

VIII.

THE ORIGIN AND EARLY HISTORY OF THE OLD TOLBUITH OF EDINBURGH—THE HEART OF MID-LOTHIAN; AND THE LUCKEN- BOOTHES. BY PETER MILLER, F.S.A. SCOT. (PLATES VI., VII.)

Sir Walter Scott, in his novel, *The Heart of Mid-Lothian*, has very graphically described the High Street of Edinburgh as it presented itself previous to the removal, in 1817, of the Old Tolbuith, the Lucken-booths, and the Crames, which encumbered that street around St Giles' Church. In his notes to that novel, in the author's edition in 1830, he gives a few additional historical details that are deeply interesting to the antiquary; these fail, however, to satisfy his curiosity, and only increase the desire to know something more definite respecting the origin and early history of those buildings which the genius of Scott has made famous for all time coming. Daniel Wilson, in his *Memorials of Edinburgh in the Olden Time*, has given many additional interesting details as to the architectural outlines of those famous old structures, which will be noticed further on; but he also has only conjectures regarding their origin and early history, which appear to have no foundation in fact.

To understand aright the historical evidence respecting the origin and history of the Old Tolbuith and its early surroundings, it is necessary to realise in one's mind what the actual state of matters was near the end of the fourteenth century, about the time when these erections were

first planted in the market-place around St Giles—the parish kirk of the city. The authentic records of the various additions to St Giles' Church, going backward to 1386, a period of 500 years from the present time, give us something like an exact photograph of what the venerable old church was, and its surroundings at that early period. There is Chepman's Isle, after 1513; Prestoun's Aisle on the south side, subsequent to 1454, the date of the charter of erection; the extension of the Choir prior to that date; the Albany Aisle, about the commencement of the same century; and the five vouted Chapels on the south side of the nave of the church, the contract for building which is dated 1387. These well-authenticated data enable us to fix very correctly the dimensions of St Giles as it existed prior to the year 1386, just the year after the city had been burned by the English army under Richard II. Measured on the ground plan in the chartulary of St Giles (Bannatyne Club), the extreme breadth over the then walls is only 80 feet; and the length, from the west gable to the third pillar in the choir, at which the east gable stood, is 203 feet. Outside the church on the south was a clear open space, extending down to the Cowgate, part of which formed the parochial burying-ground of the city. From the charters and sasines of property contained in the *Register of the Great Seal, St Giles' Chartulary*, and numerous entries in the *Exchequer Rolls of Scotland*, from 1365 down to the middle of the following century, abundant evidence is obtained proving how the ground at the south-east end of the church was covered. In the year 1440¹ "a rent was paid to Robert Nudry for the tenement belonging to the King, which was situated at the Kirk Style of the Cemetery of the Church of St Giles," in which the money was coined. It must also be kept in mind that at that period the High Street was wider by 7 feet on each side than it is at present. It was subsequent to the year 1508, according to Maitland, that the wooden fronts of the tall houses in the High Street were first erected. The Town Council at that date authorised the extension of the fronts of the houses 7 feet into the street, by putting up wooden fronts, to encourage the inhabitants

¹ *Exchequer Rolls*, vol. v. p. 90, 1440; also *Reg. Mag. Sig.*, vol. i. p. 40, 1365.

to purchase the timber cut down in the Boroughmoor.¹ From that time down to a comparatively recent period, all the houses on both sides of the street had a piazza or "peaches," as they are termed in the old sasines of properties, in the High Street. There remains still a specimen of that old architectural arrangement at the head of Warriston Close, in one of the fine old mansions that still adorns the High Street. The picture thus presents itself of a wide open space, with a comparatively large church occupying the centre of the street, having a large open burying-ground on the south, a wide open place to the west—something as it is at present—and on the north side of the church a street 7 feet broader than it is at present. There is sufficient ground for the belief that the houses in the High Street at that early period were nearly the same height as at present—there is no evidence that the Buthraw—the Luckenbooths—were then in existence—while on the east of the church the street was wider than it is at present by 14 feet, on which stood the "Mercate Cross" so early as 1365.² Such then appear to have been the actual arrangements of the "Market Place" prior to the renovation of the city, and the commencement of the great improvements inaugurated by King Robert II. in 1386, subsequent to the successive ravages and burnings of the city by "our auld enemies the English," under Edward II. in 1322, and by his son in 1335, and yet again in 1385, when Richard II. burned the city.

In 1386, the year following the last destruction of the city by fire, Robert II. granted a charter to the citizens of Edinburgh for the adornment of the city, and for the erection of public buildings upon the market place. The charter is still extant, and a copy is given in the volume of charters and documents belonging to the city, forming one of the volumes of the Burgh Record Society's publications. The charter purports to be granted by King Robert II. to the burgesses and community of Edinburgh, of a piece of ground at the north side of the High Street for the purpose of erecting houses and buildings there-

¹ In 1508 the Town Council enacted that owners of houses be allowed to extend the fronts of their houses to the extent of 7 feet into the street, from the timber cut down in the Burghmoor.

