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MACKAY, WILLIAM, 1848-1928.
LIFE IN INVERNESS IN THE
SIXTEENTH CENTURY.

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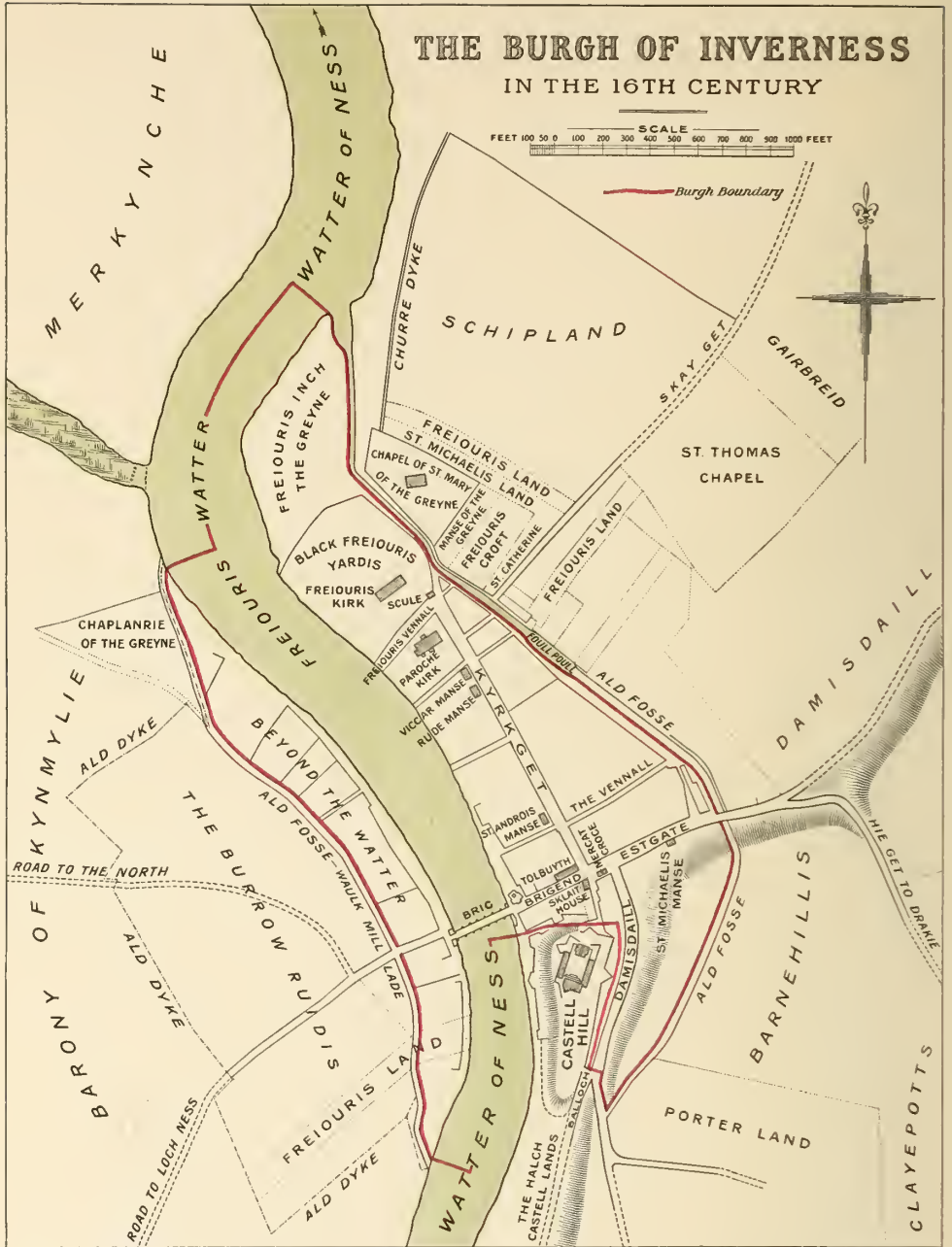
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THE BURGH OF INVERNESS

IN THE 16TH CENTURY

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Burgh Boundary





INVERNESS AND NEIGHBOURHOOD IN 1725.

From a drawing in the British Museum.

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By
William Mackay 11

*Being the Introduction to
the "Records of Inverness"
Volume I., printed for
The New Spalding Club
Aberdeen and reprinted
for private circulation*

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List of Illustrations

- Plan of the Burgh of Inverness in the 16th century: prepared by Mr. James Fraser, M. Inst. C.E.
- A General Survey of Inverness and the country adjacent to the foot of Loch Ness, with a West Prospect of the Burgh: from a drawing, dated 1725, in the British Museum.
- The Boar Stone, Knocknagael: from a photograph by Mr. Alex. Dallas.
- The early Seals of Inverness: 1 and 2, the Burgh Seal; 3, the Black Friars' Seal; 4, the Cokete Seal: from a photograph by T. and R. Annan & Sons.
- Plan of the Burgh Lands in the 16th century: prepared by Mr. James Fraser, M. Inst. C.E.

Life in Inverness

INVERNESS has from the early dawn of Scottish history been the principal town in the territory which we now know as the Highlands. In the sixth century it was the seat of Brude, the Pictish king, whose sway extended from the Forth to the Orkneys; and at or near it was the King's palace, to which St. Columba made his memorable journey in 565. How long it had previously been a royal residence it is hard to say. It is still more difficult to conjecture at what time the community which, during the course of the ages, developed into the Burgh, began to gather together. According to Boece, King Ewin [Ewenus II.] who reigned before Julius Caesar landed in Britain (55 B.C.) "biggit ane othir town on the river of Nes, quhilk is yit namit Innernes, quhair sum time wes gret repair of marchandis, quhilkis come out of Almany [Germany] to seik riche furringis, as martrikis [martens], bevaris, and siclik skinnis, quhilkis aboundis in that regioun. This town remanis yit, under the auld name, full of marchandise and guddis; howbeit it be oftymes heryit be evil nichtbouris liand thair about."¹ Buchanan repeats the tale.² In a petition presented in 1626 by the inhabitants to James the Sixth, the statement occurs that the Town's "foundation was long before the birth of Christ."³

As history these statements are as unreliable as the story of the foundation of Rome; but it is possible that they contain an element of truth. The majority of modern burghs had their first origins in small communities which in far back pre-historic times

¹ Bellenden's Boece, Ed. 1821, I., p. 69.

² Buchanan's History of Scotland, Bk. IV. ch. xiv.

³ Culloden Papers, p. 1.

collected on the bank of some river or around some primitive fort and gradually grew as the centuries passed until at last they were of sufficient size and importance to command the King's favour and protection. A tradition which can be traced back to the early years of the seventeenth century, and is probably older, places the original castle and town of Inverness on the lands now known as The Crown, on the top of the ninety-foot terrace, whose base was in far off times washed by the waves of the Moray Firth. That, says the tradition, was Macbeth's castle, and it was after his death that Malcolm Canmore destroyed it, and erected one in its stead on the present Castle Hill. That a fort of some sort did at one time stand in the locality of The Crown seems evident from the names "Auld Castle" and "Auld Castle Hill," which appear in titles and other records from the fourteenth century downwards; and the tradition is possibly not without foundation.¹ But be that as it may, the present Castle Hill of Inverness, rising as it does abruptly from the river, and isolated by the deep gully now occupied by Castle Street, and by the perhaps equally deep pass (*Am Beallach*, the Balloch) which ran along the line of the modern View Place from the top of Castle Street to the river, was of all places in the district the most suitable for a place of strength, and we may assume that a rude dùn or fort early crowned its summit. It was David the First (1124-1153) who first built stone castles in Scotland—if we except the ancient brochs—and a stone castle has stood on the present Castle Hill since his time. The older fort, whatever its situation, was constructed of earth and timber.

The small community which gathered around this Castle gradually increased, enjoying its protection and the benefits of

¹ See, on the subject of the site of Macbeth's castle, a valuable paper read by Mr. John Anderson, W.S., before the Society of Antiquaries of Scotland in 1828 (*Arch. Scot.*, III. 234, reprinted in "*Miscellanea Invernessiana*," p. 2). See also notice of an ancient spear-head found in 1882 at or near the supposed site—*Trans. of Inverness Field Club*, II. 297.

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its own more than ordinarily favourable geographical position at the head of the Moray Firth, at the crossing of the ancient trade routes from the east to the west and from the north to the south, and in the immediate vicinity of the safe haven of Inverness—Inbhir-Nis—The-Mouth-of-the-Ness. Native merchants—Picts they were, speaking the Pictish branch of the Celtic language, in the time of Brude and for centuries before and after him—bought and sold within the narrow bounds of the Town which had thus gradually evolved itself, and supplied the Men of the Bens and Glens with such wares as were at their command, in exchange for the produce of the country and the spoil of the chase. Gaels, or Scots as they were then also called, came into the Town from Ireland and Dalriada between the sixth and the eighth centuries as preachers and teachers of Christianity, and at a later period as the result of the union of the kingdoms of the Picts and Scots; and in the twelfth century Flemings, Frisians and Lowlanders joined the community, much to the advantage of trade. These strangers and their descendants, as well as settlers of later periods, intermarried with the native race; and the population which thus arose was more Celtic than Saxon. The first burgess on record (mentioned in William the Lion's third Charter about 1200) is a Saxon or Norman bearing the name of Geoffrey Blund—we repeatedly meet Manis Blunt, perhaps a descendant of his, in the present volume—and for generations after Geoffrey's time the trade of the Burgh was mainly in the hands of merchants of alien origin whose names have consequently been transmitted to us, while those of their Gaelic contemporaries have perished. But the view that Inverness was a Saxon colony is only partially true, and there is no ground for the assumption that the Highlander in general was the enemy of the community. A Mormaer of Moray or a Lord of the Isles might in the course of his wars

against the Scottish Kings attack the Castle as he attacked every other obstacle that met him; but the Town, although it necessarily suffered in such attacks, existed for the benefit and convenience of the Highlands, and chiefs and clansmen appreciated the fact, and traded freely with the community. For a long period, it is true, the Saxon took more kindly to trade than the Celt, whether Pict or Gael; but the Celt's prejudice against town life and commercial pursuits gradually wore away, and in the Records printed in this volume, the first burgess that appears is John McGillewe, a bailie whose father was a burgess as early as 1521; and we find men of Celtic names engaged as merchants, tradesmen, and churchmen, although the majority of the traders still bore such names as Kar, Marshall, Cuthbert, Waus or Vass, Fleming, Birnie, Dempster, Bur, Dunbar, and Winchester, which reveal their Saxon or at any rate their southern origin, notwithstanding that they were frequently borne by men in whose veins much Celtic blood flowed. Their records were written, and their correspondence was no doubt conducted, in the Scottish written language of the period; but their place-names were, with a few exceptions, Gaelic, and the accuracy with which they phonetically wrote the numerous Gaelic personal names, nicknames, and patronymics, careful even of Gaelic form and gender and inflexion, proves their acquaintance with the old tongue, which, with most of the inhabitants, must have been the tongue of their firesides. The great majority of the individuals whose names appear in these Records bear patronymics and not surnames, and it is the patronymic and not the surname that is, in Gaelic fashion, given to such well known chiefs and chieftains as Macdonald of Clanranald, Macdonell of Glengarry, Mackenzie of Gairloch, and Macgillivray of Dunmaglass. Sometimes, when the surname is given, it is in the Gaelic form which is in use to this day, as McIntoishie and McIntoishicht (Mackintosh), Intinclarycht (the

*What does the Gaelic
name "yacht" stand for?*

Cawill (Cabhuil)
Cabhuil

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Sinclair), McKennyicht (Mackenzie), Cummenyicht (Cumming), and Intolmyicht (the Tolmie). The Gaelic even forced its way into the Records, where we find such words as *glaslawes* (handcuffs), *larach* (site or stance), *raicht* (quarter of a year), *skemlar* (a low parasite of a man), *caber* (a pole), *cawill* (*cabhuil*, a creel for catching fish), and *clag-boy* (yellow bell); and the Saxon equivalent of the Gaelic definite article is invariably given in such place-names as The Moy (A' Mhaigh, the Plain), The Leys (An Léas, the Sunny Spot¹), and The Inshes (Na h-Innseachan, the Meadows)—names in the English forms of which the article has in modern times been unfortunately dropped. Thomas Tucker's statement in 1656 that the mixture of English and Gaelic "in the towne of Invernesse is such that one halfe of the people understand not one another,"² although not to be taken as literally true, shows that both languages were in his time pretty equally spoken. Of the two thousand or thereby individuals who in the sixteenth and seventeenth centuries probably made up the population of the Burgh, there may have been many who knew no English, but few, if any, who knew no Gaelic. A merchant or shop-keeper of Inverness without the latter tongue could not have traded with many of the inhabitants of the Town, and with hardly any, except the clergy and land-owners, outside the Burgh boundaries.

