

G/58

# GLEANINGS

FROM THE

## RECORDS OF THE ROYAL BURGH OF PEEBLES,

1604-52.

BY

ROBERT RENWICK.

---

*WITH PLAN OF THE BURGH AND ITS  
ENVIRONS.*

---

E

PEEBLES: WATSON & SMYTH.

1892.

EMSB

THE NEW YORK  
PUBLIC LIBRARY  
281786B  
ASTOR, LENOX AND  
TILDEN FOUNDATIONS  
B 1844 L

*(Reprinted from the "Peebleshire Advertiser.")*



vi. GLEANINGS FROM THE BURGH RECORDS.

regarding the affairs of the "Auld Burgh Toon," and the life and manners of its people in the olden time.

Though the present publication has special reference to the period 1604-52, I have not hesitated to introduce matter of prior or subsequent dates, where by so doing the subject under notice could be farther explained or illustrated.

In the Plan prefixed to the volume, which has been prepared by my friend, Mr Alexander A. Thomson, C.E., Glasgow, an attempt has been made to delineate the principal features of the town as it existed in the first half of the seventeenth century. Old maps and descriptions of properties have been consulted with the view of making the Plan as accurate as possible, but through defective information it cannot be put forth as authenticated in every particular. The accompanying topographical notes give some of the authorities relied upon.

I desire to express my thanks to the Town Clerk for his many kindnesses in giving me facilities for examining the original records under his charge. Without his appreciative co-operation no satisfactory progress could have been made, but Mr Buchan has always been ready and willing to help me in my investigations.

R. R.

GLASGOW, *September 1892.*

## CONTENTS.

### I.

Introductory—Border Turbulence—Union of Crowns—Peaceful Effects—Peebles one of the Middle Shires—Burning of Town—Loss of Records—Weaver Drowned for Sheep Stealing—Officer Scourged ... ..	1
--	---

### II.

Burgh Lands—Caidmuir—Disputes with Gledstones of Coklaw—Disturbances—Whingers or Swords—Lord Provost—Commissioner to Parliament and Convention—Schoolmaster—Altarage Revenues bestowed on Education—Prices and Wages—Admission of Burgesses ... ..	7
--	---

### III.

Weekly Court—Suing Debtors—Lawburrows—Salmon Poaching—Heirship Goods—Quarrels and Assaults. ... ..	9
--	---

### IV.

Tolbooth—Burgesses—Caidmuir Common—The Parson and the Laird of Horsburgh—Harvest—Pestilence—Lord Newbattle—Occupation of Castles ... ..	13
---	----

### V.

Inundation of Dumbarton—Peebles Ratepayers—Lord Yester's Burial—Trial by Combat—Ministers of Peebles—Prebendaries—Commissary Court—Council Ceremonies ...	18
---	----

### VI.

The Provost's Ox—Liberating Prisoners—Schoolmasters and Doctors—Common Lands—Caidmuir, Hamilton, Venlaw, Glentress—Tweed and "Cuddy" Greens—Harvest—Bridges—Market Cross—Servants ... ..	24
--	----

### VII.

An Old Burgh Account ... ..	30
-----------------------------	----

viii. GLEANINGS FROM THE BURGH RECORDS.

VIII.

The Burgh's Magna Charta—Lands described in it more extensive than actual possessions—Crofts and Feus—Town Wall—Regiam Majestatem and Acts of Parliament—Misusing Provost—Disobedience to Magistrates—Punishments—Beltane Fair and Horse Race ... .. 36

IX.

Constitution of Town Council—Reviling Magistrates and Officers—Scolding Wives—Cockstule—Councillors' Hats—Petty Customs—Weaponshawing—Plague—Night Watch—Chapel of Virgin Mary—Steeple—Prisoners ... .. 43

X.

Naming of Streets—Lidgate—Impost on Wine—Sale of Provisions—Market for Shoes and other Wares and Merchandise—Fleshmarket—Slated and Thatched Houses—Mischevious Hens—Minister of Manor—Bell and Cup for Races—Silver Arrow—The Schoolmaster as Physician—Miscellaneous Items from Accounts ... .. 50

XI.

Marriage of Blackbarony's Daughter—Honorary Burgesses—Sir Thomas Hope—Scott of Scotstarvit—Sir Robert Spottiswood—Hay of Smithfield—Lord Traquair—Kingslands—Lady Blackbarony—Sheriff's Jurisdiction—Shooting Hares—More about Leidgait—Property of Abbot of Melrose ... .. 59

XII.

Peebles Castle and the Castlehill—Burning Witches—Appointment of Schoolmaster—Clerk's Spouse a Purveyor of Wine—Miscellaneous Items from Accounts—Mortcloth—A Fishing Incident ... .. 65

XIII.

How Hamilton Hill glided out of the Burgh's Possession ... .. 73

XIV.

Flood—Tree Bridge—Schoolhouse in Bridgegate—Town Wall at North Port—Peelhouse of Hutcheonfield—Smithfield and Venlaw ... 84

XV.

- Incorporation of Weavers—The Waulkers—The Waulk Mill—Waulkers' Haugh—Gipsies or Egyptians—Playing the Pipes—Accounts, 1631-2 ... .. 87

XVI.

- The Steeple and its Uses—Jailor and Keeper—Prisoners—Origin of Burgh—Old and New Town—Vennel from Old Town to "Peblis" Water—Usher's Wynd—Horse Race and the Bell—Marriages on Market Days—Accounts, 1632-3 ... .. 94

XVII.