² *Reg. Mag. Sig.*, vol. i. p. 40.

on, for the occupation of the burgh, dated 25th July 1386. It is endorsed "Carta fundi de le Belhous," Charter of the site of the Belhous. The charter is in Latin; given briefly in English, it runs thus:—"Know ye, that we have given, granted, and by this our present charter have confirmed, to our beloved and faithful, the Burgesses and Community of Edinburgh, and their successors in time to come, 60 feet in length and 30 in breadth of land lying in the market place of the said burgh, on the north side of the street thereof; giving and granted to them, and their foresaid successors, our special license to construct and erect houses and buildings on the foresaid land, for the ornament of the said burgh, and for their necessary use." It is to be held freely by burgage tenure, and a silver penny is to be paid to the king and his heirs yearly, if asked, in name of blench-ferm, &c. By a reference to the ground plan of St Giles, contained in the chartulary of that church, it will be observed that the building known as the Tolbuith, was situated a few feet west of the gable of the church; and the south front of the Tolbuith was continuous in a line with the north wall of the church, as it existed prior to the erection of the Albany aisle. The building was about 60 feet in length, stretching westward, and was 30 feet in width, projecting into the line of the street, leaving a roadway of about 30 feet, including the pavement between the front of the houses in the High Street and the north front of the Tolbuith. Before stating the evidence as to the identity of this site with the one granted by King Robert II. for the adornment of the city, it may be as well to state what was actually meant by the term "Belhous." Although all knowledge of its uses and even of its existence in the civil economy of the burgh is now forgotten,—there being but few references to it in the records of the city,—the explanation seems simple enough. In very early times the meaning of the term was well understood, and such buildings performed a most important function in the economy of all burghs. A reference to the *Statutu gilda* of Alexander III., in the first volume of *The Scottish Acts of Parliament*, gives the following information respecting it:—"We have ordained that as often as the Alderman shall have to call the guild brethern together, for the transaction of business, they shall assemble at the ringing of the bell, or pay a fine

of twelve pennies. And when the little bell has been rung through the town, then the bell in the Belhouse shall be rung three times—first shortly, and then twice each time shortly, and those not coming to the meeting shall be fined.” It was also ordained that no one should buy fish, cheese, or any other commodity, until the ringing of the bell in the *belfredo* or Belhous. It would appear that no business of a civic character could be gone into without the ringing of the bell, consequently every burgh had its civic bell and bellhouse. Apparently in those early times the “bellhouse” was the designation by which the burghal offices were known before the term Tolbooth came into use. That term also has had its day, and has now given place to the more fashionable designations of Town Hall and Corporation Buildings.¹ But the bellhouse remains as an integral part of the municipal buildings of every burgh in Scotland; from the smallest to the largest they have the *bellhouse* in the shape of a steeple or clock tower. Glasgow in the year 1595 had its bellhouse, and also received rents from it, as in Edinburgh. It is obvious that in early times the ecclesiastical bells and the municipal bells were totally distinct and independent of each other—and it continues so to this day—Edinburgh standing alone, having neither bell nor bellhouse.² In the case of Edinburgh at that time, the bellhouse was a separate building—as shown in the Plate—attached to the new municipal buildings called the Tolbuith. There are no records of the Town Council previous to the year 1403, and what remains up to the middle of that century consists only of scraps in the form of copies and extracts from the original documents. For about twenty years after the granting of the charter of King Robert II.,—there are, therefore, no traces on record of either the Belhous or the Tolbuith, or of the build-

¹ In a memorandum of “Charters kept in le treasourhous of the church by the Dean of Guild,” the following among others is given:—“Carta domini Roberti regis super donacione fori videlicet *le belhous*” (*St G. C.*, p. 277).

² “In 1552—The Common Bell.—The provost, baillies, and counsals thinkis expedient and ordainis that the common bell haif ane string cumand thairfra to the nether end of ane pillar in the kirk, and to be lokkitt in ane almery, and that to haif six keyes, ane thairrof to the provost, four to the four baillies, and the sixt to the belman that the same bell may be rowng at all tymes quhen tyme occurais” (*Council Records*).

ings erected on the ground in the market place in the High Street earlier than the following :—On the 3rd October 1403, in the first of those extracts, the Pretorium (Tolbuith) is mentioned for the first time, and we know distinctly from that time, that all the business of a public description was transacted in that municipal building known as the “ Pretorium of the burgh of Edinburgh.”¹ The Town Council, the Justice Ayres, the Law Courts, and the Scottish Parliament² were accommodated there ; in short, all business, whether of a local or national description, was transacted within its walls, down to Queen Mary’s time, when the New Tolbuith was erected further south. During the first century of its existence, it does not appear to have been used as a prison, and it was only in its latter days that it became the city prison. The exact date will be given further on.