Nor is it correct to say, as is usually said, that Inverness was a small oasis of civilisation in a great desert of barbarism. From the glimpses which Adamnan and the later Irish analysts give us of life in the north of Scotland between the sixth and twelfth centuries, we conclude that the civilisation of that district was

¹ Léas; a bright spot—*Dinneen's Irish-English Dictionary*.

² Tucker's Report, Misc. of Scot. Burgh Records Society, 25. Thomas Kirk, an Englishman who visited Inverness in 1677, writes: "All in the town of Inverness do generally use that language ['wild Irish' or Gaelic] except some few of the better sort, that can speak Scottish."—*Tours in Scotland*, 1677 and 1681, p. 28.

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not much below that of Ireland, which was in some ways the highest at the time in Europe. Christianity, with its education and art, had its beneficial influence; and that there was even before the days of Christianity a considerable civilisation in the district of Inverness, is evidenced by such memorials as the standing stones¹ of "Druid Temple" and Clava, the sculptured stones² of Glen-Urquhart, and especially the Boar-stone at Knocknagael (or more correctly, Cnocnangial) in the immediate vicinity of the Town. The Boar-stone, an illustration of which is given in this volume, is described by Sir William M. Ramsay of Aberdeen University in a lecture delivered before the Gaelic Society of Inverness,³ as the most important monument of its kind in Scotland.

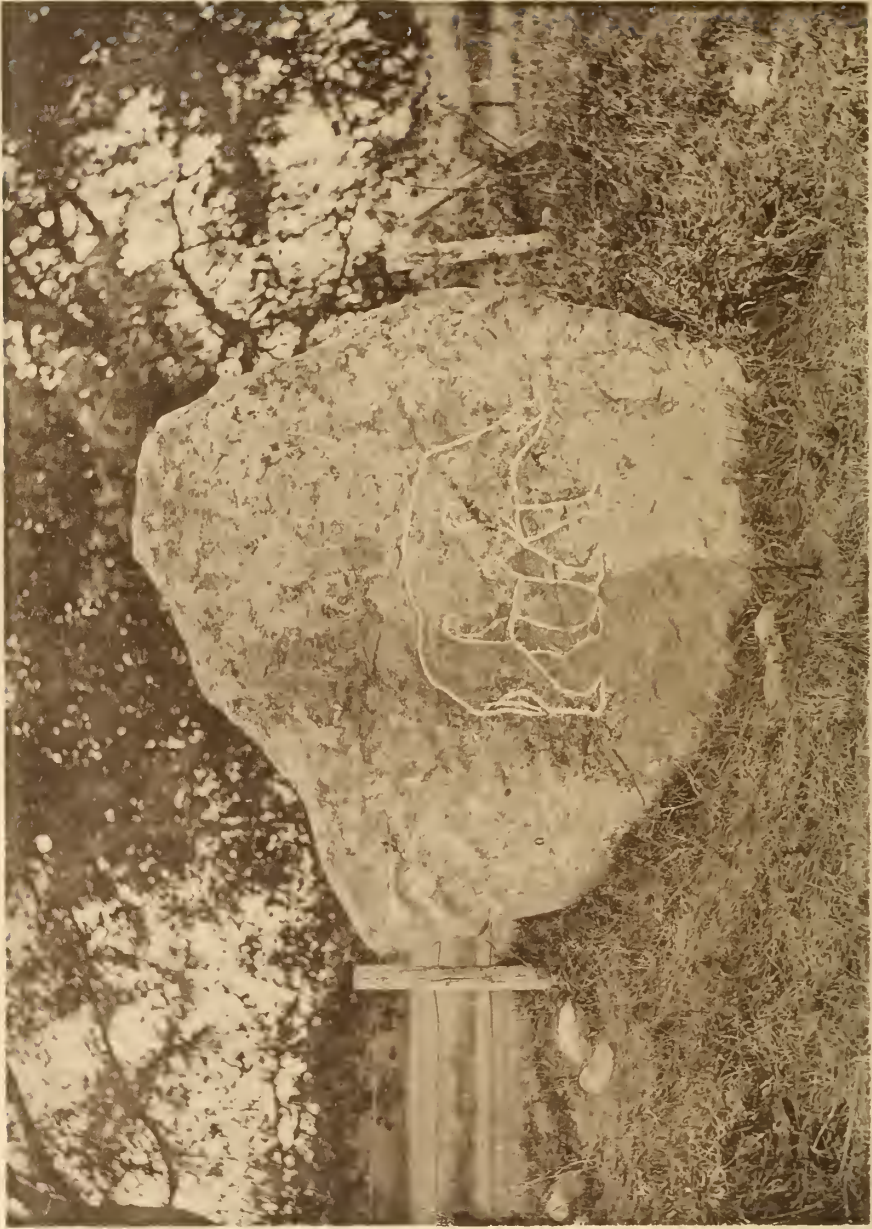
W.M. Ramsay
Boar-stone
W.M. Ramsay
Boar-stone
W.M. Ramsay
Boar-stone

"A view of it having been thrown on the screen, he pointed out the simplicity of the design, and the economy of the means to the end. There was not a single line wasted; there was no line which you could eliminate without losing something of the effect, and yet all the essentials of the boar were indicated with firmness, clearness, and sureness. The work has all the character of an early primitive time, showing neither helpless barbarism nor rude imitation of better work. There lay a long period of training behind it. The draughtsman had learned what he could do, he knew exactly how much he could accomplish, and did not aim beyond that. There was not in his mind any lofty intention which he was struggling only half effectually to bring out. He was content to do what he knew he could do. All this implied cultivation for generations, and a thorough knowledge of what the hand could accomplish in expressing the thoughts of the mind. The most characteristic feature was the lines on the surface of the body, marking off the upper part of the fore and hind legs. The artist had a horror of a line coming to an end abruptly on the surface of

¹ Proc. Soc. Ant. Scot., III. 47; XVI. 302; XVIII. 341.

² Ibid XX. 358.

³ Gaelic Society Transactions, Vol. XXV. p. 340.



THE BOAR STONE, KNOCKNAGAEI.

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the body. This he avoided by the device of turning his line at the end into a curve. A convention like that was in itself the product of a long process of art training."

After the end of the Pictish kingdom, Inverness continued to rule the north as the chief town of the Mormaers of Moray, who claimed to be independent of the Scottish Kings. The most noted of those potentates was Macbeth, who fell in battle with Malcolm Canmore in 1057, and whose castle, as we have seen, is said to have stood on The Crown. The long struggle of the men of Moray, which lasted until 1228, and an echo of which may perhaps be traced in the later periodical Highland "troubles" down to Culloden, must have profoundly affected their capital, which was more than once given to the flames. Into that struggle we cannot enter. The Moraymen were defeated by the Scottish kings in 1078, in 1116, in 1130, and again in 1135, when David the First definitely attached the province to the Crown, and erected, as we have seen, the first stone fort on the Castle Hill—a royal castle which figured prominently in the future history of the country.

In connection with the consolidation of the kingdom, David appointed certain places in every sherriffdom to which all property "challenged for theft" was to be brought. Inverness was appointed for the combined provinces of Ross and Moray, including Caithness, and was made the seat of the government of the north of Scotland, a position of which it was not even temporarily deprived during the English occupations of Edward the First and Oliver Cromwell.

It was part of David's policy to strengthen and encourage the Scottish burghs, and by his "assise" he gave royal recognition to a system of burghal organisation and privileges which had already grown up. It was, however, left to his grandson, William the Lion, to put the ancient privileges of the burghs in writing.

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He confirmed to the burgh of Aberdeen and all his burgesses benorth the Mounth (the Grampians) "their free hanse"—a sort of burghal parliament of which Inverness was a member—to be held when they chose and where they chose, as freely and honourably as they held it in the time of his grand-sire King David. To Inverness he granted three exclusive charters—between 1180 and 1200—in addition to two charters in favour of Moray generally. Those charters, which it is intended to print in a future volume of these Records, conferred on the burgesses of our Burgh, lands and extensive rights and privileges, under which, for the following four hundred years or more, it claimed, and to a great extent exercised, the exclusive right to trade in staple goods throughout the Sheriffdom of Inverness, which embraced Ross, Sutherland and Caithness, and the portion of the modern County of Argyle which lies to the west of Loch Linnhe and between Loch Eil and the Sound of Mull.¹ The grants were from time to time confirmed and added to by succeeding sovereigns, and were finally confirmed by James the Sixth on 1st January, 1591, or 1592 according to modern reckoning, in what is known as the Golden Charter of the Burgh.

William the Lion's charter of 1180 bears that a compact had been entered into between him and the burgesses that he should construct a fosse around the Burgh, and that they should erect along the fosse a substantial palisade, which they were always to keep in repair and in good order. The fosse and the palisade were duly constructed, and henceforth the lands within them—with the exception of the Castle Hill which continued to be Crown property, and which, so far as the registration of land titles is concerned, is still part of the County—

¹ The transfer to Argyle was effected by Act of Parliament in 1633. Ross, Sutherland and Caithness were separated from Inverness by Parliament in 1649.

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formed the Burgh and were held of the King. It was not until comparatively recent times that the Town began to overstep the bounds fixed by the fosse. Down to the period covered by this volume, and for long thereafter, the inhabitants still clustered under the shadow of the Royal Castle, and the Town consisted of four streets—Damisdell (Castle Street); Est Get (High Street); Bridgend (Bridge Street); and Kyrk Get (Church Street)—together with a few vennels, and a strip on the west side of the Ness which was known as “Beyond the Watter.”¹

Outside the Burgh boundary the community possessed lands of considerable extent and value. William the Lion by his second charter granted for the support of the Burgh the lands which were then known as the Burgh Haugh. From time to time the Town acquired further lands, as well as salmon fishings. These possessions, as they stood in the sixteenth century, are fully described in the Golden Charter, and are shown on the plan of the Burgh lands which accompanies this volume. The charter confirms the Burgh's title to the King's Mills and the right of the inhabitants to pasture cattle, pull heather, and cast turf and peats on whatsoever lands, hills and places to which the Burgh and its indwellers were accustomed, and especially upon Craig Phadraig, Caiplich Moor, Daviot Mount, and Bogbain.² The rights and privileges and duties of

¹ See the plan of the Burgh in the sixteenth century—frontispiece; also West Prospect of Inverness, in the General Survey, 1725, given in this volume.

² The Golden Charter and the Sasine which followed it on 6th May, 1592, have been carefully examined by Mr. P. J. Anderson, who reads the description of the lands, &c., as follows—the place-names in the Sasine, when they differ in spelling from those in the Charter, being given in brackets. The legal antiquary will note the peculiarity in connection with the description, which is given, not in Latin as was customary, but *in vulgari*.

“Necnon omnes et singulas terras de Drakes et forrestam earundem Terras de Markinche cum communi pastura eisdem pertinent. ab antiquo vocat. lie Burgh Hauch jacen. inter montem lie Mont et aquam cum silvestri parca lie Wodpark inter summitatem dicti montis et dict. lie Hauch Vnacum omnibus terris dicti nostri burgi de Invernes vocat. lie Barnehillis Claypottis et

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the burgesses and of the more exclusive Merchants' Guild, of which some of them had the good fortune to be brethren, were regulated by the royal charters as well as by the Burgh Laws, which, first adopted by the famous Combination of the Four Burghs, Berwick, Roxburgh, Edinburgh and Stirling, soon became the code of law of all the burghs of Scotland, and was sanctioned by the legislature early in the twelfth century; and by the Statutes of the Guild, first enacted for regulating the guild of merchants of Berwick in the thirteenth century, and soon adopted generally by the Scottish burghs. It appears from the Records

Milneleild et communibus terris vocat. the Kers terrisque vocat. the Carnlaws bondat. et limitat. ut sequitur in vulgari viz.

“Begynnand at the burne callit Auldinhemmerie [Althemrie] now callit the burne of Culloden enterand in the sey at the north eist qlk burne ascendis to a burne callit Aldnacreich at the southeist and fra that as wynd and wether scheris to ane know callit Knoknacreich now callit Carneinewarrane [Carcineuerā] at the south west and fra that as the samen passis to Glascarnenacreich qlkis merclis the baronie of Dalcus [Dalcrois] at the south and the saidis landis of Drakis at the north and fra the said Glascarnenacreich north west to ane well or fontane callit Toberdonich and evin west the bra callit Brayrinchaltin to ane know callit Knoknagad at the south west And thairfra to ane burne qlk devidis the Lord Lovettis landis callit the Eister Leis and the commoun landis of our said burgh of Inuernes at the west And as the said burne lineallie cumis fra the south devidis the landis of Culkebok at the west and the landis of Knokintinnall at the eist And frathyne certane marche stanis are pottit betwix the foresaidis landis of Culkebok and the commoun burgh of Inuernes and as the samyn is liniallie descendand in ane burne callit Auldmornik [Altmurnoche] at the north and passand to the sey at the north eist

“Ac etiam totam et integram communem moram dicti nostri burgi totam et integram aquam de Ness omnesque partes ac utrumque latus eiusdem inter lapidem vocat. Clachnahaggag et mare.”