- St Leonard's Hospital—Almshouse—Endowments of St Mary's Chapel—Corn and Waulk Mills of Innerleithen—Thomas-hauch or Kirnehauch—Hillhouses ... .. 102

XVIII.

- The Newark or East Wark of Peebles—Traquair and Yester—Traquair Papers—Scourging and Banishment—Laws anent Greenwood—Wood at Chapelhill... .. 111

XIX.

- Bridges—Stones from Dunsyre—Expenditure—Contribution by Convention—Bridge Sweepings—Officers Maligned—Town's Lands and Properties—Mills—Weights and Prices—School and Schoolmaster—Wedderburne's Grammar—Commissioners to Parliament, &c.—Constables—Incomers—Accounts, 1633-4—King David's Seal ... .. 117

XX.

- Presbytery or Episcopacy—Administration of the Bishops—Laud's Liturgy—Commotion in Church Affairs—National Covenant—King's Covenant—Glasgow General Assembly—Abolition of Episcopacy—Civil War ... .. 128

XXI.

- Vicar and Reader—Weekly and Daily Services—Visit to Cambridge University—Passages from "Scotichronicon," &c.—Founding of Cross Church—Parish Church ... .. 138

**x. GLEANINGS FROM THE BURG RECORDS.**

**XXII.**

Alienations of Church Property—Dean's Park  
—Dean's House—Arnot's Haugh—Decree  
of Improbation—North Port—Greenyards  
—Schoolmaster and Doctor—Drummer—  
Accounts, 1634-5 ... .. 143

**XXIII.**

Burnets of Cringletie—Hamilton Hill and Kid-  
ston Boundaries—Green and White Mel-  
dons—Commonty of Glentress—Accounts,  
1635-7—Provoost's Wife Suing for a Debt—  
King's Annuity from Teinds ... .. 152

**XXIV.**

Renewal of the Civil War—The 1640-1 Cam-  
paign ... .. 160

**XXV.**

Civil War in England—Solemn League and  
Covenant between the Two Countries—  
Scottish Army in England—Marquis of  
Hamilton—Career of Montrose—Organisa-  
tion for Defence—Battle of Philiphaugh—  
Retreat through Peebles—Visitation of Pest 166

**XXVI.**

Kirklands—Glebe—Vicar—Surgical Practice—  
Street Disturbance—Outrages on Vicar—  
Servants—Coal Carriers Injuring Planta-  
tions—Punishment of Louns and Thieves . 175

**XXVII.**

Selections from Accounts, 1638-9—Cripples—  
Schoolmaster—Bridges—Chapel—Tolbooth  
—Minister and Colleague—Vicarage Teinds  
—Presbytery of Biggar—Witches and Witch-  
craft—Sale of Eggs ... .. 181

**XXVIII.**

Selections from Accounts, 1639-40 and 1645-6 ... 187

**XXIX.**

Progress of the Civil War, 1645-50—Levying of  
Soldiers—Quartering—Fugitives—Gallows  
on Calfknow—Executioner Appointed—  
Repairs and Alterations on Parish Church  
—Removal of Waulk Mill—Claim for a  
Debt ... .. 195



XXX.

Provosts of the Burgh—Lord Yester—Servitor  
to keep within Certain Bounds—Town  
Clerk—Dean-of-Guild and Guild Council—  
Horse Race at Beltane ... .. 206

XXXI.

Battle of Dunbar—Occupation of the Country  
by Cromwell's Troops—Detachments in  
Peebles—Dumb Man of Peebles—Commons  
—Caidmuir—Easter Common—Winkston  
Common—Tweed Green and Skinnersheugh  
—Gytes—Venlaw and Passage to it ... 216

XXXII.

Provost Williamson—Town's Seal—Mortifica-  
tion by the Provost—Acrefield or Rosetta—  
The Provost's Plenishing and Property—  
Burgh Customs—Mills and Millers—School-  
masters ... .. 224

XXXIII.

Union of Scotland with England—The Tolbooths  
—Town's Great Forehouse—Slates and Lime  
for Public Works—Tweed Cauld—Fishing  
at Cowford—Kills and Steipstones—In-  
comers and Unfreemen—Bread—Bakehouse  
and Oven—Glentress Common—Seizure of  
Strayed Sheep ... .. 235

XXXIV.

Excise Duties—Council Meetings: Costume and  
Conduct of Members—Witches—Thief and  
Purse-Cutter—Markets and Customs—  
Bridgehouseknowe—Websters—Burial  
Place—Mirk Monday... .. 244

TOPOGRAPHICAL NOTES ... .. 253



## CORRECTIONS AND ADDITIONS.

---

*Page 10, third paragraph, line 9*—For “ascension to England” read “accession to the English throne.”

*P. 13, l. 10*—For “only” read “mainly.”

*P. 13*—Where statements here as to site of Tolbooth are inconsistent with those on pp. 236-8 the latter to be accepted.

*P. 24, l. 6*—After “commoner” add “at an annual election so far as the extant records show, but as already noticed (p. 8) John Dikisoun is found in office on 27th June 1606.”

*P. 25, third par., l. 6*—In the Council Record, 19th April 1697, the right to a soume on the hills of Kaidmure is stated to be equivalent to pasturage for one cow or six sheep.

*P. 28, second last line*—For “transgressions” read [“certain immoralities.”]

*P. 51, second foot note*—The cross road is also sometimes called the “Ludgait” in titles [see Topographical Notes], but still this designation, according to the theory in the text, would only indicate the gait leading to Gillis Burn or Hamilton Hill.