In 1451 both the Belhous and the Tolbuith turn up in a somewhat demonstrative form in the tacks of the land and annual rents of the burgh, made in the Tolbuith of the same 10th November 1457. The methodical and precise mode in which the entries are stated in the roll brings before us the exact form of the old Tolbuith as it existed then, as at the last days of its existence. It had a north front, a west end, and a south front. I copy the document exactly as it stands, omitting the names of the securities in each :—“The first booth of the chamber of the Tolbuith is let to Allan Broun for 40s. The second booth is let to John de Dalrimpill, for 40s. The third booth is in the hands of Malcolm Baird for 40s. The fourth booth is let to Henry Fowler for 45s. The fifth booth is let to Jonete, spouse to the late William Scott,

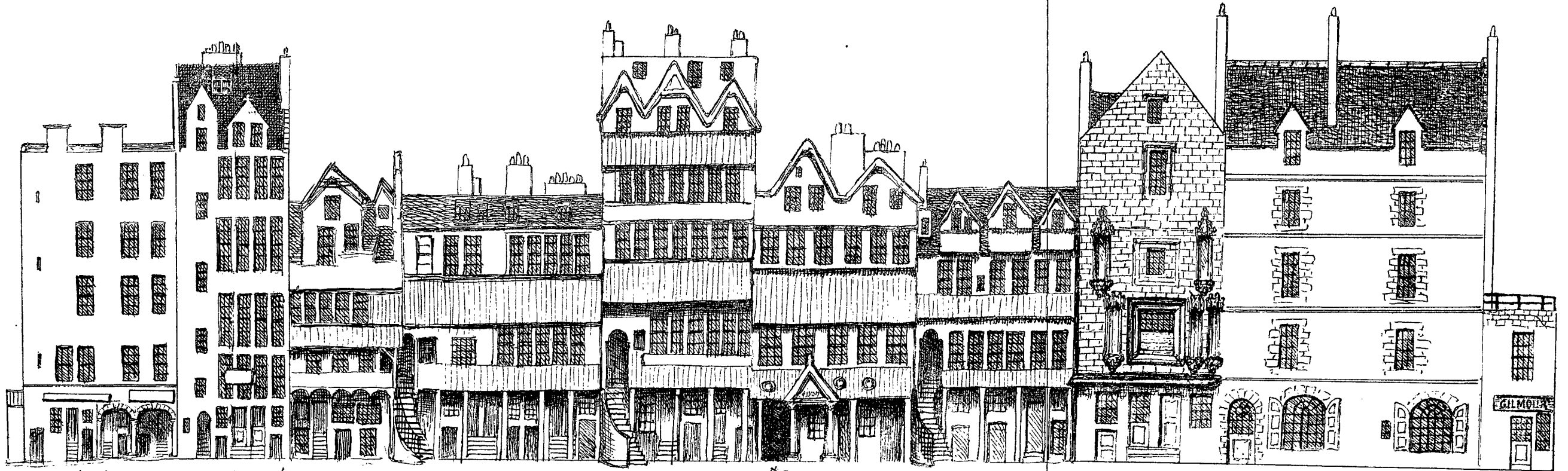
¹ It must not be understood that there was no pretorium in Edinburgh previous to this date, because from a deed in the St Giles’ Chartulary there was a pretorium in the burgh of Edinburgh as early as 1368 (Deed I. in Chartulary), all that is meant is that this is the first notice of the new pretorium subsequent to the granting of the charter.

² The first Parliament held was in 1449—“Parliamentum excellentium principis ac domini nostri domini Jacobi secundi dei gratia Regis Scotorum illustrissimi inchoatum et tentum apud Edinburgh in pretorio ejusdem” (*S.A.P.*, vol. ii. p. 33). The Parliament of ane richt hie and excellent prince and our Soverane lorde James the Secunde be the grace of Gode King of Scottes haldyn in Edinburgh et begunyn in the Tolbuth of the samyn the 26 day of the month of Junij the yere of our Lorde jmiii^c et fifty et the first” (*Ibid.*, p. 39).

for 45s. The sixth booth is let to Thomas Williamson for 45s. The seventh booth is in the hands of Nicholas Spathy for 15s. The next booth is in the hands of George Fawlan for 45s. The two booths on the west side of the Tolbuith are let to Robert Murray for 43s. The east booth on the south side of the Tolbuith is let to John Law for 20s. The second booth is let to John Best, and is given to him gratis for his fee. The third booth is in the hands of the town. The fourth booth is let to John Gullane for 20s. The fifth and sixth booths in the hands of the town.

“In the Belhouse, the house above the stair is let to James Taylor for 50s. The second house is let to William Balfour for 45s. The third house is let to Thomas Nort for 18s. The fourth house is let to Walter Carnis for 20s. The pent-house under the stair is let to Adam Cant for 19s. 6d. The uppermost chamber is let to Malcolm Boyd for 30s. The booth next the pent-house is let to Thoms Whitelock for 40s. The next booth is let to William Turner for 40s. The next booth is let to William Hall for 44s. 5d. The next booth is let to Harman Beltmaker for 44s. 6d. The next booth is let to Adam Spens for 44s. 6d.”