The following interpretations of the Gaelic boundary features are offered:—Auldinhemmerie [Allt-na-h-iomaire], the Burn of the Ridge; Aldnacreich [Allt-na-crich], the Burn of the March; Knoknacreich [Cnoc-na-crich], the March Hillock; Carneinewarrane [Carn-an-fhuarain], the Cairn of the Well; Glascarnenacreich [Glas-charn-na-crich], the Grey Cairn of the March; Toberdonich [Tobar Domhnuich], the Well of our Lord; Brayrinchaltin [Braighe-raoin-a'-challtuin], the Brae or Top of the Hazel Field; Knoknagad [Cnoc-nan-gad], the Knowe of the Withes; Knokintinnall [Cnoc-an-tionail], the Hillock of the Gathering; Auldmurnoche [Allt-muirneach], the Murmuring Burn; Clachnahagaig [Clach-na-h-eagaig], the Stone of the little Notch or Cleft—but in these Records the word is Claycht-nye-helig [Clach-na-h-Eileig] (page 288) the Stone of the Eileag, a “V” shaped arrangement, open at both ends, into which deer or other wild animals were driven and shot with arrows as they came out at the narrow end. (See Dr. Watson's *Place-names of Ross and Cromarty*, pp. 145, 237.) The word Eileag was also applied to a contrivance—perhaps “V” shaped—for catching fish, and that is probably the origin of Clachnahelig.

Eileag = a contrivance for catching fish

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that there also grew up in our Burgh certain customs which perhaps were not to be found in the towns of the south. The Records throw much light upon the organisation of the Burgh, the privileges of the burgesses and guild brethren, the disabilities of the "unfree men," and the circumstances under which the various classes lived and laboured. These can only be briefly glanced at in this Introduction. The antiquarian student will search the volume for himself; and the interpreter of Gaelic patronymics and personal names will find in it much to interest him.¹

It was one of the rules of the Burgh Laws that no person might be a burgess who was not possessed of at least one rood of land within the burgh—in the words of the old Scots translation from the Latin, "Na man may be the kyngis burges bot gif he may do service to the kyng of als mekyl as fallys til ane rude of lande at the leste." For each rood held by the burgess he paid the King 5d. annually. The rule was, during the period of these Records, insisted on in our Burgh, where the magistrates and councillors were time after time called upon to give their great oath not to admit anyone to the freedom of the Burgh or the benefits of the guild without the necessary rood. "Clannit men and strangeris nocht beand merchandis" were also excluded, and so were such as did not make their daily habitation within the Burgh. Breaches of the residence condition were frequently winked at, especially in the cases of burgesses who had acquired wealth and become landed proprietors. But in 1580, in consequence of an ordinance by the Convention of Royal Burghs on the subject of residence, the provost and bailies made an effort to enforce the condition, and Robert Dunbar of Dores, John

¹ Much valuable information about the Burgh is given in Mr. Evan Barron's "Inverness in the Fifteenth Century" (Inverness, 1906), and his "Inverness in the Middle Ages" (Inverness, 1907); and in "Queen Mary's Inverness," by Mr. Kenneth Macdonald, Town Clerk (Trans. of Inverness Field Club, Vol. V.).

Waus of Lochslyn, John Winchester of Alturlie, and Adam Davidson in Caithness, were called upon to make their actual residence within the Burgh, with their wives and families, and to hold stob and stake in it, and to scot, lot, watch, walk and ward¹ with the inhabitants thereof, under the pain of forfeiture of their liberty and privileges. Winchester and Davidson did not appear, and they were deprived of their burghal-freedom. Waus gave a written undertaking to comply with the ordinance; and Dunbar, who was represented by a procurator, declared that, notwithstanding his desire to live in the Town, it was impossible for him to repair to it without great hazard of life, because of deadly feud standing, and as yet unreconciled, between himself and certain clans residing be-west the Town. He therefore pleaded for delay until the feud was ended and there was more stability within the realm; and his prayer was granted.

When a person was entered burgess and guild-brother he was required to swear fidelity to the Crown and the Burgh;² to treat the burgesses and brethren to a banquet of spice and wine; to pay to the town treasurer an entry fee which varied from 5/- to 20 merks, and which was sometimes applied to the "brig wark" (the maintenance of the wooden bridge across the Ness), sometimes to the "water wark" (the Town's salmon cruives), and sometimes to the kyrk wark (the repair of the Parish Church, which the Town then, as now, maintained); and to present

¹ That is, to pay stent (scot), and to take a burgess's lot or share of the duty of watching and warding the Burgh.

² The full oath of a burgess and guild-brother was in the following terms:—"That he will be leel and feel to our Lord the King and to the community of the Burgh; that he will give to the King faithfully rent for the land which he defends; that he will be obedient in things lawful to the provost and bailies; that he will keep the secret counsel of the community; that if anything to their prejudice shall come to his knowledge he will forewarn them or apply a remedy if he can; that as often as he shall be asked he will give them faithful counsel and assistance in the common business to his power; and that he will maintain the liberties, laws, and customs of the Burgh during his life according to his power." The oath being taken he kissed the provost and brethren if he was a brother of the guild.

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the provost with a pair of guild hose, sometimes described as "stenyne hois,"¹ and, occasionally, the officiating bailie with a doublet. A burgess's son and heir was entitled to succeed him in his freedom, but only on condition that he held the necessary rood, and that he had resided in the Burgh for at least a year and a day, and had during that time held stob and stake, and taken his share of the burdens and duties of the inhabitants—"scottit and lottit, walkit and wardit." In 1560 the application of Thomas Baillie of Corsarle for admission was refused on the ground that although he had been served heir to the late Alexander Baillie, a burgess, he did not possess the property qualification within the Burgh, had not resided the necessary time, and had not given the requisite services; and in 1562 it was agreed to admit James Gollan "quhan he gettis ane fre rud of land." Women were, in succession to their fathers, admitted to the Burgh freedom, but not to the brotherhood of the guild. In 1557, Finlay Man is served heir to the deceased Thomas Man, but not to the freedom, because he is not the deceased's son and heir gotten of his body, and for the further reason that "he hes nocht be usit nor consuetit with merchandriis, as use of bourris is." The freedom was forfeited through non-residence, loss of the property qualification, or default in burghal services; and in 1563 John Bur and other two burgesses were found liable to deprivation for threatening a Burgh officer with a drawn knife, and other offences, but were mercifully continued on probation on the understanding that if they offended again they "salbe depreyvit alluterlie of their liberties and fredomes."

The Burgh Laws ordained that at the first court after the Feast of St. Michael (Michaelmas) the alderman (provost) and bailies should be chosen through the counsel of the good men of the town, and that the provost should cause twelve

¹ Stennyng, a species of fine cloth.

of the leelest and wisest burgesses to swear by their great oath that all the laws and used customs should be maintained to the utmost of their power. The Statutes of the Guild provided that the mayor (provost) and bailies should be chosen by the whole community. The electoral body referred to in these codes as "good men of the town" and "the whole community" were, it is believed, one and the same class—the burgesses—with whom thus, during the early history of burghs, lay the election of the magistrates, and, indirectly, the selection of the council of twelve. In 1455 Parliament enacted that, according to the population of the town, eight or twelve persons should be "chosin of the secret consale and suorne theirto," who would judge in "all materis of wrang and unlaue" within certain limits; and an important change in the law was made by the famous Act of 1469, which, on the ground that trouble had arisen from the popular character of burghal elections, provided that the magistrates and council should be elected annually—the retiring council choosing the new one in such number "as accordis to the toune"—every craft, however, having the right to choose a member of the craft to vote in the election of the officials. Further changes were made from time to time until, in 1552, the Convention of Burghs ordained that upon Wednesday next preceding the Feast of Michaelmas the provost, bailies, dean of guild, treasurer, and council for the time should convene in the tolbooth and choose a new council to the number of twelve persons, including the provost, bailies, dean of guild, and treasurer; and that the new council thus elected, and the old council, should on the Friday thereafter choose the provost, bailies, and other officials. These rules were generally in force in Inverness during the period covered by these Records, but there was no dean of guild, and the council usually consisted of fifteen members, including the provost, three bailies, and the

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treasurer.¹ Each year at Michaelmas the old council elected the new, and at the Michaelmas head court held immediately after that Feast, the provost and three bailies were chosen, and these constituted the Burgh Court, and as such conducted the administrative and judicial business of the Town. The ordinary members of the council at times felt that the magistrates were taking too much on their own exclusive shoulders. On 2nd October, 1559, the council passed a resolution to the effect that whatever the provost or bailies did contrary to the common weal without the council's advice should be of no effect, and that they should do nothing without such advice. Occasionally we find that the council is consulted, but as a rule the magistrates take their own independent way.

In its multifarious criminal and civil duties the Burgh Court was assisted by one or more town clerks;² a treasurer; a procurator-fiscal; a dempster; tasters of ale, whose duty it was to see that the ale brewed within the Burgh was not "evil stuff"; comprisers of fish and flesh, who fixed the prices and saw that the food was sound; comprisers of biggings (buildings); liners, by whom questions of boundaries and measurements were decided; messengers; and burgh officers. There were also the tenant of the handbell (the town crier); masters of work, who had charge of the

¹ In 1557 the council consisted of 13 members; in 1561, of 14. The custom was that the election of magistrates first took place at a private meeting immediately after the Feast of Michaelmas, usually held in the Chapel of the Green (see pp. 24, 33), and, after the Reformation, in the Parish Church (see p. 63). This was followed by a public meeting a day or two later in the Michaelmas head court, held in the tolbooth, at which the result of the previous private election was confirmed. The election of the council usually took place after a short interval, sometimes held, apparently privately, in the Chapel of the Green (see p. 25), though it sometimes took place in the head court in the tolbooth (see p. 63).

² The town clerks and other officials were appointed annually. On 6th October, 1561, William Cumming, who was for a long time town clerk, was elected "comond clerk," Master Thomas Hewison, minister of the Parish, and Gilbert Duff being at the same time appointed clerks "in causis onsuspect." In 1569, Sir John Gibson, Parson of Unthank (Duffus), and Sir John Nicholson, Vicar of Laggan, are chosen "burrow clerkis."

repair of the Parish Church, the bridge, and the water work or cruives; and the "custummers," who collected the great and petty customs.

Three head courts were held every year—at or soon after Michaelmas, Christmas, and Easter. These the burgesses and owners of property within the Burgh were bound to attend. The absentees, "after being repeatedly called as they that owed suit to the Court," were fined for non-appearance. At these head courts, as well as at the ordinary courts, which were held once a week, and sometimes more frequently, the business done was of a very diverse nature—heirs were served; burgesses and guild-brethren entered; stallangers and booth-holders authorised to trade; tanners, cordiners (shoemakers and other workers in leather), litsters (dyers), bakers, fleshers, brewers, and other tradesmen licensed; prices of shoes, ale, and other commodities fixed; trade regulations passed; regulations for the health of the community made; the Town's lands and fishings let; complaints and actions of all kinds, civil and criminal, heard and disposed of; and assaulters, rioters, breakers of the peace, slanderers, thieves, and men and women of immoral behaviour punished.

The Burgh Court also had often before it such matters as, accounting by executors, and guardians of minors; cases of arbitration; liability of husbands for their wives' debts; recovery by poinding or otherwise of stent, taxes, customs, and debts due to private individuals; theft; assault; and slander, which was extremely common. Female slanderers were burned on the cheek with "fluir ye lysis" (fleur-de-lis)—a device probably introduced from the friendly France—and ordained to "sit on their knees" at the market cross or in the Parish Church, and say, "False tongue, she lied." Sometimes banishment followed, and there are numerous instances of slanderers being made to appear in the Parish Church, wearing the branks. Johne

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Morison, a burgesse who was in June, 1561, accused of slandering the minister openly in the King's Get by calling him a common pulpit flyer, and a stresser of other men's wives in Caithness and Orkney, was ordained "to pass to the mercat croce and thair sit on his kneys, and say 'False tounge, he leyd,'" and thereafter, on Corpus Christi Day—this happened after the Reformation—to appear in the Church in presence of the congregation, "and sit on his kneys and ask forgewenes; and gyf he beys fundyn flittand or rabuttan anie nychtbour in tyme cuming he salbe depriuet of his fredome for ewyr."

While the burgesses and guild brethren were the only persons who were legally entitled to trade in staple goods—leather, skins, hides, furs, wool, plaids, &c.—within the Burgh of Inverness, or within the Sheriffdom which then, as we have seen, embraced not only the present County, but also the present Counties of Ross and Cromarty, Sutherland and Caithness, and a large portion of Argyle, or to dye, brew, or distill, unfree men were regularly licensed by the Court to set up stalls for the sale of various articles of merchandise. These were the stallangers, who are referred to in the second charter of King William the Lion, and in the Burgh Laws, and whom we meet frequently in these Records. Sometimes they paid stallanger silver for the privilege. Sometimes no fee was exacted, on account of poverty, or for some other good and sufficient cause. Among stallangers licensed on 4th October, 1564, was Master Martin Logy, Master of the Grammar School, who thus tried to add to his modest stipend. On the same date a number were admitted "for ane yeir gratis for thair puyr honestye and obedience"—those who could not plead these qualifications being bound to pay 16/- for their admission, on the condition that if they broke the statutes and ordinances of the Town, their admission and payment would be of no effect; and in 1574 Johne Dow McRorye (Black John, son of Roderick) is

licensed "in respect that he hes fulfyllit the bond of matrimonye wyth Agnes Fyff." In 1562, Andrew McPhail and Thomas Wricht, indwellers of the Burgh, and heritable possessors of two roods of burgage land in Damsdell, are found entitled "to be ay [always] stallinger fre, be resson the said land is baron burgessis land," under the declaration that their tenants shall not have the same privilege, nor be entitled to brew, "without licence of the towneschyp, viz., prowest, balyes, and counsell."