*P. 82, par. 3, l. 8*—After “sheep” add “to Heathpool and Winkston Commons, from whence they were sent.”

*P. 82, l. 10*—For “pasture” read “were pastured.”

*P. 99, fourth par., l. 2, 3*—Bryce Sempill, of Cathcart, had married a daughter of Lauder of Haltoun, and it is probable that certain legal proceedings regarding Hamilton Hill are here referred to.

*P. 153, l. 5, 6*—It was not Sir John Hamilton but his men who were admitted burgesses. See p. 125.

# GLEANINGS

FROM THE

## RECORDS OF THE BURGH OF PEEBLES.

---

### I.

**INTRODUCTORY—BORDER TURBULENCE—UNION OF  
CROWNS—PEACEFUL EFFECTS—PEEBLES ONE  
OF THE MIDDLE SHIRES—BURNING OF TOWN  
—LOSS OF RECORDS—WEAVER DROWNED FOR  
SHEEP STEALING—OFFICERS SCOURGED.**

SITUATED on the interior verge of Scottish Borderland the ancient burgh of Peebles, in the days preceding the union of the Crowns of England and Scotland, was much exposed to the predatory raids of turbulent reivers, and not infrequently suffered from incursions organised on a larger scale by "our auld enemies of England." In the words of one of its charters the town had been "often sacked, burnt, laid waste, and desolated;" but perhaps at no time had it been more grievously devastated than on the occasion when it shared in the general doom which overtook so many Border towns, monasteries, and castles during the revoltingly cruel invasion of the English under Somerset. Subsequent to that memorable expedition there are in the records occasional references to "the yere the town was brynt be Yngland," and from these and other sources information is obtained regarding the destruction of special buildings, including the "Hie and Croce Kirks," and the "East Wark," the latter a fortified structure at the eastern entrance to the new town. For protection against the recurrence of similar calamities the encircling of the new town with a defensive wall was commenced in 1569, but at this time Scotland was riven by civil commotions, and the inhabitants were probably more apprehensive of attacks from Border marauders than from foreign invaders. The Regent

Moray, who only two months previously had assembled a large force in arms at Peebles, from whence he made a successful raid in the Hawick direction against certain English refugees, partizans of Queen Mary, had just been assassinated, and now and for many years afterwards the country was distracted by factionist feuds and English intrigues. The existence of such disorders provided a congenial element for the turbulent Borderers, but it was not long till the course of public events in the two countries began to impress upon those at the head of Scottish affairs the supreme importance of maintaining peaceful relationship with their English neighbours. At the commencement of King James' reign the union of the two crowns was regarded as a remote possibility: when the death of his mother left King James undisputed sovereign of the northern kingdom his ultimate succession to the southern one might be looked upon as an extremely probable event, one which gradually developed into certainty. With this issue in view James sedulously shaped his policy towards peace and tranquillity, and after his actual accession the realisation of the same object was pursued with only greater steadfastness. Bent on accomplishing a legislative union between the two countries, the King urged the removal of distinctions which helped to perpetuate ancient feuds and animosities. Formerly special laws and customs to suit the peculiar circumstances of the Borders had been in operation, but, "now, by the happie conjunction in oure persone of boith the kingdome, the caus of thes being removit, thair aucht no langer continuance be of those former customes bot, of ony parte of our dominionis whatsoever, those which formarlie wer the marcheis of ather kingdome, being now become the mid centre of the hole yland under our impyre, sould of all reason be subject to obedyence."\* For the former designation of the Borders the term "middle shires of Great Britain" was substituted, and a body of ten conjunct commissioners were appointed to have full charge of the northern English shires, and of the Scottish shires and stewartries of Roxburgh, Selkirk, Peebles, Dumfries, Kirkcudbright, and Annandale, with power to take means for the prevention and punishment of murders, felonies, riots, and other disorders. Of the manner in which the commissioners performed their functions details will be found in the recently

\* Privy Council Register, 6th Jan. 1606; vii., 478.

published volumes of the Privy Council Register. "Never before," says Professor Masson, in one of his prefaces, "had the Borders for two years together been under such ruthless discipline. . . . At the end of the first year the commissioners report thirty-two persons to have been hanged at Hawick, Peebles, Jedburgh, and Dumfries; fifteen to have been banished; and 'abone sevin scoir' as in the condition of fugitive outlaws, who ought to be pursued with hue and cry wherever they have dispersed themselves. . . . The severities of the Government of James VI. in the administration of the Scottish Borders from 1603 to 1607 ought to be more memorable in Scottish history than those of any of his ancestors, from James I. to James V., in their famous justiciary expeditions into those parts. They mark at least the beginning of the decisive transition of the Borders out of their old state of lawlessness and turbulence, into that modern state in which the imagination of the peaceful natives delights to conserve the memorials and traditions of the old turbulence, finds them inexpressibly picturesque, and has converted them into legend and song."

From want of records the gradual change which came over the burgh in the transition period cannot be traced step by step, but a perusal of the town council proceedings, as given in the Scottish Burgh Record volume previous to 1579, and those to be given in the present series of selections, will forcibly indicate the change which had come over the condition of the town in the interval. In the last printed act of the pre-union period a "stent and taxation" was being imposed upon the inhabitants "for aggrement of thair deidlie feid of the town with the bordour," but after this there is a long hiatus in the series of the council and court registers, and when they are resumed, the former in 1604 and the latter in 1623,\* the necessity for similar preparations was not likely to occur.