In 1464 there are additional booths let in the tenement near the kirk style. Two booths of the outer booth are set to John Strath-auchin for £3, 11s. One of them is a tavern, the hall, with the chamber and cellars in the kirkyard; the cunye-house (the mint), the uppermost chamber in the kirkyard, and the throughgang, whatever that may be, is let for 8s. to William Met. From the Exchequer Rolls, 1438-40, it appears that the King had acquired by purchase several tenements at the kirk style at the east end of St Giles'. Some of these were now in the possession of the city. Those entries also prove that there was another kirk style altogether different from the “stinking style” stigmatised by the poet William Dunbar. Subsequent to this time, in the years 1480, 1481, and 1482, the lettings of the booths are all stated in the same methodical manner, only the rentals had all been increased—those on the north side of the “pretorium” being now £4, which in 1457 were let for 40s. At the last named year, 1482, Master Richard Lawson, the Richard Lawson of Highriggs, was the occupant of the eastmost booth on the north side of the pretorium. He was several



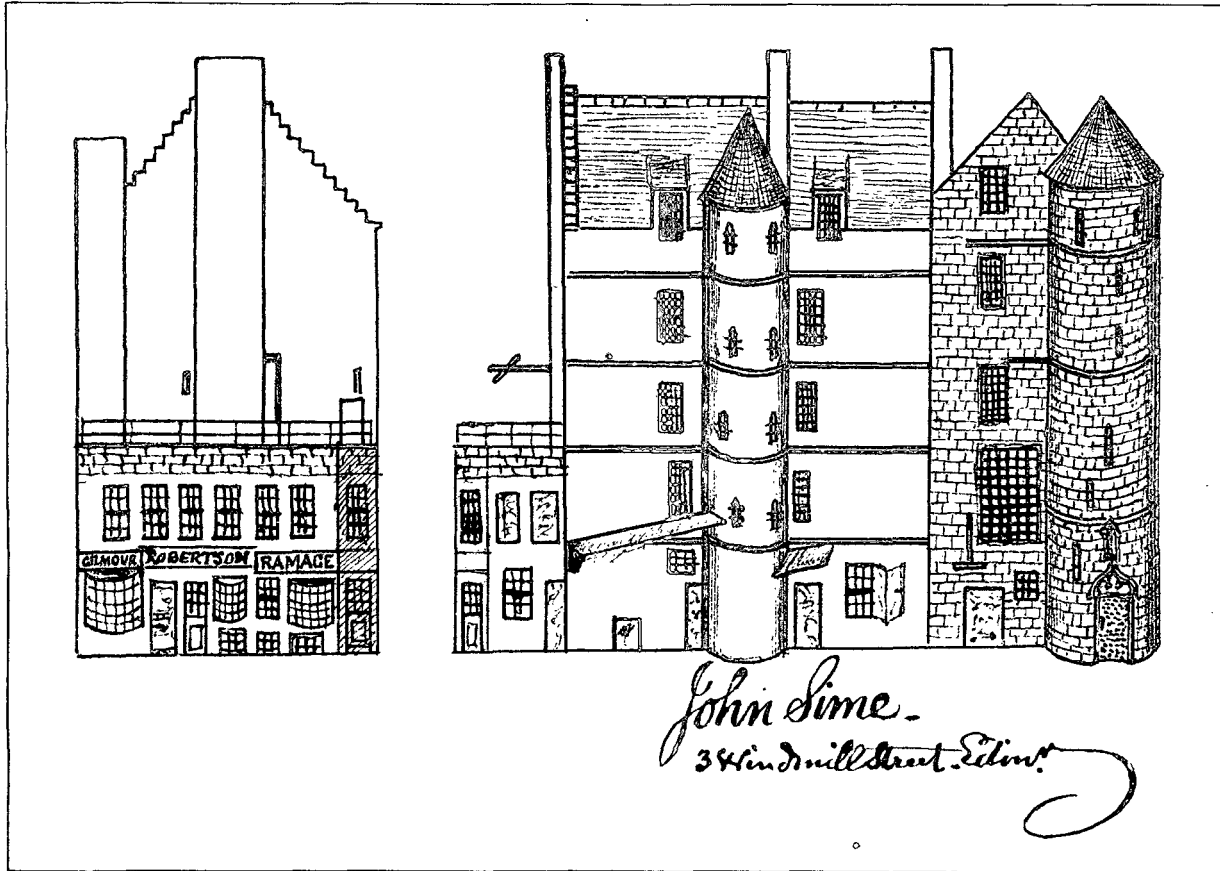
*Levesche's Land. a polished ashlar
terminant.*

*Elevation of the North side of the Tolbooth,
and the Luckenbooths.*

** The sinking stile,
opposite Advocate's Close*

Bellhouse

Tolbooth



WEST END OF TOLBOOTH

SOUTH FRONT OF TOLBOOTH AND BELLHOUSE

times after this date Provost of the city, and was the Master Lawson of Pitscottie, who witnessed the portentous affair at the Cross of Edinburgh previous to the battle of Flodden-field. It is worthy of remark that many of the names given show that the occupants of these booths were men of note, forming the leading burgesses of the city at that time.