Booth-holders were a lower class of traders, consisting mainly of cordiners, who paid for the privilege of manufacturing and working in leather, and making shoes, and, like the stallangers, swore to be true to King and Burgh, and to scot, lot, walk and ward. In 1579, Allister McConquhie (Alexander, son of Duncan), son of Duncan McConquhie Dowe (Duncan, son of Black Duncan) in Daviot, is admitted booth-holder of the cordiner craft of Inverness on taking the usual obligation. Next year he is ordained to pay 40/- for the privilege, "and to use the samyn to Michaelmes nixt for payment making thereof." Others are at the same time admitted on similar terms. In 1582, William Dick is found qualified to be a booth-holder, he paying 10/- as entry money, and 8 merks for a banquet to the bailies and the cordiners craft. The booths under the tolbooth were in 1568 let for three years to Alexander Baillie and Alexander Paterson, who paid 40/- as entry money, and a yearly rent of 40/-; and to Alexander Cuthbert and William Cuthbert, who paid the 40/- rent only. In 1575, it was ordained by the provost and bailies, with the consent of the cordiners craft, that in time coming no booth-holder of that craft be authorised to have a booth unless he was possessed of goods and gear of the value of £20; and at the same court John Cuthbert was found guilty of booth-holding without licence, and was "decernit to haif done wrang, and puneist according to justice."

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Forestallers and unlicensed traders were a great trouble to the Town authorities, and numerous prosecutions appear on the Records. On 27th February, 1563, John Bane becomes surety for Donald McConyll McInnes (Donald, son of Donald, son of Angus) that in time coming he shall not be found using forestalling by selling any manner of graith near the Town, and especially any staple goods, under certification that if he be found acting to the contrary, his whole goods and gear shall be forfeited to the Queen and the Burgh; and at the same time James Paterson becomes surety in like manner for Gillespyk McConquhie Roy (Archibald, son of Red Duncan) in Urquhart. In November, 1566, David Johneson, John Colleing, and David Malice, citizens of Perth, were found guilty of forestalling in buying plaids, skins, benoks (a kind of leather), and other merchandise, especially at St. Martin's Fair in the Black Isle. They pleaded in defence that St. Martin's Fair was a free market at which it was lawful to all manner of men to buy and sell. The Court found that such a right had been given by the Kings of Scotland to the Burgh of Inverness only, "quaha hes the libertie of the hail schire [including Ross, Cromarty, Sutherland and Caithness and part of Argyle] to suffer sic wayeris to cum to the said kirk [St. Martin's] sic as pledding and small skynniss and utheris small wayoures," and ordained that the goods pertaining to the accused should be confiscated to the Queen and the Burgh. Six burgesses of Elgin were in 1577 found guilty of forestalling a large quantity of leather, and submitted themselves to the jurisdiction of Inverness on the understanding that the leather should be confiscated, and divided between the Sovereign, the Burgh, and the Great Admiral or his Deputies "insafar as the said leddir war apprehendit in ane boit within the flude merk [floodmark]." In 1579, a number of persons are fined for forestalling various kinds of timber, such as rails, cabers, stakes, wattling, boards, planks, and oak and fir

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bark ; and two years later Thomas Dagleish, a saddler, is found guilty of buying outside the Town white plaids and wool ; the skins of foxes, weasels, otters, sheep and goats ; hides and benoks ; and tallow, salt, wine, and other articles of merchandise ; and selling the same to unfree men "nocht being fre burgessis of this burcht, and sua usurpis the libertie of this burcht, in forestalling maner, in bying and selling of sic geir as is above mentionat." Dagleish is sentenced to instant imprisonment. Sometimes a licence to forestall in places distant from the Burgh is granted by the Court. In 1559, the privilege of the forestallers of Sutherland, Caithness and Ross is let to Jasper Waus and his colleagues for a period of 19 years, they paying £10 annually to the Burgh ; and in 1582, a similar lease is granted to Robert Waus, William Cuthbert, and George Cumming of the right to forestall "upon this syde of the ferrye of Cromertie and within 12 myles of the schire," for one year, at a rent of £6.

The Burgh's charters, as we have seen, conferred upon the burgesses the most extensive and exclusive trade privileges over the wide Sherifffdom, which, as has already been pointed out, extended from the Sound of Mull to John O' Groats. The Golden Charter ordains all merchants residing outside the Burgh, but within the Sherifffdom, to carry their merchandise to the Burgh, and there to sell it ; and prohibits all persons residing within the County, but outside the Burgh, except the burgesses of Inverness who are in the merchants' guild, from making or selling cloth, linen, or wool, and from buying or selling timber, wood, boards, deals, bark, skins, hides, wool, salmon, fish, staple goods, salt, wine, tallow, or other merchandise whatever, except within the Burgh, to which they are bound to take the same for sale. These privileges and prohibitions, which existed for centuries before the date of the Golden Charter—the main

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purpose of which was to confirm them—led to frequent disputes and much litigation with Dingwall, Tain, and other northern burghs, and with forestallers and unfree traders. In 1561, Thomas and Robert Meldrum are fined for selling staple goods in Chanonry and Rosemarkie, and for contravening the privileges of Inverness by selling victuals to unfree men. In timber and bark, wool and cloth, cattle and hides, and the skins of sheep, goats, deer, roe, martens, weasels, and otters, which were brought into the Burgh by Highlanders of all classes, from chiefs downwards, there was a large trade.¹ The skins were dressed or manufactured into leather in the tan-yards which occupied the banks of the lower reaches of the eastern fosse, and polluted it so greatly that it came to be known as the Foul Pool. These, as well as plaids and tartans—the work of country-women, some of them living in far Lochaber—were sold to the inhabitants of Inverness, or sent south or abroad in exchange for wine, spices, salt, and other commodities. In March, 1573, John Bur travels to Perth with a pack, out of which Charles Macgregor contrives to steal 16½ double ells of plaiding, priced at 2 merks for each 5 ells, and a tartan coat worth 30/-. There is much illegal traffic. Gillespyk Macgregor is seized and imprisoned for buying 15 white plaids, 20 dozen lamb skins, 12 dozen kid skins, 6 dozen calf skins, and 5 stones white wool, in Glen-Urquhart and Strathglass, and forwarding them to Perth, and is ordained to get the goods back and present them for sale at the tolbooth of Inverness, or to pay the value thereof to the Town. In 1576, John Fraser, alias Stowte, is accused of resetting from Kennocht Owre (Dun Kenneth), chapman, the skins of martens and otters purchased by Kenneth at adjacent markets, such as St. Boniface

¹ Hector Boece, in his History (Bellenden's Translation), writes:—"Beside Lochnes . . . ar mony wild hors; and among thame ar mony matrikis [martens] bevers, quhitredis [weasels] and toddis [foxes]; the furringis and skinnis of thaim ar coft [bought] with gret price among uncouth marchandis."

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Fair, Pardoun Fair, Bryde Day, Martemess (St. Martins in the Black Isle), and Munro's Fair; and, confessing to having bought 8 otter skins from Kenneth, submits to punishment. The above-mentioned Gillespyk Macgregor and John Fraser and other three unfree merchants are, on 6th December, 1570, authorised to deal in "small chrymerie,"¹ and sell salt and dye yarn, until Michaelmas following, they paying for the liberty sums varying from 40/- to £4; but it is added that if any of them happen to pass to outside markets and buy staple goods such as skins, hides, wool, plaids, iron, &c., they shall be bound to bring the same to the Burgh, and to offer them to the free burgesses under pain of forfeiture of the goods.

The timber and bark industry was important. The principal sellers were The Chisholm, Fraser of Aberchalder in Stratherrick, and the proprietors of Glenarry, Urquhart, and Glenmoriston; and the trees were floated down Loch Ness and the river, to the constant danger of the salmon cruives. Unfree dealers in timber are prosecuted. John Reid, a priest's son who frequently gave trouble to the Burgh authorities, was, in November, 1570, found guilty of illegally dealing in timber, and decerned to have his goods and gear confiscated, and his body punished according to the laws of the realm. John did not take his punishment meekly. He contemptuously troubled the Court by his "maisterfull and heycht speiking," telling his judges that he was as gentle and good a man as any of them. In prison he took a poor revenge by burning the Town's common firLOT, and was ordained to provide a new one. In 1572, a number of persons were found guilty of selling to unfree men and strangers all kinds of timber, such as rails, couples, trees, cabers, stakes, "kearnox," wands and girthstings (barrelhoops), to the great skaith and hurt of the inhabitants of the Burgh. Oak bark for tanning purposes came from Lochness-side.

¹ Creamerie, cramerie : goods usually sold by pedlars.

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The waterway of Loch Ness was of great importance from the earliest age,¹ and the Records contain many references to the traffic on the Loch. Before 1564, the Lords of Lovat, who were proprietors at the west end of the Lake, claimed the right to regulate and exact toll for the use of "the passage of the Loch"; and in that year we find William Fraser of Struy, Warder of Lovat, suing John Merschell before the Burgh Court for 12 merks, being the price of a licence obtained from Fraser to use the passage for the space of a year. The Court ordered Fraser to fulfil his part of the bargain, and Merschell to pay the price of the licence. In 1575, Macdonell of Glengarry complains to the Privy Council that "Hew, Lord Fraser of Lovett, upoun unjust occasioun hes laitlie stoppit and maid impediment to the said Donald McAngus [Glengarry] his freinds, kin, and comonis of his landis, to bring and cary wod and tymmer doun in bottis to the burgh of Inverness, throw the water of Loch Nes, upoun aither syde quhair of his landis lyis, quhairby the commoun weil of the countrie and burgh foirsaid is hurt and disadvantageit." The cause being called, and Lovat failing to appear, an Act of the Privy Council was passed, prohibiting him from molesting or impeding the Glengarry men in their timber trade with the Burgh.² The right of the burgesses and inhabitants to use the Loch for the conveyance of fuel, goods, cattle, burdens, and other necessaries, was confirmed by James the Sixth in the Golden Charter.

The meat traffic was considerable, and cargoes of barrelled beef were sent to the east and south of Scotland, as well as to Flanders and other parts of the Continent. The animals were brought to the Market Cross alive, and, after sale, were slain at the "butcherie," which was the property of the Town, and was from time to time let to the highest bidder. The meat intended

¹ Adamnan tells us that St. Columba and his companions used it.

² *Collectanea de Rebus Albanicis*, page 34.

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for sale for consumption in the Town was comprised—the price fixed,—and it was an offence against the law to buy before that was done.

Of more importance than the meat trade was the fishing industry. The Town's fishings on the Ness, and the Fre Schot and Castle fishings belonging to Lord Huntly, yielded large quantities of salmon, the great bulk of which was cured and sent in barrels to the seaports of the east coast, and to France and Flanders. The burgesses also purchased salmon from Lord Lovat and other proprietors, which they disposed of in the same way. The Town's fishings were let from time to time—sometimes by public roup. A portion of each coble's catch was set apart and cut up as "met fish" or "meit fish" [measured fish] and brought to the market, where, after being comprised, it was sold to the inhabitants who had no fishing of their own. To sell the met fish to outsiders rendered the seller liable in a fine, which in one recorded case was fixed at £10. The remainder of the fish was cured and barrelled and exported. Salmon poaching, notwithstanding the Gaelic saying, "Breac a linne, maid a coille, is fiadh a fireach, meirle as nach do ghabh duine riamh naire"—"A fish from the pool, a tree from the wood, and a deer from the mountain are thefts of which no man ever was ashamed"—was severely punished. In 1559, Donald Yet who had taken six salmon out of the cruives, was sentenced to have his ear nailed to the trone, and to remain there for nine hours. For a similar offence John Crom [Bent John] was to be similarly treated, and left to tear his lug from the nail. Another offender, John Farar, consents, "if he be fundyn slaying salmon on the Water of Ness, to be hangit"! In 1565, it is ordained that any person taking fish out of the cruives shall have his ear nailed to the trone, and thereafter be banished from the Town for ever.

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Herring and other sea fishing was prosecuted ; and in 1568, we find William Buddith, burgess, purchasing 1000 skate at Faithlie (Fraserburgh). In connection with sea fishing, the Town's mussel scalps were valuable, and persons found selling mussels to "ony landwart men except to the nychtbouris [inhabitants] of this Town, his lug salbe nailit to the trone and theirestyr banneist of this towne for evyr."

