
4 DOCUMENTARY EVIDENCE, by *Morag Cross*

This report is partly based on original and unpublished source material, and includes probably the earliest known mention of Marlin's Wynd by name, as well as contemporary evidence for the contents of 16th-century shops and booths, and for women's roles in the transmission of assets and businesses.

In the mid-18th century, William Maitland (1753, 166–7) recorded 'Opposite to the church, in the middle of the High Street, is interred the Corpse of one Marlin, a French Paviour, who, according to his desire, was there inhumed, probably in commemoration of his being the man, as 'tis said, who first paved the said [High] street'. Despite this statement, Maitland contradicts himself by correctly naming two Frenchmen as among the first to lay paving, in 1532. He admits the stories conflict: 'were it not prevailing tradition' that Walter Merlioun had placed stone setts there (ie even earlier than the Frenchmen; Maitland 1753, 12; *Edinburgh Recs* II, 57–8).

This burial tradition was so enticing that it was uncritically repeated by successive historians, despite its inherent implausibility (Chambers 1824, 209; Wilson 1891, II, 54). It was probably invented to explain an unusually-shaped, but otherwise insignificant, stone setting at the wynd head, which resembled 'the form of a lid of a flat coffin, of the length six feet' (Maitland 1753, 167). The story was convincingly deconstructed by Harris (1996, 397) – in any case, Merlioun was dead by the mid-1520s, and the only approved municipal burial-place was the churchyard of St Giles'. In addition, Merlioun's 'latter will', which would have recorded his personal wishes for his burial, does not survive (not recorded on www.scotlandspeople.gov.uk, accessed 29 May 2012). Not surprisingly, neither Holmes (1975, 138, 140) nor Cook (2007) found evidence for the 'grave', and none was found during the present project.

The Tron Kirk's construction was the consequence of Edinburgh's acute church accommodation crisis, caused by a burgeoning population (McNeill & MacQueen 1996, 457). In the 1580s, St Giles' had been subdivided by partition walls to serve two of the burgh's four congregations (Marshall 2009, 69, 79, 81). This meant that the Town Council, which acted as the heritors, or the corporate body maintaining the church fabric, had to rehouse the remaining two parishes' worshippers. Marlin's Wynd was located in the new parish of the south-east burgh quarter, which contained 1,998 potential church-goers in 1592 (Lynch 1984, 7). This was too many for the alternative buildings to cope with, and from 1598 the south-east parish moved back to a further subdivided St Giles' (Marshall 2009, 69–70).