That these rentals of booths in the Tolbuith and Belhouse refer to the buildings erected on the piece of ground granted by Robert II. in 1386 admits of very little doubt. Maitland, in his *History of Edinburgh*, refers to this charter; but he supposes that the ground was higher up the street—about Milne's Court. In the charter of James III. in 1470, regulating and fixing the stances of the different market places in the city, there is the following reference to the Belhous:—“Also the Cramys of Chepman to be set from the Belhous down to the Tron, on the north side of the said street.” The site of the meal market of grains and corns was fixed by the same instrument “frae the Tolbuith up to Liberton's Wynd,” clearly showing that the Belhous was not above that point. Wilson, in his *Memorials*, describes the Tolbuith as a tall and gloomy-looking pile of buildings; and he has given two views, showing the north and south fronts, the two being very dissimilar to each other. Those prints show very distinctly that the pile consisted of two separate structures. The larger and western portion was built of plain rubble on both the north and south sides; while the smaller and eastern portion next the church was of polished ashlar; and on the north side it was rather handsome, whereas the south front was of the same character as the south front of the west portion, and had a round projecting tower at the south-east end. There is no print in existence (so far as I am aware) of the Luckenbooths. The one now given (see Plate VI.) is a facsimile of a pen-and-ink drawing by the late Rev. James Syme, contained in a volume of prints and original drawings in the Society's Library, which the librarian has kindly allowed me to copy. It shows the entire length of the north front of the Luckenbooths, along with the Belhous and Tolbooth. The south front of these two structures (Plate VII.) is also from a pen-and-ink drawing in the same volume. The cut representing the east end of Creech's Land, looking down the High Street (fig. 1, p. 374), is from Creech's

Fugitive Pieces. The fact of these erections occupying as near as may be the same extent of ground as defined in the royal charter of 1386, "as lyand in the market-place of the burgh on the north side of the street," and only about the length of St Giles' Church from the Mercat Cross; and also that those buildings were in existence from twenty years after the date of the charter down to 1817, appears sufficient evidence to decide the question as to the site of the Belhous. There is more, however, for recently I discovered from an old sasine of the premises lately occupied by Mr John Clapperton, No. 371 High Street, that they belonged to Adam Bothwell in Queen Mary's time, and were described as Bothwell's fore tenement situated on the north side of the High Street, *opposite to the Belhouse*. Now the eastern portion of the structure called the Old Tolbuith was as near as may be opposite to the tenement in question. Although, previous to the removal of the Tolbuith, the carriage-way was only some 14 feet, to that must be added the width of the pavement, 7 feet; and if to 7 feet of encroachment on the street by the wooden front subsequent to 1407 be added, there would at the time when the Belhouse was erected, be a total width of the street of over 30 feet.

From the time of the erection of the Belhouse and the Tolbuith down to 1560 those buildings appear to have undergone little or no change. About that time, however, the accommodation contained within their walls appears to have become insufficient and otherwise unsuited to the various requirements of the different public bodies that had to be provided for at the public expense. The following entry in the Town Council Records tells its own story:—

1560, June 19.—*Anent the Tolbuith Schule and Clerkis Chalmer.*

The quhilk day the prowest, baillies, &c. . . . haifand considderation of the gret inquietation that they have had in tymes past within the Tolbuith of this bruch for laik of rounge to minister justice and to do thair other effairs at all sic tymes quhen the sessioun did sit or quhen ony courtis and convocationes war in the samyn, and alssua considdering the scant of prisoun housis and incommoditie of thair clerkis chalmer and for inhalding of the yeirlye maill of the samyn, and for other gret sums of money debursit by them for thair scole haiffing mair commodious place and sic rounes within their Kirk

as may be ane fair Tolbuith for serving of the toun in thair affairs and of all other necessar rooms upon the west part of thair said Kirk, and sik-lyke upon the est part of the samyn ane other convenient rounge for ane scole for thair barnes, besid sufficient room for the preiching and ministration of the sacraments : Thairfor and for divers other reasonabil causes moving thame all in ane voice, concludis decernis and ordanis James Barroun dene of gild with all diligence to repair and big up ane stane wall videlicet ane parpell of foot thick beginnand at the southe Kirk dur called the Kirkyarde dur and stricht north to the north Kirk dur at the Stynkand Styll for the said Tolbuyth—and upon the east end of the said Kirk ane other parpell wall of the same thickness beginnand at the est cheek of the Kirk dur at Our Lady Steppis, and so in langis the breid of the said Kirk be just lyne to the south side of samyn for thair schule—and that the said James furnish big and sett up all things necessar for the said schule tolbuith preson hous clerkis chalmer and all other necessaris with the samyn, &c.

