit ad presentiam Venerabilis 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 Newbotle infra dictum monasterium pro tunc degens interfuit exercitui Anglorum in bello commisso apud Pynkinlewech habens sub se certos stipendiarios Anglos quo in bello proh dolor, quam plures Scotorum nobiles ceciderunt inter quos ceciderunt etiam duo fratres dicti Willelmi per dictum fratrem Joannem vt creditur qua de causa dictus Nycholaus necnon varii nobiles infra Laudoniam degentes egre ferentes ipsum fratrem Joannem abire impunitum pro hujusmodi celere per ipsum Willelmum rogant dictum venerabilem abbatem visitatorem amouere ipsum fratrem Joannem extra dictum monasterium ad quodecunque aliud in partibus remotis ab eorum diurno respectu sic quod dicti nobiles possint frequentare dictum monasterium et ibidem interesse orationibus et suffragiis conuentus dicti monasterii prout interfuerunt temporibus retroactis absque occasione ire vel impedimenti alioquin protestatur quod non cedat dictis nobilibus in quodecunque periculum si contingat dicto fratri Joanni incurrere aliquod dampnum seu offensam per ipsos et ipsorum aliquem seu eorum factores. Super quibus dictus Willelmus nomine dictorum Nycholai et nobilium peccit



instrumentum. Actum apud dictum monasterium hora prima post meridiem aut eocirca presentibus Joanne Morton Roberto Thornbrand et Gilberto Cresteson testibus.

T Stevin Norius 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 Richartson against John Harwy.

"Decimo Septimo Marchii anno Dni IM Vc liij Indictione xija  
Pontus Pape Julii tertii anno quinto.

"Personaliter Constituti fratres Willelmus Harlaw's Thomas Guld Thomas Reid Joannes Carnychell Adam Scott Robertus Henderstoun Georgius Symsonne Joannes Andersone monachi monasterii de Newbotle capitulariter congregati ac maior et sanior pars conventus monasterii antedicti confessi sunt ex eorum certis scientiis et animis deliberatis et dixerunt ipsos nulla scripta subscripsisse concementia querele mote inter fratres Georgium Rychartson et Joannem Harwy monachos monasterii antedicti quorum occasione dictus frater Georgius debeat amoueri a dicto monasterio ad quodcunque 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 peccit instrumentum apud domum capitularem dicti monasterii hora septima ante meridiem aut eocirca presentibus David Skougall patricio Johnston Joanne Skougall et Joanne Andniston testibus

T Stevin Norius 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 Richartson, 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 tertia Pontus Pape Pauli quarti anno primo.

"Personaliter constitutus dominus Joannes Hoggart capellanus accessit et venerabilem in Christo patrem Jacobum abbatem de Newbotle personaliter apprehensum citavit ad comparendum in insula Diui Gabrielis archangeli

*situata infra ecclesiam parochialem Beati Egidii Edinburgi xix<sup>o</sup> augusti proximo futura hora causerum 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 comparere protestando pro remedio iuris. Super quibus dictus Dominus Abbas peciit instrumentum. Actum infra ecclesiam monasterialem de Newbotle hora octaua ante merediam aut eocirca presentibus Jacobo Hoppyngill Alex<sup>ro</sup> Adamsone David Merr et Roberto McClelen 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<sup>o</sup> lv Indictione decima tertia pont<sup>us</sup> 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<sup>r</sup> 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 veniendo 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 conuentus 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 prejudicabit eorum preuilegio et indultis prefatis monachis et toti ordini in fauorem totius ordinis Cisterciensis concessis nec ipsa cessabit aut aliquo modo viciabit seu derogabit. Super quibus frater Thomas Reid cellerarius de Newbotle nomine dictorum abbatis et conuentus peciit instrumentum, actum apud insulam Beati Michaelis Archangeli infra ecclesiam monasterialem de Newbotle hora quarta post merediam presentibus Alex<sup>ro</sup> Adamsone Joanne Smyth Joanne Reid Joanne Hay et fratre Joanne Harwy Monachis dicti manasterii testibus.

T Stevin No<sup>rius</sup> Publicus.

The next is an Instrument taken on the visit of John Archbishop of St Andrew's, 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.