In 1633, Charles I insisted that St Giles' internal

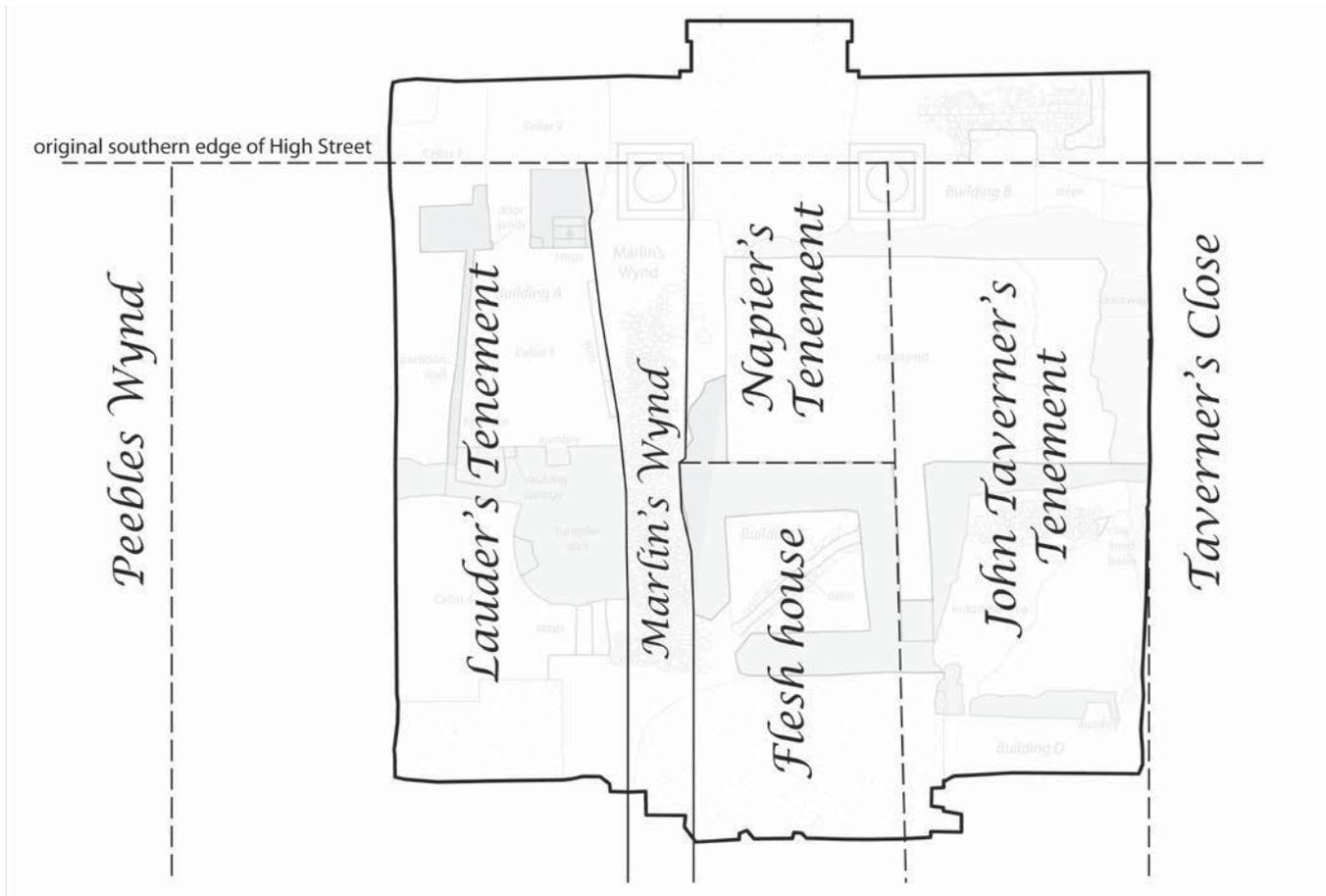
partitions be removed, to form a suitably impressive metropolitan cathedral, as befitted the nation's capital (Marshall 2009, 80–1). One source, the Council's 'housemails' book (defined in the 17th-century text quoted below as a tax to pay ministers' stipends) shows that by 1635, Edinburgh's households had increased by 74% since the 1590s (McNeill & MacQueen 1996, 456). Two new churches were mooted, but only that for the seriously overcrowded south-east quarter was actually built – Christ's Kirk at the Tron. It was begun in 1637, and opened for worship, albeit unfinished, in 1641 (Stewart 2006, 83).

After much procrastination, the Council chose to site the new Tron church within 'the boundis lyand betwixt umq[ui]ll Alexr Clerk his ludging and the tenement perteing to the aires of umq[ui]ll Richard Doby ... according to the breid thairof' (ECA, SL1/1/14, p747, 15 Feb 1636). The tenements were burgage plots, long strips of land running down to the Cowgate, which lawyers referred to by the names of long-dead proprietors, the property transactions or sasine registers thereby forming an 'archaeology of ownership'. The Council compulsorily purchased the four buildings running west from the head of Taverner's Wynd as far as the east side of Peebles Wynd (ECA, SL1/1/14, p755, 1 Apr 1636) (illus 2). The Court of Session was asked to adjudicate the level of compensation for each building demolished, but despite searching legal records (eg, NAS, CS15/239–40, CS7/486–9), the court processes have not yet been located. The relevant judgments are not, for instance, in the Protocol Books of the notaries Guthrie (NAS, B22/1/77–9) nor in sasine and other registers (NAS, B22/8/29–31, RS25/24–8, RD1/492). The court decision and ownership history are here discussed in chronological order.

4.1 *Taverner's Close*

Holmes (1975, 138) identifies Taverner's Close as lying between Marlin's and Niddry's Wynds, and being subsumed into the dog-leg turn of the rerouted Marlin's Wynd junction with the High Street, after 1636. By 1493, Adam Halkerston had bought (or otherwise acquired) the land (ie house) of John Taverner, which lay on the west side of the close junction with the High Street (*RMS* II, No. 2154). Taverner, a burgher, was dead by March 1495, when an annual income from his property went to a chaplain in St Giles' (*RMS* II, No. 2238).

Taverner's Close is quoted as a 'wynd' or public way, in 1488 (Harris 1996, 551). Even so, in every other mention the name of this close ('Tavern-



Illus 2 The current footprint of the Tron Kirk superimposed with the approximate positions of the wynds and closes, and the associated tenement buildings which were demolished to make way for its construction

er's') is either entirely omitted (eg in 1504, *Prot Bk Foular I* (contd), No. 101), or it is described merely as 'the passage of the said tenement' (as in 1525, *Prot Bk Foular III*, No. 614). Holmes (1975, 138) suggests that the close extended only part of the way towards Cowgate, and this may be borne out by the existence of the 'great mansion of ... George Halkerston (NAS, B22/1/18, No. 157, f113r–115v), and/or Walter Bertram on the west side of Niddry's Wynd. From before 1495 to after 1556, this building, or buildings, probably extended east–west across several tenements, possibly cutting off the southern course of Taverner's Close (*RMS II*, No. 2245; *Prot Bk Foular I* (contd), Nos 323–4; NAS, B22/1/18, No. 157, f113r–115v). Alternatively, the 'flesh-house' or slaughterhouse in Marlin's Wynd (qv) could have blocked the close.