Notwithstanding this resolution of the Council, the Queen in the following year required of them immediately to take down and rebuild the Old Tolbuith. The City Treasurer's accounts from 1561 to 1564 give the details of expenses incurred in taking down and building the new one on the south-west corner of St Giles. The expression "taking down the old one" is somewhat misleading, as it appears from other evidence from various sources that the old one was only partially dismantled. The booths still continued to be let; and this idea receives further confirmation from various entries in the *Diurnal of Occurents*. In 1572, ten years later, at the commencement of the siege of the Castle, we are told that "the tour of the Auld Tolbuith was taken down," and that a defence was erected between the "Theivis hoill" and Beths Wynd. By the "Theivis hoill" is meant the prison in the Old Tolbuith.¹

It is impossible to determine at what time tolbuiths were first used for the transaction of the civic and legal business of the burgh. There can be no doubt, however, as to the exact meaning of the name by which these buildings were known—it was simply the office in which the tolls

¹ "Upon the Yule day, the 25 day of December, the toun of Edinburgh begane to big thair fortresses of diffet and mik betwix the Thevis hoill and Bess Wynd twa elns thick, and on the gait betwix the Auld Tolbuith and the other side of the gait twa speir heicht, and of the same thickness, for stopping of the Castle" (*Diurnal of Occurents*, p. 322).

and customs were collected. It has already been stated that the first time the Tolbuith is mentioned was in 1403. When it was first used as a prison there is something like positive evidence. In the letting of the booths in the Tolbuith, as already referred to, for the year 1480-81, the booths are set down in the same methodical order as in the years previously mentioned, on the north and south sides of that building. On coming to the sixth in the series on the south side of the Tolbuith, this very significant entry occurs—"The sixth buith is made a presoun." From that date down to the removal of the edifice in 1817 it appears to have been used as the prison of the city. From what is known regarding prisons at this early period, it is evident that they were very different from similar places in modern times. The conditions and arrangements of society were then very unlike what prevails now. Persons accused of offences against the laws were often warded, as it was then called, in private places of detention, as well as in their own houses, until the magistrate disposed of them. There was also what was called the *borgh*, where every one had to find caution to appear and answer charges against him. There was also the more practical modes of dealing with most of the wrong-doers in the way of punishment. There were the stocks—the kuck-stool, the jugs, the branks, nailing the ears of the culprit to the Cross, the cutting off the ears, scourgings, ducking and drowning in the North Loch, banishment from the town, hanging and burning at the stake, &c.; with such a number of rough-and-ready modes of punishments for all kinds of transgressors, male and female, there was no necessity for maintaining large prisons at the public expense. That there were prisons in early times, however, is quite certain, as we find that in King David's time a thief taken who could find no *borgh* should be taken in hand by the king's justice, and should be haldyn in prison till the next court day. A burgess accused of crime, and who could find no *borgh*, was to be kept in chains in his own house; and should there be no prison in the burgh, he shall be brought to the house of the king's serjeant, who shall find "festnyng good and stallwart." When there was no prison the magistrates and sheriffs of the districts appear to have been left very much to do as they liked in the matter, provided they warded the wrong-doer. There is an Act of the Scottish Parliament

in 1592 for building a Tolbuith in the chief burgh town in the county of Clackmannan, that gives us reliable information on this subject. The Act narrates that the sheriff complained that while other sheriffdoms had tolbuiths in his sheriffdom, there was no such building for the administration of justice, and where malefactors and transgressors could be kept and warded until justice could be administered upon them according to their demerits, and that for want of a tolbuith he and his predecessors had been compelled to hold their courts openly at the Mercat Cross of Clackmannan, and he had to keep in ward the transgressors and malefactors in his own dwelling-house, outside of his own sheriffdom. The date of the Act is two centuries after the erection of the Edinburgh Tolbuith, but it clearly indicates that the responsibility of finding prison accommodation rested with the magistrate where Parliament had not made provision for it.

If the identity of the site on which the Tolbuith stood so early as 1403 is admitted to have been on the ground King Robert II. gave by his charter in 1386, there cannot be any question as to those buildings having been originally the property of the clergy ministering in St Giles' Church. There is a charter by William Forbes, provost of St Giles in 1477, that clearly shows that his residence was situated south of the church at the parochial cemetery, for he gave up by that charter the greater part of his garden, situated between the cemetery and the Cowgate, for the extension of the cemetery, as it had, from various causes, become too small for the wants of the city, while he retained his manse and a small garden (Charter 88). It is equally certain, from the information contained in the charters of the Buthraw, many of which are referred to in the chartulary, that the clergy had nothing to do with it further than the donations or endowments made from the rents of the houses belonging to private citizens for chaplains and altars in St Giles.