Ale and beer were the common drink of the inhabitants of the Burgh, and, judging from the quantities sent into the district of Loch Ness, for example, the drink of the country folk. Brogat (also written "brogak" and "brogac") a malt liquor, probably sweetened, was also common, and *aqua vitae*, which in the Highlands, as in Ireland, meant, not brandy, but whisky (in Gaelic *uisge beatha*, water of life), was, although of comparatively recent introduction, well known. Kilns and malt houses were numerous in the Burgh, but no one was entitled to brew beer, ale, or brogat, or distil whisky, without a licence from the magistrates, who appointed tasters to see that the liquor was good, and to fix the prices from time to time. Unlicensed brewers, and such as sold above the prices authorised, were fined and their vessels burnt at the Cross ; and the liquor was forfeited and distributed among the poor. The price of beer was usually 10d. a quart [Scotch] ; of ale 8d., sometimes rising to 10d. ; and of brogat 4/- per gallon. In 1557, the price of whisky was fixed at 12/- per quart, when the boll of victuall sold in the market at 20/-—the price of the liquor to vary as that of the grain rose or fell. Sometimes it was as high as 18/- per quart. These were high prices, even allowing for the circumstance that the money was Scots, which, during the period covered by this volume, was about one-fourth the value of money sterling.¹ Brewing and

¹ By the seventeenth century, owing to the depreciation of the Scottish coinage, it took £12 Scots to make £1 sterling.

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distilling, and especially the manufacture of brogat, were discouraged on account of the call which they made on the Town's grain supply. In 1567 it was ordained that only eight *aqua vitae* pots be used in the Burgh in timé coming, that no pots be lent to unfree men within or without the Burgh under pain of forfeiture, and that three pints "gude and sufficient stuff" be produced from every boll of grain. Two years later an order was made that no brogat be brewed or sold in the Town; and persons guilty of breach of the ordinance were punished. The ordinance did not, however, continue to be obeyed, and in 1574, it was again enacted "that na maner of man, fre nor unfre, within this burcht, tak upon hand to brew ony brogat within this burcht for the space of ane yeir and forder induring the cunsalis will, under the pane of depravation of thair fredomes for the space of ane yeir efter thai be convict, and that drink brewin be thame be disponit to the puyr." Unfree brewers must be such as "ar haldin best, maist honest, famous, and avere (every) ane wortht be year ane sowme of XX lib"; but this qualification was seldom enforced, and much illicit brewing and selling continued to take place.

The baking of bread was carefully regulated and supervised. In 1557, Manis Kathkin, Sandie Baxtar [Sandie the Baker] and Sandie Donaldson, are admitted to be common baxters, and none other, and are taken bound to "bayk sufficient stuf . . . under payne of escheiting of thair stuf quhilk beis fundin insufficient and nocht conforme to statutis of the burgh." Seven unfree bakers are licensed in 1577, all women, including Beak Crowbycht [Crippled Sophia] and Agnes Neyn Fynla Moir [Agnes, daughter of Big Finlay]. In October, 1583, eleven women are admitted "caik baxteris" for the year to Michaelmas following, paying for the privilege sums varying from 3/4 to 6/8.

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The cordiners (cordwainers) were the most numerous body of tradesmen in the Burgh. They were the only body which, down to the period of these Records, appears to have formed itself into a "craft," with a deacon at its head. They worked in leather and skins, shoemaking being the principal part of their business.

It was, legally, the exclusive privilege of the burgesses to purchase hides and skins, and to have them manufactured into leather. Permission to purchase and manufacture was, however, sometimes given by the Court to the members of the cordiner craft, whether free or unfree. In December, 1558, Alexander Paterson, deacon of the cordiners, with the advice of the rest of the brethren of the craft, petitioned the provost, bailies and council for liberty to purchase rough hides, at prices fixed by the council, on the cordiners undertaking to supply the Town and the Queen's lieges of the country with shoes at the prices specified in an Act passed by the council on 16th November preceding. That Act ordained that between its date and Fastern Even [Shrove Tuesday] next, no craftsman-cordiner within the Burgh should take upon hand to sell any gentlemen's shoes dearer than 18d. the pair; women's shoes, 14d.; servants' shoes, 16d.; and children's shoes, 12d., under pain of fine and forfeiture of his stock. The deacon and two other brethren of the craft offered themselves as sureties that the conditions would be respected, and on that understanding the petition was granted. Prices were fixed by the Court annually, in October or November, and gradually rose, until, in 1572, gentlemen's shoes reached 2/8; those of husbandmen and servants, 2/6; women's, 2/4; and the shoes of children, 20d., 16d., and 14d., according to the age of the child. The authorised prices were, however, sometimes overstepped; and the craftsmen had a weakness for using unsuitable material. Prosecutions were the result. In November, 1568, for

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example, Alexander Strachan, Johne Dow McGillephadrik, and other cordiners are charged with defrauding the Queen's lieges in selling to them shoes made of horse leather, which they pass off as cow's leather, "through which the poor lieges and servants are utterly harried through the buying of such evil stuff." Certain of the accused confess, and are fined. Others deny, and are absolved. Making shoes of horse leather was a common offence. In 1576, James Tomson pleads guilty to it, and also confesses to the use of worn out smithy bellows and old boots.

To ensure as much as possible that the footgear was "sufficient," the Court from time to time appointed visitors whose duty it was to go the round of the cordiners' shops twice a week, and inspect their stock. In 1570, James Waus refuses to admit the visitors, or to deliver to them the keys of his booth; and he is summoned before the Court and fined. Numerous irregularities occur in connection with the purchase of hides, and the manufacture of leather. Cordiners and barkers are punished for forestalling hides and skins; purchasing bark from dwellers in the Loch Ness district; buying leather at low prices before it reaches the market, and selling the shoes which they make of it at exorbitant prices; sending leather and dressed skins of foxes, harts, hinds, and other animals out of the Town for sale; making shoes in secret places, and privately sending them into the country for disposal; and, as already mentioned, using improper material. The irregularities are sometimes so great that the whole craft is punished with a temporary suspension of the right to trade.

Candlemakers had to be licensed; and such as made candles without due permission were fined.

Among other tradesmen mentioned are builders, poiners (carters or horse hirers),¹ sword slippers (sword cutlers), blacksmiths, cairds (tinkers), weavers, dyers, and general merchants.

¹ In the Inverness district an old horse is still in Gaelic called *poiner*.

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The general merchants' stock was varied and extensive—the inventory of the personal estate of the deceased James Cuthbert containing such articles as blue wool, white wool, grain, leather, oak couples, rails, cabers, lime, hewn stone, and foreign timber. The list of debts due to him shows that he carried on a large trade with all parts of the country—from Badenoch and Abertarff to the Orkneys.¹

As regards foreign trade, the burgesses imported wine, spices, salt, iron, and, to a small extent, foreign timber, from the Continent; and, in exchange, sent out leather, skins, furs, beef, salmon, herring and other fish. There was a considerable traffic with Hamburg and Holland; and the foreigners who visited the Town sometimes got into trouble. In 1557, Lewyr Smyth, a Hamburg man, pursues Donald Mackintosh of Cullernie, for £5 12s. 6d., being the price of a puncheon of wine; and two years later, Smyth is himself sued by Maggie Gorrie and Andrew Dempster, her spouse, for “a resett of VII. dakyr benokis² conforme to hys merchand byll.” Smyth was a frequent visitor to Inverness. In 1563, he carried away to Hamburg twenty stones taken out of the cloister of the Friars; and, about the same time, he purchased from the Earl of Huntly a quantity of lead—perhaps also taken from the Friars' Church—for which he failed to pay, with the result that in 1579, a ship belonging to Jacob Bartillis, burgess of Hamburg, and Hortabill his son, who were in some way connected with the lead transaction, was arrested at Inverness. In June, 1569, Byng Peyrson, the skipper of a Dutch ship lying in the harbour, was, at the instance of Robert Merschell, taken out of his ship, so that she could not sail—for which masterful act Merschell was banished from the Town for ever. At a later period William Wyisman was prosecuted for spuilyeing (robbing) a Dutch ship. In February, 1568, John

¹ Pp. 81-87.

² Daker, ten or twelve hides; benok, a species of leather.

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Ard and Alexander McGilleworrycht (Morrison) are fined for the "boisting" (threatening) of Christofer Wafer, a Dutchman, under silence of night; and Gillecillum McDavid Moyr [Gilliecallum, son of Big David] is found guilty of having at the same time attacked the Dutchman with a sword. Their business transactions sometimes took our burgesses to the Continent. Manis Caskyn's return from France is referred to, in 1558, in connection with a suit for a feather bed borrowed by him from John Copland's mother. In 1567, William Buddyth is at Hamburg.

Sums of money are stated in merks—a merk being equal to $1\frac{3}{4}$ Scots; or in pounds, shillings and pence Scots; but such coins as crown of the sun; piece of gold, value £3; double ducat, value £4; yeopindail; bard groat; and five shilling testouns are current. Silver coins are generally referred to as "white silver," an expression which in Gaelic (*airgiòd geal*) is common to this day. The pound Scots was at the time, as has already been mentioned, about one fourth the value of the pound sterling. By the 17th century it fell to one-twelfth.

1567
The agricultural conditions and customs disclosed by the Records are interesting. The Burgh lands were let in farms and holdings of various sizes to burgesses who paid a grassum or entry money on taking possession, and a certain rent per annum. The entry money was sometimes remitted for good causes, as was done in 1561, in the case of Alexander Cuthbert, tenant of Little Drakies, in respect that his father died on the field of Pinkie, fourteen years before. After that fatal battle, at which so many Inverness burgesses fell that there was a dearth of applicants for the farms, the council took to letting them to unfree men. In time the balance was restored, and in 1561, the Court, on the preamble that the new practice might on account of its irregularity result in the forfeiture of the royal gifts made to the Burgh,

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ordained that in future no unfree men should occupy or possess any of the tacks of the Burgh, either of water or of land. Sometimes, however, the burgess tenants sub-let portions of their holdings to non-burgesses. They also appointed cottars to cultivate the fields, in exchange for a share of the produce as the cottar's "soude" or remuneration. The rents were mainly paid in victual, or in the money equivalent of the victual according to the fiars' price struck at Martinmas annually by the provost and bailies, the commisar of the County, and the sheriff-depute. On 16th November, 1558, the fiars' price was fixed at 14/- per boll; and it would appear from proceedings taken by David Dunbar against certain sub-tenants in Easter Drakies, in 1563, that the land was sub-let in lots of two Scots acres each—equal to about $2\frac{1}{2}$ English acres—and that the "ferm" or rent of the lot varied from 3 bolls to 3 bolls 2 firlots. Sub-tenants sometimes paid in grain, cheese, butter, and lambs.

The cottar was engaged for a year, and was bound to provide himself with one or more of the horses necessary for the working of the holding—the tenant providing the remaining ones. In one case it was held that the cottar was bound to find two plough oxen, the tenant finding six. The cottar's wife was bound to walk at the horse's head daily in manuring and harrowing, she receiving one meal a day for her services. He and his wife and servants were also bound to fill the manure sleds, and to do "all laubouris necessar." He fed his own and his master's stock, and accounted for the grain, as the quantity was fixed by "proofing"—a process of valuation which has not yet disappeared in the neighbouring parish of Petty. The farm produce mentioned are oats, wheat, bere, and pease.

The cottar was also responsible for the safety and care of his master's crop and stock. Numerous claims were made by burgesses for failure in these duties. Caterans and cattle-lifters

took their toll ; and wolves prowled outside the Burgh. Accidents happened. One or two cases may be referred to. John McAllester Cain is, in 1557, found liable to Bailie John McGillewe for the value of a sheep killed by a wolf. In December, 1569, wolves slay a "hummyll blak ox of fyve yeiris auld" belonging to Magnus Caskyn, while in the possession of his cottar, Thomas Glass ; and Glass and his cautioners are ordered to pay its value. In 1566, a cottar is ordained to pay his master the value of a cow and an ox which had been stolen ; and, in 1579, Magnus Caskyn sues Andrew Macleod, his cottar, for the value of a stolen ox, on the ground that the cottar, having his "soude" therefor, "aucht and suld haif kept the said ox, as the rest, fra thieff, wolf, pott and myre [pit and bog]." Macleod pleads that the cottar-house was not proof against thieves, and that he was therefore not liable. Caskyn replies that the house is as sufficient as the rest of the cottar-houses in the country ; and he prevails.

Cottars were sued for damages, as a rule successfully, in such cases as these :—pulling the tail off a plough ox ; death of an ox in the plough "throw narrownes of the oxin bow" ; loss of the services of the cottar's two horses while they suffered from scab ; letting scabbed horses among sound ones ; allowing an ox break its neck ; cottar's desertion of service ; injury to a horse while ploughing ; damage to growing wheat by pulling vetches and wheat out together ; damage to corn by trespass of calves ; damage by a staig (a young horse) in corn ; damage to corn through a fold being left open ; shortage of the number of sheep for which cottar responsible ; cottar taking "soude" of corn at his own hand, and using the tenant's straw, pease, corn, and sleds ; failure to provide a servant to work a horse ; failure to find a horse, "as ane cottar aucht to do" ; causing the death of a horse, valued at 24 merks, by giving him chaff and draff after water, and thereby bringing on an illness which made him

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“crepit on his wambe lyke ane dog trocht the sairness was ane his guttis”; failure to protect cattle from being gored by other beasts; death of an ox through the neglect of a cottar who, with his wife and household, was drinking in Inverness.