At some time after 1560, 'the tenement and waste land of the heirs of the late George Halkerston' (NAS, B22/1/20, f165r, 20 Aug 1560; also *Prot Bk Foular I*, No. 204; III, No. 614) was sold to Sir Alexander Clerk of Balbirnie, provost of Edinburgh 1579–84 (*Edinburgh Recs IV*, 577–8). It may have remained in his family until the 1620s, when it was described as having 'once belonged to the heirs of the late Alexander Clerk' (NAS, B22/1/73, f149r; also, NAS, B22/1/37, f101r).

In 1635, 'for valuing of the hail maillis of the housses within this burgh', a list of all the property owners in Edinburgh, and their tenants, was compiled for the levying of a tax 'to settell the ministrie in their yeirlie stipends in all tyme cu[m]ling' ('for valuing of the whole mails or house-rents of the houses within this burgh', the housemails book was compiled, 'to give the ministers their yearly stipends, or salaries, in all time coming'; ECA, SL1/1/14, p677, 1 May 1635; Boog Watson 1924, 93–5). The Tron Kirk site formed part of the south-east quarter in the housemails book. However, the 'addresses' given in the original house list are described by forestair and turnpike, and floors within buildings, so the locations can be very ambiguous. Either James Logie, or William MacMath ('Makmather') owned what was probably Taverner's and Clerk's tenement (ECA, *HTB*, pp 355–357). The housemails book does not mention Taverner's Close, which suggests its relative insignificance. (Holmes 1975, 138, confuses Niddrie's Wynd, which is specifically named in the housemails book, with Taverner's Wynd, which seems to be omitted.)

MacMath's house had a turnpike stair linking two houses or flats, with a 'laiche fore hous or sellar', opening off the street, and either two, or three 'heigh fore weaster boothes east of th(e)r(e) next w(i)thout

the former turnpike foote' (ECA, *HTB*, p357). These were probably wooden shops in galleries at first floor level, tenanted by shopkeepers, one of whom bears the name of a bookseller, Thomas Lawson, who died in 1645 (NAS, CC8/8/61/328). If the two are identical, Lawson supplied religious literature to ministers, lawyers and schoolmasters all over Scotland from his 'librarie and ... booth', including Carluke, Crieff, Blair, Stewarton, Forgandennie and 'St Jonstoune' (NAS, CC8/8/61/328–30).

4.2 *Marlin's Wynd*

'The name affords splendid ground for phonetic excursions', but, as discussed above, it is consistently associated with Walter Merlioun (Boog Watson 1923, 77). Indeed, in 1557, it is called the 'little vennel', or wynd, of 'the late Walter Merlioun' (NAS, B22/1/18, f152r). He was one of several relatives employed as master masons and quarriers on the Royal Works during the 15th and 16th centuries, including the gateway of Holyrood, and Stirling and Dunbar castles (Fawcett 1994, 190, 317). In 1503, Merlioun owned three contiguous properties on the west side of the wynd, situated at least four houses south of the High Street (*Prot Bk Foular* I, No. 214; I (contd), Nos 615, 675). Between 1508 and 1512, Merlioun gifted annual payments from the two southern houses, which were rented out, to the masons' and wrights' chaplainry in St Giles', but continued to live in the northern house himself (*Prot Bk Foular* I (contd), Nos 447, 615, 697, 815). Merlioun had died by 1521, and his widow, Margaret Robison, finally sold her home in 1527 (*Prot Bk Foular* III, Nos 186, 855).

Although the early protocols (property transfers) for this area mention Merlioun, they do not identify the lane as either Marlin's Wynd, or as any other public thoroughway. When his widow resigned her share of her house in 1527, its location is given as 'within the tenement of the late Robert Lauder on the west side of its passage' (*Prot Bk Foular* III, No. 855). Nonetheless, by the 1550s, it had acquired its modern name, among its earliest occurrences being its use by the lawyer Alexander King, in 1555, 'vinella dict(a) m(er)lionis wynd' (NAS, B22/1/18, f9r, 4 Jul 1555, No. 12; *ibid*, f113r, 3 Sept 1556, No. 157). By 1557, it is explicitly cited as a public way, 'vinella quond(am) Wa(l)teri M(er)lionii ... publica(m) via dict(am) vinella' (NAS, B22/1/18, f152r, 13 Feb 1556/7).