\* Robert Birrel, burges of Edinburgh, notes in his well known Diary:—"1604, the 4th of July.—Ane grate fyir in Peblis town;" and in the Records of the Convention of Royal Burghs there is another reference to the catastrophe:—"10 July 1604.—Anent the supplication of the brugh of Peblis, craving supporte to thair said brugh and inhabitants thair of for thair helpe to the re-edefeing of thair said brugh lattle, within thir sex dayis, brunt with sudden fyre, the Commissioners ordanis ilk brugh to cum sufficiently instructit to the nixt Convention to gif ansuer, and in the meintyme ordanis ilk Commissioner at his returning hame to intymy the samyn to thair brugh and presbitery." Perhaps

In the spring of 1606 the commissioners of the middle shires reported that in the preceding three months "we haif execute, be watter and gallows, the number of 23 personis." What the magistrates of Peebles were doing about this time in the way of punishing criminals cannot be ascertained, as the court book is awanting, but nothing then done either by them or the commissioners could much exceed in grim severity the trial and execution of a weaver, of which the following account is taken from the court record commencing in 1623\* :—"The burrow court of justiciarie of the burgh of Peblis, haldin in the tolbuith thairof, 22 December 1623, be James Williamsonsone, provost; Alexander Mure, and Johne Lewis, bailyeis; John Robene, Thomas Willestone, and Stene Thomsone, officiaris; Johnne Tempill, dempster; and Patrick Vaitche, clerk. Thomas Patersone, wobster in the Auld Toun of Peblis, being indyttit and accusit be Johne Dewar, in Peblis, for the thifteous steilling, conceilling, away-taking, ressetting, and intrometting with, upoun Monday the aucht of December instant, under clud and silence of nicht, furth of the landis of Aikerfeild, of tua yowis pertening to the said Johnne; to the taikin [token] the provest and balyeis being ryping thairfoir this last nicht tuik him ridband thairwith, and fand the boukis [carcases] of the saidis tua yowis and ane of the heidis thairof with the said Thomas in his awin hous. Item, for the thifteous steilling and hame-bringing to his hous furth of the saidis lands of Aikerfeild, upoun Thursday the aughtene of December instant, under clud of nicht, of uther tua yowis and ane dymmont scheip, also pertening to the said Johnne, to the taikin the saidis provest and balyeis, being ryping as said is, fand the three heidis and skynis thairof with him in his hous, and now producet. Item, for the steilling, away-bringing, conceilling and intrometting with, within thir three dayis bigane, of ane smeirit yow, pertening to the said John, furth of the landis foirsaidis, the skyn thairof fund as said is and producet. Item, the said Thomas, being accusit be James Wylie, in Peblis, for the thifteous steilling, conceilling, and

allowance ought to be made for some exaggeration of statement when the town was thus appealing for help, but still there need be little doubt that the calamity was a grievous one; and it is possible that the volumes of records then current perished or were lost at the time of the conflagration.

\* This case is exceptional. No other instance of the magistrates passing a capital sentence has been noticed.

away-bringing furth of the cloister of the Croce Kirk of Peblis, upon the sewintene day of December instant, of ane smeirit yow pertening to the said James, to the taikin the provest and balyeis, being ryping as said is, fund the bouk and skyn, quhilk is producet. Assise [or jury]—John Dickesone, burges of Peblis; Andro Dickesone, burges; James Wallace, William Vaitche, Patrik Stoddart, James Heofdrd, smyth; Thomas Tuedie, notary; John Thomson, David Plenderleith, Archibald Frank, Charles Pringle, Paul Robessone, William Jonkesone, Alexander Williamsone. Thomas Patersone, pannell, confest the steilling and away-bringing furth of the landis of Aikerfeld, upoun Thursday last, of four scheip pertening to the said John Dewar; grantit also the steilling and away-bringing furth of the said cloister of the Croce Kirk of Peblis, upoun Tysday at night the sextene of December instant, of the said smeirit yow pertening to the said James Wylie. And denyit all uther pointis of dittay layit to his charge."

The assize having returned a verdict of guilty conform to the confession, "the said James Williamsone, provest, and Alexander Mure, bailye, sittand in judgment, ordaines the said Thomas Patersone to be tane presentlie to Peblis Water,\* bewest the brig thairof, and thair befoir night to be drownit quhill he be deid; and all his guidis and geir to be escheit [forfeited]. Quhairupon dome was gevin be John Tempill, dempster."

The sequel to the trial and conviction may be told in the words of the old accounts:—"23 Dec.—To John Tuedy, merchant, for four foddome [fathom] of cordis to flichter [bind] Thomas Patterson, 5s. 4d.; item, for ane candill quhen they rypit the hous, 4d.; item, gevin to Christiane Haye [a tavern keeper], at command of the proveist and balyies, quhen Thomas Patersone was execuite, to the officeris and sindry

\* At this time the inlet to the mill lade was through the north bank of "Peblis Water" adjoining the present gas-works. By a cauld or weir, somewhat imperfect, judging by the numerous patchings and repairs it required, the river Tweed was also made to contribute a supply to the lade. Westward of the bridge a considerable depth of water could thus be impounded, and it is perhaps from this circumstance that the stream, or rather series of pools at this place, came to be called *Cuddie*, a word which, according to one interpretation in Jamieson's Scottish Dictionary, signifies gutter, and may have been applied to a stretch of stagnant or sluggish water. In this way the name would simply be another form of *Gott* or *Gyte*, a ditch.

utheris to hire, for meit and drink, 40s.; item, to Cleiris and Makwate, for thrie bread, 3s."