The Court consistently refused to award damages for the killing of hens found in barns, or of geese or pigs trespassing in corn. Small mercy was indeed shown to pigs, which were numerous in our Burgh, as they were at the period in every town in Europe. In 1557, the Court ordained that persons having swine within the Burgh should remove them within five days, failing which it should be lawful to slay them as unlawful goods. The rule was not always respected, and much damage was done by swine in the gardens and cultivated lands within the Burgh. Jonat Kelocht was, in 1578, fined for allowing her pigs get into Thomas Gray's garden, and destroying four beds young plants, four beds onions, a parsley bed, and sundry herbs, such as gentian, rosemary, and “laurie”—the damage being valued at 40/-

Horses and cattle and swine were kept in the closes and vennels of the Town, and much inconvenience arose through the accumulation of their dung. It was ordained, in 1559, that no man keep his manure on the causeway “langer nor aucht dayis,” under a penalty of 8/- for each offence; and, in 1564, it was ordered that no dung be left in vennels. But, these regulations notwithstanding, Bailie John McGillewe is, in 1567, found guilty of damming the common vennel opposite his property with manure to such an extent that no person can pass or repass without sinking into it to his knees, and he is ordained to remove it within fifteen days under the pain of forfeiture of the dung.

Among the agricultural rules were—that, as we have seen, it was no crime to kill hens found in barn, or pigs or geese found in corn; that no person be found gleaning among his

neighbour's corn under the pain of 20/- for the first offence, 40/- for the second, and £3 for the third; that cottars do not take of the best oats in payment of their "soude"; that they are not to uptake or intromit with their "soude" without the authority of their masters; that no common pasture be tilled to the hurt of the poor who graze their stock upon it; and that for every beast found in corn the owner pay for every foot of the animal, one penny for the first fault, twopence for the second, and threepence for the third, "and so furth induring thair takin in the cornis."

The burgesses had their barns on what was known as the Barnhillis (now Barnhill), each paying an annual rent of twelve pence for the site. Heirs were served to the sites or larachs, and, in 1578, it was decreed that certain larachs, the righteous heirs to which could not be found, and which were consequently waste and in arrear, should be disposed of new, in order that barns might be built and thankful payment of the rent made.

The Town's tenants were bound to send their grain and malt to the King's Mills, which stood then where they still stand, and the Records contain numerous prosecutions against persons who, in breach of the obligation, patronised the mills of the Leys, Culcabock, and Kilvean (the Bught). On the other hand, there are complaints against the tenants of the King's Mills, who are sometimes not careful of the grain and malt, and are occasionally accused of failing to fully account.

There are indications of land hunger. On 29th May, 1557, Martin Waus, a burgess, is found guilty of tilling the pasture of Drakies pertaining to the commonty of Inverness, as well as the common high road "quhilk discendis fra the moat betuix the Inchis and Lytill Draky to the Myll, quhilk hes beyne past memor of man ane hie gait in commonte"; and on the same date John McGillewe and others confess to having appropriated land

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which appertained "to the comunes in commonte." In November, 1565, Manis Caskin and James Baittis are fined for having tilled the common pasture at the side of the Mill Burn, and at their own hands thrown down the old dykes on the ancient marches. Margaret Waus is, in 1569, accused of having ploughed, sown, and harrowed a piece of land in the possession of Jasper Dempster, called the Laarycht of the Machrie, and of having cultivated another piece called the Head of the Bog; and, in April, 1580, there was a great dispute between John Cuthbert and John Neilson regarding "ane pece new land callit the Thorne Bus," of which Neilson had taken forcible possession.¹ The King's highway through the Machrie and Inshes to the Mount, which was the road leading across the Grampians to the south of Scotland, was illegally tilled by Jasper Dempster and Finlay Paterson in 1576. The public highways were at the time mere tracks from which the native soil had never been removed.

The following prices of stock and produce appear:—Horses, 24 merks; three-year-old stirks, 40/- each; one and two-year-old stirks, 5 merks; lambs, 6/8; kids, 3/-; geese, 2/-; cheese, 6/8 a stone; butter, 16/- a stone; fleece of wool, 12d.; wheat, £4 per boll; great oats, 18/- a boll; small oats, 13/4 per firloft. A horse's labour (without a man) is valued on one occasion at 6d. per day; on another at 8d.

In addition to the trade and agricultural regulations already referred to, numerous rules were made in the interests of public policy. Trees growing in the Islands are to be protected. No fire is to be kindled in the Islands, and no bestial grazed therein, under pain of being nailed by the ear to the trone. Adjoining property owners are to "hold neighbourhood" in mutually keeping their march dykes in repair. Muck sleds (manure

¹ Cuthbert was tenant of one half of the lands of the Merkinch, and Neilson tenant of the other half. The name means the Horse Island or Meadow (Marc-innis). The adjoining Capel Inch is the Mare Island or Meadow (Capull-innis).

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wheel-less carts) are not to pass over the bridge—a timber erection which was in the time of Cromwell's occupation described by Richard Franck as "the weakest that ever straddled over so strong a stream."¹ King's rebels and horners are to be kept in prison at their own expense. Vagabonds and beggars are not to be harboured. Witches and harlots are not to be allowed to buy or sell.

One immediate result of the Reformation was that special efforts were made to suppress immorality. On 5th February, 1561, the provost, bailies, and council ordained that all immoral persons failing to abstain were to be openly proclaimed in the Parish Church in presence of the congregation in time of prayer, from that date until the second Sunday in Lent, and that disobeyers should be exiled and banished from the Burgh. Incontinent priests who did not marry within the same period were to be deprived of their benefices, or to be otherwise punished if they had no livings. Couples who lived together unmarried were, on 6th November, 1574, ordered to marry between that date and "Andirsmess nixt to cum, or at the farrast at Yule, prowyding alweis that thair publict repentance be maid," under certification that if they disobeyed, their dwelling-houses would be demolished. Numbers of offenders against morality were from time to time brought before the Court. On 30th March, 1585, twenty-nine women and three men were tried, and most of them found guilty. Some were fined; others banished; and others ordained to be put into the branks and, with mitres on their heads, marched through the four streets of the Town, as a warning to the inhabitants. The order that offenders should appear in the Church in time of preaching and make public repentance was frequent. On 19th May, 1586, five women and one man—a tailor—so appeared before the congregation of the High Church.

¹ Northern Memoirs, 203.

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As in other burghs, the policing of the Town was done by the burgesses and indwellers, who were legally bound to watch and ward. A certain number were, from time to time, set apart to watch, from the ringing of the curfew in the evening till the dawning of the next day. Such as disobeyed were punished. For example, on 12th March, 1569, Donald Urquhart, Donald Hendry, and Magnus Brebnar, "being warnit to the weche [watch] this last nycht personalie and at thair dwelling placis," having failed to obey, were fined.

After the Reformation elders and deacons are annually appointed to assist in detecting and punishing impurity, drunkenness, backbiting, and slander, and such other vices as are contrary to the command of God—it being also the duty of the deacons to see that alms are collected and faithfully distributed among the poor of the Burgh who do not earn their living otherwise. On 21st October, 1562, John Ross, William Cumming, James Paterson, and James Duff are elected elders for one year, and Martin Waus, Thom Waus, junior, Jasper Dempster, and William Cuthbert, deacons for the same period; "and the foirsaidis persons acceptit the said office on thaim as thai will ansuer befoir God."

To watch and ward was not an idle duty. All classes, even the labourers in the fields, carried arms of some sort—swords, dirks, whingers, culverins, or bows and arrows; and they were not slow to use them. In 1558, John McWaltyr assaulted James Symonson, cutting his ears and nose with James's own sword, and thereafter breaking the sword, which had cost James 20/-. In March, 1569, John McKearrois chased William McPhaill through the Town, and over the dykes thereof, with a drawn whinger, and "war nocht the weche [watch] he had slane the said William." On a Sunday night in November, 1573, there was a

James Symonson

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serious riot in which the watch and the "haill towne" were greatly "troublit."

As examples of the innumerable offences brought before the Burgh Court, may be mentioned—taking away under silence of night the head of David Dowe (Black David), which, by order of the Earl of Moray, had been fixed upon the tolbooth, "perpetuallie in exempill to uitheris"; assaulting James Roy (Red-haired James), the common minstrel of the Burgh;¹ wife beating; wife desertion; attack on pregnant woman; burying in the Parish Church without licence; pretending to be dumb; breaking of Yule girth—an unwritten law that there should be no assault during the Christmas season; cursing and evil wishing; slander; breaking out of prison; and removing prisoners without authority.

The more common punishments were fines, lugging to the trone, putting in gyves and branks, scourging through the Town, sitting on the cuckstool in church, branding and banishment. Imprisonment was comparatively rare. Frequently, when the offender was not an inhabitant of the Town, one or more persons were taken bound for his appearance before the Court, or for his good conduct. Thus, when John Nilson was accused of an attempt to murder Necoll Kar, and of getting the assistance of the men of the Clan Ranald, who had come to Town "with merchandace," he, although acquitted, is under the necessity of finding surety and lawburrows that Kar shall be harmless and skaithless of him and his friends. In 1565, The Chisholm guarantees that Kennoch McEachin, a son of the Laird of Gairloch, will appear

¹ What instrument did James Roy play? About 1490, Angus of the Isles was assassinated at Inverness by a harper; but the harper was an Irishman, and the harp was probably not played in the Highlands during the period under review. The bagpipe had taken its place; and in our Records we meet William Pypar (Uilleam Piobaire, William the Piper) and Murquhow Pypar (Murdoch the Piper). In 1650, Charles II. had eighty pipers in his army! (Wardlaw MS.—Scot. Hist. Society, XXV. 379).

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for himself and his servants and accomplices in a complaint at the instance of Master Donald Fraser, Archdean of Ross, and that the Archdean and his servants, kinsmen and friends, goods and gear, shall be harmless and skaitless—Thomas Cuthbert and Necoll Kar binding themselves in return that Kenneth and his kinsman and friends, goods and gear, shall not suffer at the hands of the Archdean or his kinsmen or friends. Duncan Dowe (Black Duncan) in Kintail becomes bound, in 1576, to enter Johne McAgow (John, son of the Smith) within the tolbooth of Inverness; and, in 1574, John McPherson of Brin, Angus McPherson in Farr, and his son Duncan become cautioners for Fynla McEwin McIntagart (Finlay, son of Ewen, son of the Priest) that the inhabitants, neighbours, and indwellers of the Burgh shall be harmless and scaithless of Finla “and all that he may stope and latt,¹ and newir to trubill nor inqueat [unquiet] this burcht induring his lyff.” Donald McAngus McAllister of Glengarry binds himself, in 1580, for the appearance of Ewin McAne VcConquhie in Killianan of Glengarry, before the provost and bailies in connection with a debt due by Ewen to John Robertson, burgess, on the understanding that if Ewen fails to appear, and if Robertson obtains decree, Glengarry shall permit Robertson to poind and distrain for the debt, not his own goods, but the goods of the country folk dwelling on his Estate! In March, 1585, Lauchlane McIntoischie of Dunnachtan (Mackintosh of Mackintosh) and the Laird of Glengarry become surety for Gillepatrik McConquhie Dowe (Gillipatrick, son of Black Duncan) and his accomplices that “Johne Dowe McAne McSchir Innes [Black John, son of John, son of Sir Angus], his kyn and freindis and nychtbouris of this burcht salbe harmless and skaythles of him and his frindis”—the cautioners to remain bound until the action and cause between the principal parties be

¹ To stop and let—to influence to act or to refrain.

decided by four honest persons to be chosen by the parties. Huchoun (Hugh) Fraysser of Guisachan binds himself, in 1582, to enter Johne McOleyr in Alcock, and Donald his son, for trial for an assault upon William Irrewing, messenger, with bow and culverin. William Cuthbert, in 1584, becomes surety that Johne McAne VcEachin VcTarlycht (John, son of John, son of Hector, son of Charles), one of the Macleans of Urquhart and Dochgarroch, that Johne Stewart Inwak shall be harmless and skaitless of Maclean, his kin, friends, partakers, assisters, and defenders, "all that he may stope and latt." In 1572, Peter Waus, burgess of Inverness, and Robert McWilliam, indweller there, guarantee that the honourable man Johne McEachin, Laird of Gairloch, shall pay to Johne Reid, son of the late Sir Johne Reid, a priest, the sum of £23, under pain of poinding; and, in 1584, Rory Bane, son of the Laird of Tulloch, near Dingwall, becomes cautioner for entering William McConyll Glas (William, son of grey Donald) within the tolbooth on fifteen days' warning, to stand trial for such crimes as any of the inhabitants of the Burgh may charge him with.