Holmes found that the wynd surface 'had apparently suffered only little wear and tear', and was lined with a gutter to the east (1975, 140). Some idea of the expense of this recently laid paving, which was soon to be demolished for the Tron Kirk, can be seen in the contemporary repairs in neighbouring Peebles Wynd. The church-building work seems to have damaged the drains: 'June 2, 1637, ten scoir pend staines to the gutter in peibles wynd, becauss the wattirgaitt wes sett down that way from the kirk; and the wynd ordanyt to be reparit ... xli; ...

sex odger pend [ogee-shaped voussoirs] to cast over the gutter ... xxiiii sh' (ECA, *Treas Accts*, p28, 2 Jun 1637).

4.3 *Marlin's Wynd east side*

The long, narrow plot adjoining the west side of John Taverner's burgage strip was known as John Napier's tenement, but only the northern, excavated lands are discussed here. Although William Napier appears in 1493, there were at this time probably two, related, John Napiers – one, a chaplain and the other, an uncle of Archibald Napier of Merchiston (*RMS* II, Nos 2154, 2245; *Prot Bk Foular* I (contd), No. 464). In 1508, Archibald inherited the various parts of the tenement, which included the chaplain's land beside the Cowgate, two parcels of wasteland, and the foreland where his uncle John Napier's widow resided (*Prot Bk Foular* I (contd), No. 464). Marlin's Wynd is not mentioned under any guise. The tenement remained within the Napier family, but for over a century was to pass through the female line, both by inheritance and as part of the tocher, or marriage portion.

In 1510, the current John Napier began to develop the property, and bought a land near the south of the tenement, with a neighbour's garden to the north. He also purchased the right to build a glazed window overlooking the garden, suggesting that he valued comfort and amenity, whether of light or of a view of something other than walls (*Prot Bk Foular* I (contd), No. 623).

'The importance placed on the burges property qualification is emphasised by the appointment of ... "liners", [men] whose responsibility was to measure land and property boundaries' (Connor et al 2004, 8). Such burghal officials convened on site when Napier felt he was entitled to more ground than he presently possessed and he protested that his building plans would otherwise be constrained (*Prot Bk Foular* I (contd), No. 639). Depending on the interpretation, he owned a strip 23 ells (70ft 11ins) long, rather than his preferred four roods (80ft), if 'a ... ro[o]ld of 20 foot was ... used in the burghs' (Connor et al 2004, 85–6). This early description of Marlin's Wynd (still unnamed in the sources) says that Napier cannot encroach upon 'the clois of the said tenement' with either his yard dyke, or forestairs, other than those presently existing (*Prot Bk Foular* I (contd), No. 639).

By 1528, Napier's widow, Margaret Preston, had become a sister of the Dominican Convent of the Order of St Katherine of Siena (Sciennes Convent). Accordingly, she renounced her share in the property in favour of her married daughter and son-in-law, William Adamson. Unusually, four of her six daughters had also joined the order of St Katherine, so their vows of poverty meant that Adamson inherited everything (*Prot Bk Foular* IV, No. 41). Whether this was excessive familial piety, or a pragmatic means of securing their own futures, it

had the effect of consolidating the womens' property instead of splitting it seven ways (*Prot Bk Foular* IV, Nos 42–44, 49). As token compensation, the convent received £10 from the foreland fronting the High Street (*Prot Bk Foular* IV, No. 45). Adamson, one of a numerous Edinburgh merchant burgh family, put his capital to use by purchasing Craigcrook estate in 1542, and building part of the still-extant tower house (Boog Watson 1929, 21; *RMS* III, No. 2887; MacGibbon & Ross 1892, IV, 8).

According to Grant (1883, V, 118), Adamson died at the Battle of Pinkie in 1547. His son William inherited their numerous properties (they also possessed Cramond Regis, Bonally and Clairbarston; *RMS* III, Nos 1811, 2353, 2638). It is often difficult to distinguish between members of the Adamsons, many of whom shared the same names. Despite this, in 1560 John Adamson, probably the son or grandson of the casualty of Pinkie, and his wife Katherine Thomson obtained the foreland beside Marlin's Wynd (NAS, B22/1/20, f165r, 20 Aug 1560).