There is no evidence showing that the Buthraw existed previous to the granting of the charter by Robert II. in 1386. On the contrary, the reliable and interesting evidence of the St Giles' Chartulary goes a long way to show that those erections were placed there subsequent to the building of the Belhouse and the Tolbuith. The first notice of them is in 1434. The Buthraw was only a continuation

eastward along the north side of the church. The houses were only one-half of the width of the Tolbuith; and from all that is known respecting them, the probability is that they extended down the street the whole length of the church; and, prior to the early part of the sixteenth century, when the wooden fronts were put up in the High Street, the roadway would be over 30 feet in width. What is known for certain is that Gordon's plan of the city in 1647 clearly shows that the lower end of the Luckenbooths was in a line with the east gable of the church, and had a small projection supported apparently on pillars attached to the lowermost house. This may have been the temporary structure at the Cross for the punishment of transgressors and malefactors that are frequently referred to as having taken place at the Cross. It appears from the St Giles' Chartulary that about the middle of the fifteenth century, coeval with the extension of the Church of St Giles and the erection of the side aisles, a great effort was made by many of the more wealthy citizens to endow the altarages and chaplains of this church, and not a few of these mortifications were made by the proprietors of property on both sides of the Buthraw. More than a dozen may be counted between the years 1434 and 1480 as affecting the rents of property in the Buthraw. From the names of the donors who were proprietors of the houses in the Buthraw at that time, so far as can be ascertained from the charters and other sources, especially the Exchequer Rolls of Scotland, they occupied the highest social position in the city. This fact to a great extent warrants the assumption that they were the original proprietors of the buildings in question.

The earliest mention of the Boothraw, under the appellation of the Luckenbooths, is in a sasine dated 8th February 1521-2, where mention is made of a "tenementum edificatum ex parte australe vici Regii dicti burgi inter bothas sive opellas vocat—vulgariter *the Lukkynbuthis* ejusdem," &c. It would be a great mistake to assume that at first the booths in the Boothraw and those in the Tolbuith and Belhouse were used as shops in the modern acceptation of that term. The many references in the Exchequer Rolls, St Giles' Chartulary, and other documents of the period, very clearly indicate that they were what is now called "offices," occupied by lawyers: public offices, wholesale merchants, and such like.

One of the booths in the Tolbuith in 1481 was occupied by Maister Richard Lawson. In 1450, Lord William Crichton was the owner of a tenement in the Buithraw, as is shown by the following extract, where Gilbert Turnbull gives an annual rent to the chaplain of the Holy Blood Altar of St Giles' from "his eastern booth of his house situated in the street called the Buthraw, on the south side of the same, between the land of Thomas Tallifer on the east side and that of William Lord Crichton on the west part." Lord William Crichton was then Chancellor of Scotland, and owned at the same time another tenement on the north side of the street near the Pretorium. In 1443, Thomas Cranstoun, burges of Edinburgh, custodier of the Mint, and constable of the Castle of Edinburgh, also owned a tenement in the street called the Buithraw on the south side thereof.

From the large number of booths let in the Belhouse, it is certain that the rooms in the upper stories of those buildings were let as booths or offices. It was only in later times that the booths became shops, and still later when the *Crames* were first planted between the buttresses of St Giles' Church. These concessions were made during the pleasure of the magistrates and council.¹

Maitland supposes that the term "Luckenbooths" was derived from the circumstance of a kind of woollen cloth manufactured at Lacken, in Holland, that was sold in these booths. Various other derivations have been given, but none of them satisfactory. Ruddiman was of opinion "that the Luckenbooths in Edinburgh had their name because they stand in the middle of the High Street, and almost join the two sides

¹ "1559, April 28.—The provost, &c., (on the suggestion of Master James Lindsay, treasurer), that there was ane waist place betwixt the butterage on the eist syde of the north kirk dure quhilkis wald gif yeirle to the gude toun the sowme of xx marks yeirle proffeit in cays the samyn were biggit to the kirk gavill with tymer nocht passand farther nor the breid of the said butterages quhilk wald make the said passage equall and of ane breid and more honest speciallic becaus the said waist place servit for naething but collection of filth; granted that it should built" (*Council Record*).

In 1562 permission was given during the pleasure of the Council to Adam Allane, goldsmith, to big a shop for his occupation betwixt the buttresses upon the north part of St Giles' Kirk, provided the passage was not narrowed, and he was to pay a rent like the other goldsmiths for the privilege granted him.

of it." That was not the case when first erected. The term is probably of Celtic origin, from *leacan*, *lackan*—the cheek—the booths at the cheek or side of the church. Edinburgh was not the only town that had Luckenbooths. There were Luckenbooths in Dundee as well, up to a recent period. The lowermost houses in the Luckenbooths were erected early in the last century, and were built of polished ashler. The title-deeds of Creech's Land, which for-