Cleiris and Makwate, who receive the perquisite of 3s., were the minions of the law who carried the magistrates' decisions into effect. In the accounts reference is made to an instance of the one having had to execute justice on the other:—"24 Jan. 1624—For twa bread to Makwat quhen he scourged Cleiris, 2s.; item, for ane foddome of towais to flichter him, 6d."





## II.

BURGHE LANDS—CAIDMUIR—DISPUTES WITH GLEDSTANES OF COKLAW—DISTURBANCES—WHINGERS OR SWORDS—LORD PROVOST—COMMISSIONER TO PARLIAMENT AND CONVENTION—SCHOOL MASTER—ALTARAGE REVENUES BESTOWED ON EDUCATION—PRICES AND WAGES—ADMISSION OF BURGESSES.

At the beginning of the seventeenth century the burgesses were still in possession of extensive lands and pasturages. Caidmuir, Hamilton Hill, and Venlaw belonged to them in property, while the rights of grazing in Glentress, Shielgreen, and Easter Common, and the management of these possessions, the guarding against encroachments, and the settlement of disputes with neighbouring proprietors, occupied much of the attention of the town council. The extensive range of the Caidmuirs was the principal grazing ground resorted to by the inhabitants, and for the better distribution of the stock the lands were set apart in two portions, and each allocated to a particular district of the town:—"1605—*January 11*—The Kaidmures is devydit in twa partis, viz., the Innerhill and Westerhill for ane pairt, and the Dod and the Borrowleis for ane uther pairt; and the hail toun devydit in twa partis, viz., the west half and the eist half be equall number of persouns, and ilk half to haif equall number of west part the Auld Toun. And lottis castin the west half fell the Inner and Wester Hillis, and the eist half the Burrowleis and the Dod."

The published Burgh Records, as well as the Records of the Privy Council, show that for a long period the family of the Gledstanes and the community were in a chronic state of feud regarding Caidmuir lands. On 12th August 1600, complaint had been made to the Privy Council that, notwithstanding "ane communing and submission" pending between them and James Gledstanes of Cokilaw, a son and a nephew of his, with their household men, came upon 9th July last to the hill of Caidmuir, where James Dikisoun, the complainers' pundler or

officer, was keeping their fields, and with the "schott of ane pistollet and with straikis of swordis and lanceis," slew him. On failure to appear and answer to the complaint, the Gledstanes were denounced rebels. After this, proposals for settling the disputes by arbitration, or "trysting," as it was called, had been proposed, but some of the principal inhabitants who were consulted on the subject did not approve of questions "concerning their heritage" being left to the decision of an umpire:—"1607—*January 26*—The haild persones of counsall [viz., certain persons appointed to consider questions between the town and Gledstanes], being askit and demandit be the counsall quhidder they sould submit with the laird of Gledstanes as of before concerning thair heritage, they ansuerit all in ane voice that wald not grant nor consent to putt the toun's heritage in trysting. Thairefter the haild counsall, all in ane voice, considering that the submissioun was desert and na decreit, is resolvit heirefter na wayes to submit thair heritage to trysting. As to wrangis and oppressiounes that can be allegit done to the toun be the laird of Gledstanes, or be the toun to him gif he be the suitter, they wilbe content to submit thair-ament."

In 1604 and 1605 various parts of the country were troubled with visitations of the "pest" or pestilence, and Peebles seems also to have suffered:—"1604—*December 27*—It is statut and ordanit be the counsall that nane within burgh during the tyme of seikness ressave nane, nycht nor day, bot that thair mak the baillies intimation thair of." "1605—*July 29*—Becaus, at the pleasour of God, and by expectation of the counsall, thair is nae appearance of farder infectioun" the regulations relaxed.

The inhabitants were at this time in the habit of carrying whingers or swords, but to avoid the serious consequences which were apt to ensue when quarrels and disturbances arose, the practice was ordered to be discontinued except in special circumstances:—"1605—*April 12*—Alexander Brodderstanes and John Young callit for trublance of the town, baith compering, maid faith nane of thame drew ane quhynger, bot Alexander confessit that he mintit to his quhinger, and was haldin, and that ane allegit other in the wrang." On 4th May the inhabitants were forbidden to carry swords, "except they procure licence befor of the baillies, that they carie the same for feir of invasioun of gentillmen without burgh being for the tyme within." "1606—*October 20*—Becaus of the

trubulance of the burgh, in nycht seasoun, committit be James Currie, Frances Murdo, Riche Leggatt, and utheris, and for bluid drawing upon utheris, ordainis thame to be warnit to the nixt court, and tryall to be takin of the bluidis and wrangis, and to be reportit to the counsall." "*November 7*—My lord provost, bailleis, and counsall, becaus that James Currie is convict for bluid and bluidwyt committit on the nycht, and for sundre utheris caussis, is ordainit to be baneschit the toun."

The "lord provost" just referred to was James, Lord Hay of Yester, in whose family the office had almost been regarded as hereditary. In September 1605, "my lord provost, baillies, and counsall convenit in the tolbuith;" and "my lord provost" is also mentioned on 30th October; but on 27th June 1606 "John Dikison, provest, is appointit and electit commissioner to parliament and convention." Perhaps Dikison had only held the office temporarily for some special purpose, as in October following Lord Hay was again in office:—"1606—October 20—James, Lord Hay of Yester, provest; John Dickison, John Bullo, bailleis."