“ Ultimo Augusti anno D<sup>ni</sup> IM V<sup>c</sup> lv Indictione decima tertia pont<sup>us</sup>  
pape Pauli quarti Anno primo.

“ Personaliter constituti Venerabilis in Christo pater Jacobus permissione divina Abbas monasterii de Newbotle capsula indutus habens mitram in capite et baculum abbatiale in manu et illius conuentus capsulis induti processionaliter accesserunt prope ingressum cimiterii monasterialis ante dicti et ibidem reuerentissimum 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 not alias aut alio modo salutis eorum priuilegiis protestando quod huiusmodi receptio nullum inferat preiudicium seu dirogantiam eorum privilegio et indultus per sedem apostolicam dictis monachis et monasterio gracie concessis in fauorem tocius ordinis Cisterciensis sed quod remaneant huiusmodi preuilegia et indulte illis integra et illesa per ipsum reuerentissimum patrem Archiepiscopum quibus dictus reuerentissimus respondit pater et dixit quod ipsius accessio et aduentus ad illorum locum et monasterium non preiudicabit eorum preuilegio gracie concessis vt predicatur, sed quod remaneant integra et illesa et nullo modo per ipsum molestanda aut perturbanda. Super quibus frater Thomas Reid cellerarius de Newbotle nomine dictorum Abbatis et Conuentus peciit instrumentum. Actum apud cimiterium predictum hora nona ante meridiem aut eocirca presentibus Willelmo Turnbull in Dalkeyth Alex<sup>o</sup> Adamsonne Jone Hay Jone Reid et Dominis Willelmo Blake et Laurencio Watsonne presbytris testibus.  
T. Stevin Not<sup>us</sup> 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.

“ Decimo Quarto Februarij anno D<sup>ni</sup> IM Vc Iv<sup>o</sup> Indictione xiii<sup>a</sup> pont<sup>us</sup> Pape Pauli quarti anno primo.

“ Personaliter constituti venerabiles et religiosi viri fratres Andreas Langlandis Prior Monasterii de Newbotle Thomas Reid cellerarius eiusdem monasterii, Joannes Bannatyne Subprior et Joannes Harwy Monachus monasterii prefati adherentes appellatione interposite per venerabilem in Christo patrem Jacobum abbatem monasterii antedicti eorum patrem abbatem ac ipsam ratificantes acceptantes et approbantes appellarunt prout haram serie appellant et prouocant ab omnibus et singulis mentionibus visitationibus correctionibus censuris penis excommunicationibus aggrauationibus et reaggrauationibus fulminatis seu fulminandis latis seu ferendis contra et aduersus eos eorum monasterii preuilegia et ordinis cisterciensis indulta per reuerendissimum in Christo patrem Joannem Archiepiscopum Sanctiandree &c auctoritate ordinaria legalive aut alia quacunque potestate ipsi Concessa ad Sanctum Dominum nostrum Paulum papam modernum eiusque Sacrosanctam sedem apostolicam secundum tenorem cedule dande. Super quibus dictus cellerarius pro se et nomine predictorum peciit instrumentum. Actum apud conclave dieti Domini Abbatis hora quasi decima ante meridiem aut eocirca presentibus Roberto Craufurd Jacobo Thin in Newbotle commorantibus Thoma Turen ibidem Magistris W<sup>o</sup> M'Gowne et Joanne Bannatyne connotariis testibus.

“ T Stevin Norius 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 Symsons monachos incarceratos intra predictum monasterium infra spatium duarum horarum huiusmodi monitionem proximo et immediate sequentium sub pena excommunicationis et aggrauationis et reaggrauationis in euentu non ecarcerationis eorundem infra sex horas successive. Super quibus dictus (M) Andreas peciit instrumentum. Actum apud magnam portam dieti monasterii hora tertia post meridiem aut eocirca presentibus Jacobo Arros Jacobo Reid in Newbotle Commorantibus

Georgio Swyntoun filio Nycholai Swyntoun et Joanne Browne Seniore in Dalkey<sup>t</sup> testibus. T Stevin Nor<sup>rius</sup> Publicus."

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, Comendator 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.