The contents of a cousin's merchant booth show the extent of the family's trading activities, and the kind of commerce which would have been conducted in the excavated property. In 1582, another John Adamson, a cloth merchant, had in stock three stones of sewing worsted, a pound of black silk (worth £8), four ounces of coloured silk, ten pins of 'cunterfit gold', ells of canvas, velvet, gauze, and 'thre steill glasses', each costing ten shillings (NAS, CC8/8/11/323–4). The silk may have come from northern Italy, a centre of the European silk trade. He also sold a wide selection of millinery, including 'knapskall bonnets ... mantiane bonietts ... pan hats ... heich toppit hats and pot hats', while letting property to other traders, including William Adamson, a flesher (NAS, CC8/8/11/323–4).

The family's steady social ascent became apparent when James, brother of the foreland-owning John, leased the 64-acre arable farm of Cowthrople near Prestongrange (*RMS* V, No. 1307). Despite his, or possibly his son and namesake's, eviction for non-payment of debts (NAS, GD40/2/12/6), both Jameses continued to use the gentrified style 'of Cowthrople' (NAS, CC8/8/29/452). James Senior's second son, Walter, inherited his uncle John's tenement (NAS, B22/1/37, f100r–101r, 23 Jan, 7 Feb 1594–5, several protocols to Walter). Additionally, as a gesture of paternal affection, James Senior bequeathed property to Walter far beyond that to which he was legally entitled, and asked his elder son and heir not to interfere (NAS, CC8/8/29/456–7).

Walter was a business associate of another cousin, John Adamson 'younger', and Walter both borrowed money from him and advised John's widow on her investments (NAS, CC8/8/27/201–2). Again, the importance of the family's kinship and trading networks is seen. John invested money in two 'venture(s) to flanders w(i)t(h) ane littill packet of guds', as well as stocking high-value imported luxury items. These included nine barrels of powdered almonds (from Spain or further east), nine pounds

of pepper (from India), 'ane gade [bar] of dansken [Danish] irne. [and] swadyin irne' (Swedish), cinnamon (usually from Sri Lanka via Egypt) as well as blue dye, alum for curing skins, and sporting equipment – 53 dozen golf balls, pen balls (filled with feathers), and 24 rackets (NAS, CC8/8/27/200–1). Allen records two tennis courts (caitchpells) east of Marlin's Wynd, either for the use of such rackets, or for hand tennis (2006, 275, 294).

As with the relationship with the Napiers of Merchiston in an earlier generation, Walter had married into another celebrated family. His wife was the niece, or great-niece (her surname, 'Kircaldye' appears in NAS, B22/1/37, f101r, 1594–5) of Sir William Kirkcaldy of Grange, Queen Mary's governor of Edinburgh Castle, who was hanged by Regent Morton in 1573 (Bonner 2004). Adamson appears in several charters concerning his (probable) brother-in-law William Kirkcaldy around 1600, and styles himself 'of Little Barnbogle' (*RMS* VI, Nos 830, 1221; VII, No. 37). This was a property owned by the Moubrays, among whose number were the stepmothers of James 'the Admirable' Crichton (Agnes Mowbray), and of the mathematician (and Walter Adamson's distant relative) John Napier of Merchiston. The executed Sir William's sister had married John Mowbray (Famous Scots Archive 2007, Agnes Mowbray entry).

Although he had 'bairnes' (NAS, CC8/8/46/363) Walter used the Marlin's Wynd property as the tocher, or dowry, for the marriage of Marion Adamson (probably the daughter of his late brother James) to Patrick Hepburn of Smeaton in the early 17th century (ECA, AGI 16, P Hepburn, 16 Feb, 1 Apr 1608; related transaction, AGI 17, P Hepburn, 9 Nov 1609; NAS, CC8/8/56/225). In turn, in 1626, as part of her marriage contract with Dr William Scott, Helen Hepburn inherited the foreland. By now sounding like an ancestral recitation, it was described as 'that tenement of land once belonging to John Adamson, merchant burgh of Edinburgh, then to Walter Adamson, now to Master Patrick Hepburn of Smeaton ...' (NAS, B22/1/73, f149r).

William Scott, 'doctor of the physicte' (ECA, SL1/1/15, 95) and landlord, seems to have known, by the time the housemails book was compiled in 1634–5, that some of his properties were due to be demolished. He allowed one building to be only partially occupied, and others to lie empty. These premises were a 'baikhouse east of the joyning w(i)thout Marlin's Wynd head', which had no tenant, and two 'littill chope(s)', one untenanted. The 'former old baikhous' (ie bakery, not back-house), entered from the High Street, appears to have been subdivided into two shops (ECA, *HTB*, pp356–7). Scott also had a cellar entered from Marlin's Wynd, immediately north of the flesh-house, occupied by the aptly named John Boucher (ECA, *HTB*, p354).