Appointments of schoolmasters were from time to time made by the town council, and some of these will afterwards be more fully referred to. On 7th March 1606 it is noted that "the entrie of Mr John Young to the schule is upon the first of September 1605." The revenues derived from church endowments which, after the Reformation, came to be at the disposal of the town council, were sometimes applied for the education of youths:—"1606—October 31—Grantit the gift of Sanct Christophers altare to William Dikison, for the space of seivin yeiris next heireftir, to interteny him at the scholes."

Prices of provisions were regulated by the council, the selling price of ale being usually adjusted to suit the market value of the raw material:—"1606—October 20—Anent the pryces of aill, becaus that thair is na new malt, ordainis that ordour be takin quhat salbe the price of the aill of the first new malt, and that aill salbe sauld generallie for xvjd. the pynt after Hallowmes." Workmen's wages, too, were subject to control:—"1606—November 7—Ordainis that the actis of parliamentis concerning prycing of workis and workmenis feais be putt to executioun." The reference here is probably to the Act of Parliament 1551, c. 18, whereby magistrates of burghs, in conjunction with deacons of crafts, were authorised to fix "ressonabill prices effeirand to thair craft,"

and stop the "exorbitant" charges exacted by tradesmen.

Persons marrying the "heirs" of burgesses were admitted to the freedom of burgh on privileged terms:—"1606—November 7—William Elliot gaif in his bill to be admittit burges, and becaus he had meriet ane burges air ordains him to pay to the thesaurer xxxijs., with the bankett as use is. And all that salbe admittit heirefter that mareis burges aris do the lyk."



## III.

WEEKLY COURT—SUING DEBTORS—LAWBURROWS—  
SALMON POACHING — HEIRSHIP GOODS —  
QUARRELS AND ASSAULTS.

IN conformity with an ancient law, the municipal year in royal burghs at one time commenced with the choosing of the new magistracy, closely (in Peebles it was the first Monday) after Michaelmas day, otherwise called the day of St Michael and All-Angels (29th September.) It was thought proper to make the election at that time because, to quote *Chambers' Book of Days*, "local rulers were esteemed as in some respects analagous to tutelar angels, in as far as they presided over and protected the people." Perhaps this auspicious origin explains the access of dignity which, according to tradition, used to be observable when a common mortal was transformed into a bailie; but, passing over the consideration of this interesting problem in the meantime, we will glance at some of the incidents connected with the exercise by the magistrates of their judicial functions in the burgh court.

Taking the year beginning at Michaelmas 1623, it is found that, with a few exceptions, a court was held every Wednesday throughout the year. It was presided over sometimes by the provost and two bailies, at other times by only two or one of these magistrates, and the officers and clerk were also in attendance. Both civil and criminal cases were disposed of by the court, the former predominating in numbers.

In the first court held subsequent to the annual election, a widow, as cautioner for a defaulting debtor, is decerned to pay £10 4s Scots money "for the pryce of certane malt coft and reseavit ane lang tyme bigane;" Walter Horsburgh to pay to a burgess £40 for "the pryce of ane boll malt;" an indweller to pay £9 15s, "for the pryce of ane boll guid and sufficient aittis;" John Stoddert in the Birks to pay to Alexander Horsburgh of that ilk £30 "addebtit be umquhile James Stoddert his father to the said Alexander, conforme to compt and rekning had betwixt the perseuar and the defunct lang befoir his

deceis." These may be taken as a specimen of the ordinary civil cases coming before the weekly courts, and only a few more occurring within the year may be noted. A burges is ordered to pay to Johne Thorbrand in Hairhope £7 "for the pryce of ane naig;" "Marie Scott, lady Bonyngtoun, to content and pay to Johne Clez, flescheour, £4 10s, and that for certane flesche coft and reassavit tua yeiris syne or thereby;" a burges of Peblis is to pay to a burges of Edinburgh £22 for "tua bollis rye, coft and reassavit this last summer;" "James Brotherstanes, burges, to pay to George Ker, factor and chamberlane to ane noble and potent lord, Johne, lord Hay of Yester, sex ferlottis malt, pryce of the bull thair of tuentie merkis, for the ferme of ane aiker of land in Ederstoun Croft perteing to the said noble lord and occupyit be him the crope 1623."

Lawburrows, or pledges for keeping the peace by one neighbour to another, were of frequent occurrence, testifying to the perennial vitality of strife. "James Bullo, indwellar in Peblis, and Margaret Johnstoun, his spous, maid faith that they dred bodelie harme of Hectour Dikesoun, couper ther, and Marioun Watsons, his spous; quha fand Harie Forrester, notar, burges of Peblis, cawtioun, under the pane of fourtie pundis" that the complainer should be skaithless. A counter accusation by the Bullos against the Watsons had a similar result. "Jonet and Marioun Pringillis challengit for stryking of Isobell Quhytfurd, spous to John Robene, and pulling her hair out of hir heid, hair producoit; and siclyk the said Isobell challengit for stryking and bluiding of Jonet Pringill in her mouth, and sicklyk for stryking of Marioun Pringell." A jury of fifteen "convictis all the parties for stryking ilkane utheris," the magistrates impose a fine, and the delinquents mutually find lawburrows to each other and possibly live happily ever after.