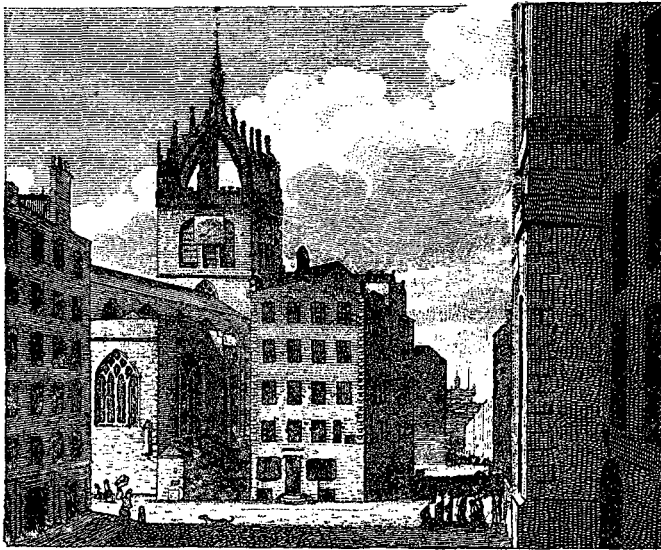


Fig. 1. East end of Creech's Land looking down High Street.

merly belonged to Allan Ramsay, poet and bookseller, describes the tenement as having been recently built at the time it came into his possession early in the eighteenth century (see fig. 1).

Reference has been made in a previous page to an old mansion at the head of Warriston Close in the High Street, thus described by Dr Wilson, in the *Memorials of Old Edinburgh*:—

“Over the first doorway on the west side is the inscription and date,

“ QUE · ERIT · ILLE · MIHI · SEMPER · DEUS · 1583.

“The front of this building facing the High Street, is of polished ashler work, surmounted with handsome, though dilapidated dormer windows, and is further adorned with a curious monogram; but, like most other similar ingenious devices, it is undecipherable without the key. We have failed to trace the builders or occupants at this early period, but the third floor of the old land was occupied in the following century by James Murray, Lord Philiphaugh, one of the judges appointed after the Revolution.” An old Act of the Scottish Parliament, dated 1695, supplies the information Dr Wilson failed to find, when he wrote his *Memorials*. It is exceedingly interesting, both as respects the builder and original owner, as well as the peculiar and exclusive rights and privileges conferred by the king's charter to its founder, the eminent Scottish jurist, Thomas Craig, advocate. The Act is intituled “Act of Parliament in favour of George Bailie of Jerviswood, anent his house at the head of Craig's Close,” in 1693.¹ The document is too long to give verbatim, but a short narrative of its contents will be read with interest.

James the Sixth, in 1582, with the advice of the Lords of the Privy Council, “gave, granted, and disposed, to the said Thomas Craig, advocate, and his heirs, special license and liberty, heritable freedom, and perpetual privilege to sett furth before the syde wall of that foretenement of land lying on the north syde of the High Street of Edinbrugh at the head of the close called Robert Bruce's Closs (pertaining to the said Thomas Craig in heritage), towres or high street pillars of stone, also farr furth as the next adjacent neighbours had any stairs or steps thereof, at the least so far furth as the drop of the said tenement fell of before, and above of the said pillars to big massy wall as many house height as he should please, and to make the samen with battling on the fore wall and other parts thereof as he should think good. And his said Majesty thereby wills and grants that the said Mr Thomas should not be summoned, called, nor accused therefor, or for any of the premises, or yet incur any purprestur, forfaultur, recognition, or any other damage or skaith therethrough, in his person, lands, or goods in any wise in

¹ *Acts S. P.*, vol. ix. p. 475.

time thereafter, notwithstanding of any laws, statutes, canons, &c., made or to be made in the contrar, anent the whilk his Majesty thereby dispenced for ever, and discharged the said Lords of Council and Session and of all other judges also well in Burgh as Land specially the Provost Baillies and Council of Edinburgh of all summonding arresting calling following or pursuing proceeding unlawin troubling or intermitting with the said Mr Thomas, his lands or goods therefor and of all stopping troubling or impediment making to him in the building and using of these privileges gifts and disposition foresaid and of their offices in that part soever as the said pursuant gift and disposition or licence of the date forsaid more fully purports."

In 1694, Patrick Steel had bought the adjacent tenement on the east side of Craig's Close, and he and Robert Milne, mason, designed to erect a tenement on it which would have shut up the four window lights in Thomas Craig's house, looking eastward into what is now the Writer's Court. Bailie of Jerviswood tried to prevent the building of this new tenement, as it would infringe his rights by shutting up his window lights to the east. The usual visitation was made by the Dean of Guild and his court, and they ultimately decided against the legality of the rights granted by the king in his charter to Thomas Craig a century before. The question of right and privilege was settled by this Act of Parliament in favour of Jerviswood, and the house had to be built according to the Act of Parliament confirming the servitude, and it remains to the present time. The house still stands on the east side of Warriston Close, half the height of the adjacent tenements, and forms a very unique specimen of Old Edinburgh architecture, having apparently the original sashes in the dormer windows. It is situated just inside of Warriston Close, on the right hand side of the entrance from the High Street. The only remnant of the High Street pillars, which formed the piazza on the front of the tenement, is a handsome fluted pillar much disfigured by modern improvements. The original "battling on the fore wall" has undergone sundry modern transformations within the last few years, and the curious undecipherable monogram referred to by Dr Wilson has disappeared, and a new and more easily decipherable one now puts in its claim for an ephemeral immortality.