Although in reading the housemails book, Allen (2006, 263) suggests possible confusion between 'bak' (back) and 'baik' (bake), these words are used consistently and are still pronounced differently by modern Scots. A more informative study of differ-

ential usages would be that between the two types of stairs implied in the housemails descriptions. These are firstly forestairs, which project into the street, with cellars entered from beneath the treads, and secondly, turnpikes, with flats on each landing. Evidence for burning was found in Holmes's investigations of the south-east building, suggested as an area of industrial manufacture, which might have been a baker's oven (Holmes 1986, 298).

The buildings above the entrance pend (covered passageway), or 'ovir Marlin's Wynd head', belonged to James Logie, a lawyer, who also owned some backlands on the west side of the wynd (ECA, *HTB*, pp355–6). He let 'a laiche [low] sellar joyning the fors(ai)d stair foote', an arrangement understandable when looking at the interconnected excavated cellars, only some of which ('fore cellars') open directly off the street, and others down steps, as in excavated Cellar 3 (Cook 2007, 5; ECA, *HTB*, pp355–6). Allen (2006, 268–9) suggests that shops were 'less substantial' than booths, and immediately on the street front. Certainly in Logie's building there was both a 'heigh fore booth' (let to George Wauchope) and a 'heigh fore chope', suggesting some shops, like booths, were up forestairs. But some shops are indeed qualified as 'little', like Janet Henrison's 'little chope', though again, there may have been small booths too (ECA, *HTB*, p356; Allen 2006, 269).

George Wauchope was probably a cloth merchant or draper, who boasted several local lairds and the Earl of Haddington among his clientele (NAS, CC8/8/66/177). He was apparently willing for his daughter, Margaret, to lead an independent life as a single woman. He made a rare and intriguing provision for her, far exceeding any statutory requirement (his family being provided for). In 1652 he bequeathed 'that dwelling house ... in alexr king his clos to fall and belong to mar(gare)t ... my eldest dochter as also jaj (1,000) marks scots money and that as the reddiest of my moveabill goodes to her schee being and abyding without marriage ...' (NAS, CC8/8/66/180).

Dr William Scott's tenement can be identified partly due to the proximity of the 'flescheous', formerly the wasteland of James Halkerston, immediately to the south (ECA, *HTB*, p354; *Prot Bk Foular* IV, No. 41; NAS, B22/1/37, f101r). The abbatoir/butchery was there from at least 1560, when one property lay beside 'the flescheous to the south' (NAS, B22/1/20, f165r, 20 Aug 1560). As it lay downhill, its effluent may not have troubled Scott's tenants, but there would still have been the smell and noise accompanying the slaughter of animals, and with it loss of what Scots municipalities called 'good neighbourhood'.

4.4 Marlin's Wynd west side

The tenement on the west side of Marlin's Wynd was called after various members of the Lauder family

from Berwickshire. In 1501, both the backland and the foreland on the High Street belonged to Thomas Graham, a furrier (*Prot Bk Foular* I, Nos 26, 33, 44, 80, 256) who was conflated with Thomas Gray, a rag merchant (*Prot Bk Foular* I, No. 80; I (contd), No. 13).

Thomas Hathaway had begun acquiring the right to collect annual rents from the property four years before he actually purchased the building itself from Graham's heir in 1508 (*Prot Bk Foular* I, Nos 256; *Prot Bk Foular* I (contd), Nos 28, 462). Two features suggest the land was commercially attractive – Hathaway was persistent in his pursuit of ownership, and it was capable of generating sufficient surplus income to support its heavy burdens, or encumbrances. These burdens were annual rental payments gifted to chaplainries, and were often traded separately from the actual house or shop. Hathaway's land carried several such dues (eg. *Prot Bk Foular* I, Nos 26, 33, 44, 80, 139, 256; I (contd), Nos 444, 611, 830). Hathaway, who had a booth in 'Buithraw', beside the Tolbooth, was probably a skinner, as he appears in two protocols associated with their confraternity and altar of St Christopher in St Giles' (*Prot Bk Foular* I (contd), Nos 392, 925).

From 1505 the land south of Hathaway's belonged to the burgess Alan Flucar (*Prot Bk Foular* I (contd), Nos 127, 746, 770). It is not clear whether this was the backland which had become separated from Hathaway's foreland, or a separate property. Anthony Brusset took it over in 1519 (*Prot Bk Foular* I (contd), No. 746; III, Nos 6, 67, 538). In 1510, Sir Alexander Lauder of Blyth, provost of Edinburgh, endowed the chaplainry of St Gabriel, which he had founded in St Giles', with an annual rent from 'the late Robert Lauder's Tenement' (*Prot Bk Foular* I (contd), No. 669). As was common with chaplains serving altars, David Lauder, the priest, was related to the founder.