Then as now the annual incursion of the salmon species into the neighbouring pools and nuptial haunts was sometimes the means of getting the more unrestrainable townsfolk into trouble. On 12th November Walter Horsburgh and four others, "accusit for slaying of rid fische in forbidden tyme, all ordanit to find cawtioun for satisfacioun in tymes past and to absteine in tyme cuming." Previous to the ascension of King James to England in 1603, the rivers of Tweed and Annan had been excepted from the laws against the slaying of salmon in forbidden time, "because the said rivers at that

tyme devyded at many parts the bounds of Scotland and England, wherby the forbearance upon the Scots part of the slaughtering of salmond in forbidden tyme, and of kipper, smolts, and black fish, at all tymes, would not have made salmond any mair to abound in these waters if the lyke order had not been then observed upon the English side." But in 1606, this "impediment being now removed by the most happie uniting of baith the kingdomes in ane empire," the exception was abolished, and the fishery laws made applicable to the Tweed and the Annan. The previous system of toleration must have induced in the Peebles a laxity in dealing with the produce of the river, which has possibly been perpetuated to our own time by heredity. Modern transgressors have an advantage over those in the olden time in the way of leniency, and it may afford some consolation to those who are disposed to complain of the severity of the present laws against killing salmon in the close time to reflect that in the reign of James VI. a third offence was punishable by death.

Adam Johnstoun, indweller in Peebles, having died, and his widow having re-married, his sister, Marion Johnstoun, sued for delivery of the goods falling to her as heir of the deceased, and this supplication the Magistrates complied with. The list of articles of which delivery was asked indicates the nature of the stock and chattels which burgesses of that time were possessed of, and may be here given:—"Ane young hors, price £16; ane stand bed, with bowsteris, coddie, scheittis, blanquettis, coveringis, £10; the abuilyementis of his bodie, viz., cloik, coit, breitches, schankis, schois, gartouris, belt, ruiff, bonnet, nicht bonnet, mutche, naipkyn, and doublet, £10; ane counter buird, ane buird claith, ane dussoun of serviittis, ten trunschouris, ane dussoun of plaittis, ane dussoun of spones, ane pynt choppin, ane quart, ane salt fatt, ane knyff, ane coup, £4; ane waterclaith, ane basing, ane tabell. Ane vesshell almrie, 40s; ane quheill, 18s; ane pair of stock cairdis; ane pair of woll cairdis, 12s; ane pot, £4; ane pan, 30s; ane pair of clippis, 3s; ane cruik, 12s; ane stand or drywair, 8s; ane meill ark; ane tub, 10s; ane graipe, ane fute spaid, and ane peit spaid, 6s 8d; ane laid saidill, ane carsaidill, ane pair of cheittis, 26s; ane sled, ane pair of eldine creillis, ane pair of muck creillis, and ane pair of coill creillis, 30s; ane pair of brankis, with helter and tedder, 4s; ane harrow and ane barrall, 8s; ane quhinger and ane swurd; ane kow and calf."

That the rehabilitated widow viewed this apportionment of her first husband's gear with anything but complacency is shown by further proceedings which took place in the court. Another supplication was presented to the Magistrates by "Margaret Johnstoun and James Bullo, indweller in Peebles, her spon, against Marioun Watsone and Hectour Dikeson, couper, her spon, beirand that quhair the said Margaret, upoun 27th October, being doing her necessar adois upon the feildis, and coming thairfra hamwart, the said Marioun Watson, accompanit with the said Hectour Dikesone, come to the said Margaret at the gray staine outwith the North Point, the said Margaret than feiring na injurie to haif bene done to her be ony persone, and thair, efter mony threatening and injurious wordis, the said Marioun tuik her be the craig and pullit her under her feit, quhair the said Marioun sat upoun the said Margaret her wambe, punst and straik her on the breist with her handis and feit ane lang space, till the said Hectour out of pitie tuik her of the said Margaret, be occasion quhair of the said Margaret contractit ane grit deseas and seikness to the hazard of her lyff. Lykas, upon Tuysday, 27th October, James Bullo being ryding to Dallatho to his awin scheiraris, lippicing na injurie to haif bene done to him, the said Hectour Dikesone tuik upe thrie grit stanes and perforce slang the same at the said James of purpois to haif slane and fellit him thairwith, and hat the said James upoun the hand, and wald not haif faillit to haif slane, at the leist deidlie woundit him, war not, be the providence of God, the said James causit his naig to gallop and sua escape the samyn." The accused were found "guyltie of the saidis twa ryottis," and the imposition of a fine seems to have terminated the episode.





## IV..

TOLBOOTH—BURGESSES—CADEMUIR COMMON—THE  
 PARSON AND THE LAIRD OF HORSEBURGH—  
 HARVEST—PESTILENCE—LORD NEWBATTLE—  
 OCCUPATION OF CASTLES.

ORIGINALLY the booth or chamber for collection of tolls or customs, and latterly for the transaction of public business in general and the incarceration of delinquents, the Tolbooth formed an essential feature in the equipment of a royal burgh. The first Tolbooth in Peebles noticed in the records is supposed to have stood at the foot of the Briggait,\* a gait which was probably the principal thoroughfare leading into the burgh at a time when the Old Town consisted only of the two ancient ecclesiastical structures and the dwellings of church dependents. The primitive arrangements and appliances existing in many of the Scottish burghs for detention of criminals, though presumably sufficient for local requirements, do not seem to have secured the approbation of the Privy Council when the stringent measures, already referred to, for restoration of order in the "middle shires" were being put in force. Thus in June 1605, we find the King's energetic executive issuing orders that magistrates of burghs should have "sufficient prisons for detaining of prisoners, and if within a year any of their tolbooths shall not be sufficient every contravening burgh to pay £1000" (£83 in sterling money). In common with several other towns, the accommodation in Peebles was pronounced to be inadequate, and the burgh became bound, within two years, to "big ane sufficient and sure tolbuith and prisone, able for kiping of all sic malefactoures and prisoneris as shall happen to be committit to ward." Whether or not the building was immediately proceeded with is not ascertained from the records, but as the Council continued to be "convenit in the tolbuith," it is evident that the old building was still in existence and used. The new edifice occupied a site on the north side of the High Street, opposite the present Town Hall.