There was no more serious crime against the liberty of the burgesses than to "purchase lordship"—that is, to seek or accept in a quarrel or dispute the assistance of persons of influence or power residing outside the Burgh. In June, 1559, Finla McConylloyr (Finlay, son of Dun Donald), indweller in Inverness, is charged with having purchased lordship against Matthew Paterson and Christian Paterson by obtaining the assistance of William Fraser of Struy and his kinsmen. Finlay denies "the purchessing of lordschyp, bot onylle requerit his mastyr and frend William Freser and oderis [others] his kynnismen to desyr the prowest for justice of the injuries done to hym be William Paterson." Jasper Dempster is accused by the provost, in 1561, of having, in connection with an assault on the provost and

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council at the Chapel of the Green, in which several armed persons took part, "brocht his purchest lordschip wyth hym to procuyr in his cause that throw feyr of his procurator his actioun and cause suld cease." There were other outside influences which sometimes interfered with the course of justice. In July, 1572, a cause could not be proceeded with by reason of the troubles of the country; and in the same year Agnes Waus and her spouse, John Munro of Urquhart in Ross-shire, were unable to come to Inverness to give evidence in a petition for her service as heir to her deceased brother, Thomas Waus, "because of the slauchteris and commerse [disorder] quhilkis hes hapnit betuix the Clan Chennycht [Mackenzies], the Clan Chattan, and the Munrois, within the space of tuay yeiris unreconsalit as yit."

Sometimes objection was taken to the jurisdiction of the Court on the ground that the cause was a spiritual one, that is, one which fell to be considered by the ecclesiastical or commissary court; and sometimes personal exception was taken to a provost or bailie. But a wonderful degree of respect was, as a rule, shown to the members of the Court, who were sometimes addressed "My Lords," and sometimes "Sir Bailies." There were striking exceptions, however, to the rule. In November, 1556, Thomas Stuart is accused of having given Matthew Paterson, one of the bailies, evil and injurious words openly in the market, in high contempt, and was ordained to ask forgiveness in presence of the community, and to find surety for his good behaviour in time coming under the pain of banishment. He found the security, but, four years later, he is punished for having followed the bailies through the town "as ane bard, provocand thaim to ire"—apparently assailing them with satire in Gaelic rhyme. Again, in 1562, he committed contempt of court by giving Bailie McGillewe injurious words on the bench, and by threatening Necoll Kar, another bailie, and saying to him

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"be thi hand, tho you be ane baillie, I will nocht ansuer the," and by saying in open court that the bailies and township would see Mary Queen of Scots, who had recently paid a five days' visit to the Burgh, drowned. In July, 1558, Marcus Chapman was punished for having said of the bailies generally that they were more fit to be sheepstealers than bailies, that he would make them stand with their bonnets in their hands, and that "he wes ane gentellar man nor Thom Flemyng"—one of them. On Saturday, 26th November, 1563, great offence was given to Bailie John McGillewe by John McWalter, who gave him many injurious words in presence of the provost and strangers of other nations, namely, Hamburg men, calling him a common skemlar, and provoking him in open market. One wonders whether McWalter's Gaelic abuse—sgimilear, a low parasite of a man—was appreciated by the Germans. Sometimes even deadlier weapons than the tongue were employed. In January, 1563, a deliberate attempt was made by Finlay Donaldson and several others to murder Bailie James Paterson, who was induced to come in the dark to the south side of the still-standing steeple of the Parish Church to receive the watch. The bailie was defended by his friends, and a regular fight with swords and whingers took place. McGillewe was again slandered, and assaulted with a knife, by Thomas Symson and his wife, in September, 1571. Symson was deprived of his Burgh freedom for a year and a day, and ordained to appear in the Parish Church in time of preaching, and, in presence of the minister and whole congregation, to take his tongue in his hand and say "Tongue, you lied." Kate, his spouse, was ordered to be "had to the mercate croce instantle, and the brankis to be put in hir head, and thair to remane induring the prowest and baillies plesour and will, for the wrangis committit be hir in the baille foirsaid." Allan McRannald of Easter Leys caused a sensation,

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in open court, in 1577, by calling the provost, bailies and members of the Court knaves, loons, thieves and sneaks, and putting his hand to his sword and whinger within the bar, tending thereby to have masterfullie and cruelly set on the provost, bailies, clerk of court, and other members thereof, and assessors assisting the administration of justice. Allan was imprisoned in the tolbooth, but he "refused to remane in ward," and the prison was not strong enough to hold him. Sometimes the officials were attacked. In February, 1585, James Wilson, alias Cook, is imprisoned and ordered to be marched through the four streets of the Town, with the branks on his head, for having at the market cross, and in presence of the common people, called William Cumming, the town clerk, a common thief and liar. Cumming, in his complaint, submits that since the time of his birth he has been nourished and "up-brocht" in the Burgh, where he has always led his life; that he has ever been reputed of good fame, honourable conversation, and good life—so that he was thought worthy, qualified, and meet to use divers of the Town's offices, such as clerk, treasurer, bailie, commissioner to the Convention of Burghs, and member of Parliament.

The meetings of the council were held sometimes *in pretorio burgi* (the chamber in the tolbooth), sometimes *in camera prepositi* (the provost's room), and sometimes in the church of the Black Friars, the chapel of the Blessed Virgin Mary of the Green, the chapel of the Bridgend, or the Parish Church. The tolbooth chamber, and the provost's room, were apparently not suitable for meetings, and, in 1561, there is reference to an intention to build "ane cunsall house to the towneschip."

It was a law of the Scottish burghs that the meetings of the council proper, as well as those of the guild, should be held in private, and that revealers of its transactions should be severely

punished. It was sometimes difficult to prevent leakage. On 6th October, 1561, the council of Inverness ordained that whoever was found guilty of rehearsing the opinions, allegations, or any other thing whatsoever that were rehearsed or spoken in the council, should be exiled from the council, and forfeit his freedom. There were grounds for the ordinance, for Thomas Gollan refused to attend the council meetings for the reason that "what was spoken in the cunsall was opynlie spokin throcht the towne and at the mercate croce." Six years later the provost, bailies and council again enacted that whoever revealed the council's secrets should "tyne his fredome and all that followis thairvpon, that is to say, his tackis, rowmes, and possessionis, gif he ony hes." The punishment was severe, and the probability is that it had the desired effect.

From the frequent references to couples, gale-forks, cabers, stakes, and wattling wands, it is evident that the great majority of the dwelling-houses within the Burgh at the time of these Records, consisted of "black houses," covered with divots, heather, broom, or other thatch.¹ That the poorer sort of houses were of little value appears from an order passed on 6th November, 1574, to the effect that the owners of dwellings occupied by immoral women should be warned to expel them, failing which the buildings were to be demolished and pulled down; and from a similar instruction given, in 1576, to the Town's officers "to command and charge all thais quha hes unlauchfull tennentis dwelland in thair biggynnis within this burcht to cause thame flit out of the samyn, failyeing thairof to tak downe the house above thair hedis." Even the houses of the wealthy burgesses were, with, perhaps, a few exceptions, covered with thatch, which was also the covering of the Parish Church. The fact that one building is repeatedly referred to as the "Sclait House" appears

¹ See p. 120 for "ane sufficient huse" of "thre cuppillis and twa gale forkis."

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to show that at one time it was the only slated house in the Town. The probability, however, is that there were more buildings covered with slate at the time of these Records, and we know from other sources that there were many such in the following century.¹ That the houses of the better class were comfortably furnished is shown by numerous allusions to such household effects as bedsteads, feather beds, pillows, linen sheets, chests, almeries, vats, pans, plates, pewter plates, cups, and silver spoons; and such things as books and silver watches and brooches are mentioned. Among articles of clothing are found fustian doublets, russet coat, linen shirts, linen collars, white hose, Highland hose, blue bonnets, tartan plaids, and Highland trows; while in the way of armour and arms habergeons, bucklers, and steel bonnets are common; and, as has already been mentioned, every man, no matter what his station, is always prepared to strike with sword, whinger, or dirk, or to shoot with bow or culverin. The value of a "bow of yew" is given at 13/4, while "ane bow, wyth ane dussan arrows in ane bag" [quiver?], is valued at 40/-.

The fuel consisted mainly of peats, which the inhabitants were entitled to cast upon Craig Phadrick, Caiplich Moor, Daviot Mount, and Bogbain, and which were also brought into the Town from the Black Isle.

By the eve of the Reformation the ancient Church reached a high state of development in Inverness, and at the period under review the clergy were numerous in the Burgh. A brief sketch of the story of that development may be helpful. Until recent years it was assumed that the gospel was first preached in our district by St. Columba, who settled in Iona in 563, and, after labouring for two years on the West Coast, visited King Brude

¹ Queen Mary, in 1562, lodged in a private house, believed to be "Queen Mary's House" in Bridge Street, the vaults of which are at least as old as her time. Dunbar's Hospital in Church Street is of the next century.

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at or near Inverness in 565, and brought about the King's conversion to Christianity. It is now, however, considered more than probable that St. Ninian preached in the district a century and a half earlier, for churches in it were dedicated to him and his immediate followers, and there is evidence of a lapsing of the Picts into paganism before Columba's time.¹ Unquestionably, however, it was Columba and his royal convert who placed Christianity on a firm basis in the north. He repeatedly visited the King, and interesting glimpses of his work in the Valley of the Ness are given by Adamnan, who specifically mentions Loch Ness, the River Ness, and the King's palace. The Saint's custom was to found cells or churches where there were people to be gathered together, and he is said to have founded 300 in Scotland. He must have established one at Inverness, which was the most important centre in Pictland. Where did that Church stand? We are informed by Adamnan that he preached on the banks of the river, and it is almost certain that his cell stood on the low hill known of old as St. Michael's Mount, and now occupied by the High Church and its ancient churchyard. The present Church, which was erected in 1769, stands on the site of the pre-Reformation Parish Church, the only remains of which is the tower. When parishes were formed in the twelfth and thirteenth centuries, the principal ancient church of the district became the parish church, and when a larger fabric became necessary, it was built on the venerated site of the older church, although in many cases it received a new dedication to a saint of the Roman hagiology. We may thus take it that there has been a place of worship on the site of the present Parish Church ever since the time of Columba. That Church, which is sometimes, before and after the Reformation, called the Mother Church, was in Roman Catholic times dedicated to the Virgin, and was served by a vicar. The High Altar was dedicated to

¹ See "Saints Associated with the Valley of the Ness"—*Transactions of the Gaelic Society of Inverness, April, 1909.*

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the Virgin (Our Lady of the High Altar) and there were altars within it to Our Lady of the New Aisle, St. Michael, the Holy Rood, St. Peter, St. John, St. Andrew, St. Catherine, and St. Duthus—as well as one to St. Crispin, the patron saint of the cordiners or shoemakers, who, after the Reformation, unsuccessfully claimed the lands from which St. Crispin's chaplain had derived his stipend. A chaplain served at each of these altars, and drew the revenues of the lands attached to them. Monks served in the monastery of the Black Friars; and chaplains in the chapel of the Blessed Virgin Mary of the Green, in the Chapel Yard; St. Thomas's chapel, which is supposed to have stood to the south-east of Rose Street, on ground now occupied by the railway; and the chapel of the Brigend in Bridge Street. There was also "the kirk callit the Ravelstri,"¹ which probably stood near the Parish Church—perhaps on or near the site of the present Gaelic Church.

Our Records, which begin four years before the date of the Reformation in Scotland (1560), contain no indication of the conflict that ended in the disestablishment of the ancient Church, and the chaplains continued to enjoy their old incomes for many years after that event. For example, in 1569, Sir David Cuthbert, vicar of the adjoining parish of Wardlaw or Kirkhill, and "chaplaine of the Hie Alter fundat within the Paroche Kirk of Innernis" sues Andrew Dempster, burgess, for the rent of the chaplainry lands at Seafeld, Shipland, and Broadstone, for crop 1568. In 1571, John Reid, son of Sir John Reid, a deceased priest, is decerned to pay to Sir James Duff, the Rood chaplain, arrears of an "annual" payable out of lands in the Kirk Gate, and to pay to Sir David Cuthbert arrears due to him. But while these chaplains were not deprived of their livings, a Protestant minister, David Rag, was appointed by the end of 1560, and on 18th January, 1561, Jasper Waus and George Cuthbert are ordained to pay his "fee," Jasper paying 10 merks instantly, and

¹ Ravelstri, or ravestri; vestry of a church—from the French *vestiaire*.