Walter Merlioun had sold his lands on the west side of Marlin's Wynd to William Lauder (*Prot Bk Foular* I (contd), Nos 615, 675), and it was William who purchased the foreland on the High Street from Thomas Hathaway's heirs, in the late 1520s (*Prot Bk Foular* III, Nos 578, 787; IV, No. 177). What was possibly the backland, in separate ownership, appears in 1532–3 yielding an annual rent to Anthony Brusset. He would thus have owned the third house in the wynd, heading south from the High Street (*Prot Bk Foular* IV, Nos 379, 475). Brusset's brother-in-law, Walter Maloney, the abbot of Glenluce, inherited the land and disposed it all to Brusset, in accordance with his monastic vows (*Prot Bk Foular* III No. 6; IV, No. 516). Marlin's Wynd itself had, by now, begun to be referred to as 'William Lauder's tenement ... the transe thereof' (*Prot Bk Foular* IV, Nos 475, 476, 516).

'In examining the [protocol] books of Alexander King, I was much struck with the frequent occurrence of the words "vasta et combusta per Anglos", in the instruments from 1548 to 1556 ... it seems ... the houses burnt during the invasion of the Earl

of Hertford in May 1540 [*sic*] were not rebuilt for many years' (Thomson 1864, 163). The invasion of 1544, the so-called 'rough wooing', was intended to hasten the betrothal of the infant Queen Mary to Henry VIII's son, Edward, and much of the town on the south side was burnt, including some buildings on the west side of Marlin's Wynd.

Both the foreland and backland, 'terra anterior et posterior', of Lauder's buildings seem to have been destroyed, 'vast(a) p(er) anglos' (NAS, B22/1/18, f9r, No. 12, 4 Jul 1555). In 1555, the foreland is described as 'tenementa sive t(er)ra anteriore nu[n]c vast[a] et combust[a ...]', suggesting it had not yet been rebuilt (NAS, B22/1/18, No. 11, 3 Jul 1555, Pro Andr Bell). In 1560, John Taverner's tenement (formerly Halkerston's) is similarly 'terram vastam' (NAS, B22/1/20, f165r, 20 Aug 1560). Nevertheless, by 1586, Alexander Lauder's foreland was reoccupied. This is implied by Lauder's properties' both being described as 'once waste and burned by the English', and now another adjacent land in the same ownership is described as 'edifacate', ie built, with a gallery (NAS, B22/1/32, f143v-144r, 29 Nov 1586).

In 1555, part-ownership of the fore and backlands passed from Lauder to William Paterson, a baker, along with an annual rent dedicated to St Gabriel by the son of Sir Alexander Lauder of Blyth, the former provost (NAS, B22/1/18, ff8-9, Nos 11-12, 3 and 4 Jul 1555). Paterson was one of a dynasty of baker burgesses, in professional partnership with baker John Crichton (NAS, B22/1/20, f165r, 20 Aug 1560). Crichton's daughter Margaret had married Paterson's son by 1586 (NAS, B22/1/32, f143v, 29 Nov 1586). Yet there is no evidence that this particular building was itself used as a bakery, as the business is known to have owned another bakehouse in Peebles Wynd (ECA, AGI 4, Crichton and Paterson, 29 Nov 1586).

The street-front property had been rebuilt after the fire of 1544 with at least two storeys of two booths per floor, situated side by side. Paterson let the upper western booth to his brother, another baker, in 1589, and ten years later it passed to Thomas Bannatyne (ECA, AGI 6, T Paterson, 13 Nov 1589; AGI 12, T Bannatyne, 16 June 1599). Paterson died c 1607, and it was his daughter Janet, and her husband William Melrose who eventually possessed the foreland (ECA, AGI 16, W Paterson, 23 Jan 1608; AGI 19, Melrose and Paterson, 27 Apr 1613 pp203-206).

Janet was probably much younger than Melrose, as she considerably outlived him, and remarried (ECA, SL1/1/15, p95, 9 Mar 1638). Melrose was Deacon of the Incorporation of Wrights (ECA, AGI 12, W Melrose, 8 Apr 1600), and later worked with his elder son David: 'warkmanschip wrot be him ... for ane bed heit ... at his directis to david son houswritt ...' (NAS, CC8/8/49/268). He died in 1616, heavily in debt, and as he wanted to leave his five other children 1,000 merks each, he wrote 'I ordaine my foirland and the backland thairto at the trone to be sauld' (NAS, CC8/8/49/269). Among his debts was

one to Thomas Bannatyne, who rented Melrose's booth.

Another of Melrose's creditors, Janet Graham, had married a lawyer called Patrick Oliphant as her second husband, and he seems to have pushed to get the outstanding debts settled, although by now it was 1629. David Melrose surrendered the back and forelands to them 'in satisfioun ... of the soume of ane thowsand sevin hundreth and ffourtie merkis' (NAS, B22/1/74, 188, 20 Oct 1629). Oliphant lived in the top flat reached by turnpike stairs on the west side of the wyndhead, in Lauder's and Paterson's original foreland. This property consisted of two storeys, a cellar and two floors of booths opening onto the High Street (ECA, *HTB*, pp355-6). Oliphant, who died shortly after the housemails list was compiled, left his wife with the four daughters of her first marriage, and his own four sons. The widow was to be advised by his friends, who were another lawyer, and the principal of the College of Edinburgh (NAS, CC8/8/52/244; CC8/8/58/63-5).

The housemails book of 1635 lists many of the same names in occupation, among them Thomas Bannatyne, younger, in what is probably his father's old 'fore booth', above a cellar (ECA, *HTB*, p355). Thomas was a confectioner, and an inventory of his stock from 1635 shows he carried 'casnit sugar ... certane coinseits [conceits] and sueit meits ... of peuper in hail rymes and brokin [whole reams and torn for wrapping] ... twa gros of cairts [further packaging] ... wecghtis and buistis [small box for sweets and spices] ...' (NAS, CC8/8/57/383). This suggests that he realised the importance of the presentation of goods, and confectioners were among the first to arrange products artfully, and to use specialist shopfittings for merchandising and display (P Graves, pers comm). He had also imported high-value luxury produce from 'samuell small conseit maker citiner of londoun' (NAS, CC8/8/57/384).

4.5 Peebles Wynd east side

Lying contiguous to Lauder's Tenement was the westernmost land to be demolished, which formed the east side of Peebles Wynd (illus 2). Part of it belonged to the altar of St Mary Magdalene, in St Giles', although no such dedication is listed among the chaplainries there (*St Giles' Reg*, xciv-v; R K Marshall, pers comm). In spite of that, a chaplain at such an altar in the collegiate church of Kirk o' Field is recorded in 1509 (*Prot Bk Foular* I (contd), No. 601). This is presumably the tenement of William Dobie, whose name appears only very sporadically in records.

4.6 Compensation and missing papers

Having informed the heritors that the Tron Kirk was to be built on top of their houses, the Council submitted their suggested compensation to the Court

of Session for arbitration, settled 'be decreitt of the lords daittit the last of march 1636' (ECA, SL1/1/15, p85, 19 Jan 1638; p95, 9 Mar 1638). Originally only 'the relict [Janet Paterson] of the ... umq(uhi)ll Williame [Melrois] wha is lyifrefter.. of the maist pairt of the saids landis and Johnne Bannatyn(e) w(r)ytter heritour of an hous and buith thair ... and doctor Scott for the baik hous', had been due compensation (ECA, SL1/1/14, p755, 1 Apr 1636). However, by the time payment was made two years later, the number of claimants had doubled, adding 'James Logye now hir [Janet Paterson's] spous ... and david melross ... sone ... to the said umq(uhi)ll Williame ... Thomas bannatyn merchant johnne bannatyn(e) sone to johnne bannatyn(e) wrytter john fynne ... sone to umq(uhi)ll Thomas Ffynnie taelyeour Janet Grahame relict ... Archibald Olyphant ... sone to umq(uhi)ll Patrik ... ' (ECA, SL1/1/15, p95, 9, Mar 1638). Dr Scott received £1,000 all to himself, but the Court of Session (rather trustingly) left it up to 'the

said persounes to decinde themselffis of ther rig(h)ts' to the sum of 10,000 merks, to be split between all the rest of them (ECA, SL1/1/15, p95, 9, Mar 1638).

Curiously, the court judgement does not seem to be recorded anywhere outside the Council Minutes, and nor does the purchase of the lands, and the sale price paid by the burgh is omitted from the Council's financial records. As has been discussed above, searches of relevant court papers (eg, NAS, CS7/486-9), burgh records (eg NAS, B22/8/29-31) and archives have so far proved fruitless. The accounts for the building of the Tron Kirk, quoted by Rev. Butler in his church history (Butler 1906, 131-8) have not been located, and it may be that they contain the sasines of the purchased tenements. It seems a fitting irony that Thomas Bannatyne, whose widow was compensated for losing her house to build a church, left the considerable sum of 4,000 merks 'to the biging of ane new kirk in Ed(inbu)r(gh) as ane help to that guid work' (NAS, CC8/8/57/385).