Cuthbert 8 merks "betuix this Candillmes or Fastys Ewyn [Fasterns Eve, Shrove Tuesday] nixt to cum, and the rest to be payit betuix that and Pasche [Easter]." Rag was the minister who, as we have seen, was accused of having been a stresser of other men's wives. He was also accused by Arthur Byrnaye of having committed adultery with Byrnaye's wife; and although Rag was acquitted by a jury, and Byrnaye, who had drawn his whinger upon the minister, was found guilty of slander and assault, and fined and decerned to appear in church on Sunday, and "in tyme of prayaris confess opynlie his ofence and aske the forgyvenes at our said minister for God's sake," the attacks upon the minister's moral character probably undermined his usefulness; and by and by his place is taken by Mr. Thomas Hewison, whose name first appears as minister in 1565. To Hewison certain of the old church revenues were set apart, and we have for years the strange sight of these revenues being enjoyed, partly by old clergy who are still Roman Catholic, and partly by new or reformed, who are Protestant. So far as our Burgh is concerned, there does not appear to have been any sudden change from the old faith to the new. The process was gradual, extending over a considerable period of transition, during which, as the Records indicate, there was a lingering attachment to old church feasts and customs and titles. For many years after the legal establishment of Protestantism priests fill the office of town clerk.¹ Events are still fixed by reference to old church festival days;² monks and parsons and chaplains

¹ In December, 1569, Sir John Gibson, parson of Unthank, and Sir John Nicholson, vicar of Laggan, are elected town clerks (p. 182). In November, 1571, Gibson is objected to as a procurator on the ground that he is a Papist (p. 209).

² The feasts and fairs mentioned in the Records—given in the order in which they appear—are Lammas, "callit Vincula Petri," Yule, Mary Day, Lettyr Mary Day, Roodmas "callit Exaltatio Sante Crucis," Ash Wednesday, Hallowmas, St. Thomas's Eve, Fasterns Eve, Pasch (Easter), Corpus Christi Day, Michaelmas, Andrewmas, Feast of Beltane "called Philip and Jacob," Martinmas, Uphalye Day, St. Boniface Day in Lent, St. Duthus Day at Midsummer, St. Boniface Fair, Pardoun Fair, Bryde Day, Munroe's Fair, Feast of Midsummer, Feast of All Hallowmas, Rood Day, St. Colme's Day (Columba), and Ccan Fair.

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continue to get their old titles ; and solemn oaths are still taken on the Holy Evangels.

But, notwithstanding all that, the effect of the Reformation is seen in the dilapidation of the Black Friars Monastery, the Chapel of the Green, and the Ravelstri ; the appropriation by Provost George Cuthbert of the Friars' chalice and ornaments, and the ornaments of the Ravelstri ; the removal by "the scollaris of the scule" of brass on "the stane of the hie alter and new ile within the kirk of Innernis" ; and above all, Queen Mary's grant of the church lands to the Town, and the gradual alienation of them to private individuals.

A better feature was the efforts made by the Protestant clergy, assisted by the Court, to extend religious knowledge, and improve public morality. On 18th March, 1564, the Court ordained that every inhabitant should attend the Parish Church every Sunday, at ten in the morning, and three in the afternoon, "and thair wyth all humilitie and quietnes mak thair prayaris, and harkin to the Word of God, and nocht remoiff till the samyn be endit," under a penalty of 12d. for the first default, 2/- for the second, 3/- for the third, 10/- for the fourth, and 10/- for each offence thereafter "so oft as thai be fund culpable." The fines were collected by the four deacons, to each of whom a quarter of the Town was allotted ; and, when payment was refused, the provost and bailies caused their officers to poind the refuser's goods and effects. A service was also held in the Church every Thursday at 9 a.m., which the people were ordered to attend, except such as were "occupeit in out labouris." All booth doors were to be kept closed in time of preaching. No markets were to be held within the Burgh upon Sundays. At the head court at Michaelmas yearly, honourable and discreet persons who feared God, and were able to maintain good order, were chosen to be elders, to the number of four at least ; and other

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four men were appointed deacons. These officials convened weekly with the minister and the commissioner or superintendent of the Province of Moray, for ordering of the public affairs of the Church and execution of discipline, and, with the advice of the provost and bailies, took care of the manners of the inhabitants and the education of the young, and looked after the interests of the poor. Drastic measures were taken against masterful beggars, and leaders of vicious and scandalous lives. The churchyard was ordered to be enclosed with a sufficient stone wall "for stopping of horses and bestial;" and the Parish Church was repaired, the roof of the Friars Church being utilised for the purpose. In connection with the campaign against immorality, numbers of sinful men and women appeared, and did penance, as we have seen, in the Parish Church on Sundays, much to the subversion, no doubt, of the solemnity and decorum of the service.

The Scottish clergy, both before and after the Reformation, did much for education. In Roman Catholic times an "auld scule" stood between the Friars Yard and "the Hie Kingis Gett passis to the Chapel Yard." The name "auld scule" which appears in the Records in 1574, implies that at that time there was a new school. On 3rd February, 1557, the Council imposed a stent of 12 bolls of victual on "the commone takis and possessors of tham to be gyfin yerle to the Master of Sculle for his fee, and fowyr pundis mone [money] in pencion, to be payit to hym yerle at twa termis, for techyn of the scull." He also received a "days met" (day's meat) from each of certain tack holders, or, in lieu thereof in time of dearth, 2/- per day. Mr. Thomas Hewison was schoolmaster in 1562, and continued in office after he became minister of the Parish. His salary was 50 merks, and, in lieu of the day's meat, each tack holder paid him 11/1d. yearly; and he also received £5 out of the common good "as it wont to be," together with the stallanger silver collected

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from unfree brewsters, and other allowances. In 1564, Martyne Logye was master of the school, and he added to his income by trading as a stallanger, and practising as a procurator before the Burgh Court. Probably he acted under Hewison, who appears as "Maistryr of the Grammar Scule of Innernis" in February, 1566, and obliges himself to find "ane sufficient doctour for teching vnder him of the said scule." Patrick Anderson, chaplain to St. Michael, is appointed "doctour vnder the said Maistryr" for his lifetime, at a salary of 10 merks. In 1570, Andrew Macphail, who was Gaelic minister of Inverness, and minister of Petty, was appointed "doctor" under Hewison, at the same salary.

That the education given was fairly "sufficient" is evidenced by the fact that although writing had not yet become a common accomplishment in England and Scotland generally, many of the persons who appear in these Records in connection with written transactions were able to write. In October, 1557, George Cuthbert and Jasper Dempster subscribe with their own hands. Of fifteen persons who subscribe a document in 1560, eleven write their own signatures, the hands of the remaining four being "led." In 1580, a paper is signed by twenty-two individuals with their own hands, and by nineteen by their hands led by the town clerk as notary public; and in 1584, ten persons, including six watermen, or fishers at the cruives, are all able to write. Before 1574, the "auld scule" ceased to exist, having been superseded by a new school; and its larach or site was let to William Cuthbert, the provost, at an annual rent of 5/- payable to the Town.¹

¹ It is a matter for regret that the Records of the Burgh were not available to the late Mr. James Grant, author of the "History of the Burgh Schools of Scotland," at p. VIII. of which he states:—"I endeavoured to collect the history of the old Grammar School of Inverness, but was disappointed." A history of the Grammar School and its successor the Royal Academy has been undertaken by Mr. Evan Barron.

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One result of the educational work done in the "auld scule" and its successors was that Inverness became noted for the excellence of its English. This excellence was ascribed by Samuel Johnson to the sojourn of an English regiment in the Town during the period of the Commonwealth. "The soldiers," he writes in his *Journey to the Western Islands*, "seem to have incorporated afterwards with the inhabitants, and to have peopled the place with an English race; for the language of this town has been long considered as peculiarly elegant." But, as the writer of this Introduction has remarked elsewhere,¹ there is no reason to suppose that the soldiers had themselves that elegance of speech which they are said to have imparted. The rank and file were unlearned men, drawn from all parts of England, and probably speaking as many dialects as are still found between Northumberland and Devon. The elegance of the Inverness English in the old days has been remarked upon by other travellers; and its origin is to be found in the circumstance that the language was acquired by a mainly Gaelic-speaking people (whose tongue was remarkably free from "brogue" or "accent") not from English soldiers, but from educated schoolmasters and good English books.

Few relics of pre-Reformation Inverness survive that are capable of illustration, but on the accompanying plate three seals are reproduced from impressions preserved in the British Museum. The common seal of the Burgh (SIGILLVM COMMVNE DE INWIRNYS)² was in use at least as far back as the year 1359.³ On the obverse is a representation of Our Lord on the Cross, which formed the central portion of the design on the seals of the Bishops of Moray. On the reverse is a figure of the Virgin

¹ Chronicles of the Frasers (The Wardlaw Manuscript), Scottish History Society, p. xxvi.

² Laing's *Cat.*, Nos. 1167-8; Birch's *Cat.*, No. 15,545.

³ *Invernessiana*, p. 64.



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1. 2. † SIGILLVM . COMMVNE . DE . INWIRNYS.
 3. S' COME . FRATRVM . PREDICATORVM . DE . İV'NNYRNYS.
 4. † S' COKETE . DE . INVIRNIS . ET . CROMBATHI.

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Mary crowned, seated on a throne with terminal heads of animals, holding the Child on her left arm, in her right hand a sceptre fleur-de-lisé ; overhead a crescent to the dexter, an estoile to the sinister. The coat of arms of the Burgh is merely a transference of the design on the obverse to a shield, which gave the desired armorial character. The very unusual supporters, a camel and an elephant, make their appearance only at a comparatively recent date,¹ and it has been conjectured that they testify to an "extensive trade once carried on between the port of Inverness and the East."² The seal (15th century) of the Friars Preachers of Inverness (S. COME. FRATRVM PREDICATORVM DE İV'NNYRNYS)³ is appended to a charter by the Friars of date 1517.⁴ It shews, in a pointed oval, St. Bartholomew standing on a platform, full face with nimbus, in his right hand his usual emblem a knife held erect, the back ground replenished with wavy sprigs of foliage. Mr. Fraser-Mackintosh gives in *Invernessiana* a facsimile of a seal, said to be that of the "Chapter of the Monastery of Inverness"; but this is an incorrect description. The seal reproduced by him, which is attached to the same charter of 1517, is that of the Prior Provincial of the Friars Preachers of Scotland.⁵ The last seal in the plate (also 15th century) is that of the Cokete or Custom House of Inverness and Cromarty (S. COKETE DE INVIRNIS ET CROMBATHI).⁶ It shews a shield bearing the Royal Arms of Scotland between three wavy sprigs of foliage.

¹ *Scottish Notes and Queries*, i. v. 97 ; 2, i. 140, 168.

² *Laing's Suppl. Cat.*, No. 1225.

³ *Laing's Cat.*, No. 1052 ; *Birch's Cat.*, No. 15335. The peculiar spelling of the name of the Burgh is probably a mistake of the engraver.

⁴ *Invernessiana*, p. 197.

⁵ *Birch's Cat.*, No. 15459 (S. P'OR' P'VINCIAL' FRA' P'DICATO' P'NI' SCOCIE). In a pointed oval, within a canopied niche, a full length figure of St. Dominic with nimbus and crozier ; in base a shield bearing the arms of the Friars Preachers.

⁶ *Laing's Cat.*, No. 1193 ; *Birch's Cat.*, No. 15546 ; *Gent. Mag.* lxxxi. pt. ii. p. 513.

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It is perhaps unnecessary to warn the reader that the picture presented by the Records of social life in the Town in the sixteenth century is somewhat imperfect. Like the books of the civil and criminal courts of our own time, they show more of the dark side of life than of the bright; and, although we find references to a Lord Abbot Unreason and his company,¹ and numerous allusions to such festive seasons as Beltane and Yule, the Records give little information regarding the pastimes and amusements of the people.

The writer's apology is due to the Council and members of the New Spalding Club for the delay that has occurred in connection with the preparation and issue of this volume. For that delay, which, owing to other calls upon his time, was unavoidable, he is solely responsible. He has to express his thanks to Mr. Boyd for responding to his invitation to join him in the work of preparation and editing, and for his most valuable assistance; to Mr. Anderson, the Secretary of the Club, and a native of the Town, for the great and practical interest which he has taken in the work; to Mr. William Grant, Lecturer on Phonetics, Aberdeen Training Centre, for much help in the interpretation of obsolete Scots words, which it is intended to include in a glossary in a future volume; to Dr. W. J. Watson, author of *Place Names of Ross and Cromarty*, for similar aid in connection with difficult Gaelic words; and to Mr. Kenneth Macdonald, town clerk, for invariable courtesy and readiness to assist. The plans of the Burgh and Burgh lands have, as mentioned in the Preface, been prepared by Mr. James Fraser, in consultation with Mr. Anderson and the Editors. The Burgh lands plan will, the writer believes, be found interesting and valuable; and he has pleasure in acknowledging the intelligent part taken by Mr. Fraser in its production.

¹ Pp. 238-243.

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The introduction into a volume of sixteenth century records of the plan of 1725—the work of Government surveyors—may seem inappropriate. It is, however, the earliest known plan of the district of Inverness, and until now it has never been published. It shows the district as, in the main, it must have appeared in the time of the Records, and its pretty inset is, with the exception of the prospect given in Slezer's "Theatrum Scotiae," first published in 1693, the earliest view of the Burgh known to exist.

WILLIAM MACKAY.

CRAIGMONIE, INVERNESS,

April, 1911.