\* An entry dated 1488 refers to "twa tries gevin to the brig at the tolboith end."

The dues payable on admission of a stranger as a burges had been fixed at a minimum of 40s., but a modification was made in favor of any one who married the heiress of a burges:—"7th November 1606.—William Elliot gaif in his bill to be admittit burges, and becaus he had mareit ane burgeis air, ordanis him to pay to the thesaurar, 33s. 4d., with the bankett [banquet] as use is; and all that sall be admittit heirefter that mareis burges airis to do the lyk." As indicative of his duties and responsibilities, there may be here quoted "the aith maid and gevin be ilk burges at his receaving":—"Heir I protest befor God and your worschippis that I profes and allow with my hart the trew religioun quhilk at this present is publictlic preichit within this realme, and autorizit be the lawis thairof. I sall abyde thairat and defend the samyn to my lyffis end, forsaking the Romane religioun callit papistrie. I sall be leill and trew to our Soverane Lord the King's Majestie and his successouris, to the proveist and bailyeis of this burgh. I sall keip and underly the statutes of this burgh. I sall obey the officiaris of this burgh, fortife and mentene thame in the executioun of thair offices with my bodie and landis. I sall not cullour unfremenis gudis under cullour of my awin. I sall not purches lordschippis nor autoritie contrair the fredome of this burgh. In all taxatiounes, watching and warding, and all uther burdenis to be layd upoun this burgh, I sall willinglie beir my pairt as I am commandit be the magistrattis, and sall not use nor purches ony exemptiounes or privileges to be frie thairof, renunceand the benefit of the samyn for ever. And finallie, I sall not attempt nor do onything hurtfull to the liberties and commoun weill of the said burgh, and sua oft as I brek ony point of this my aith I oblies me to pay to the commoun effairis of the said burgh the sowme of one hundreth pundis, and shall enter and remane in waird quhill the samyng is payit." (Form given in court book, commencing 1623.) Besides the ordinary burgeses, there was a class possessing less extensive privileges termed "calsay burgeses," but the distinction between the two is not defined, except to some extent in a negative way, as when it is ordained that "calsay burgeses haif na pairt of the hillis." They probably were not possessed of a tenement in the burgh, had no right to pasturage on the commons, and when trade or merchandise was the object of their becoming freemen it might farther be inferred from their designation that they were only permitted to practise

such itinerantly or in stalls situated on the "calsay" or causeway. This theory, however, does not clinch very well with such a fact as that "Alexander Murray, brother german to Sir Archibald Murray of Dernhall, knicht, is creat ane calsay burges" (9th June 1624). Altogether more light is needed on the subject.

A dispute and altercation illustrative of the system of pasturage practised on Cademuir Common may be noticed:—"24 July 1607.—The counsell confessis that John Dikisoun, bailie, causit the officieris, be thair advys, put off William Ellottis guides (formerly pasturit upon the landis of Wodgrebugtis and broocht and keepit on Kaidmore be William Elliott and his servandis) furth of the landis of Kaidmure, and findis him to haif done wrang in putting thame on without the counsellis advyse; and ordains in all tymes cuming that his guidis, nor na uther manis guidis, pasturit upoun uther menis heritage without the burgh, albeit he be burges quha aucht the guidis, bring nor pasture their guidis to na part of the tounis heritage." Elliot, it is also stated, being offended at the bailie's interference, "come to him fra his awin yett, and entering in conferrance concerning his guidis put of Kaidmure, and said—'Baillie, how durst ye do that to me?' And he answering: 'I did na wrang,' he said: 'And I war hangit they sould gang [meaning the stock would again be sent to Cademure], and gif ye put thame away againe I sall lay ane suord on your heid!'"

Archibald Douglas, parson of Peebles, and the laird of Horsbrugh, between whom there was a feud of some years standing, had more than once come under mutual cautionary obligations en behalf of themselves and their dependents not to harm each other, but one of the young Horsbrughs broke through this assurance, and on 25th January 1608 the parson appeared before the Town Council "lamenting his estait, being wrangouslie persewit of his lyf, and that nychtbouris within burgh had resseit [reset or harboured] sum of his persewaris." The accusation was not established by evidence excepting to the limited extent that young Horsbrugh and two comrades had been received in a house in Peebles but they only came "in the twylicht and drank twa quartis of aill" and departed.

The prevalence of dishonest practices in harvest-time is suggested by the following entry:—"21 August 1607.—"Ordanis that nane bring in cornes to thair stabillis, nor yet leid with slaiddes in the nycht, and

that nane ressait [reset] schevis under the pane of x li" [£10.] Then it is added:—"Nane to transport thame to scheir furth of the toun in harvest." Unless this were a precaution against the dreaded "pest," to which the next two entries refer, we may be led to the conclusion that the crops belonging to the burgesses were sufficiently extensive to require the services of all available hands.

"Beacaus of the seikness in Edinburgh, ordanes the portis to be keepit, and that nane be sufferit to enter that cumis furth of Edinburgh nor na uther suspect places without sufficient testimoniallis. *Item*, ordanis twa honest men to be putt to ilk port the tyme of the fair."

An ancestor of the present Secretary for Scotland is found to have been at one time provost of Peebles. This fact, not hitherto, we believe, noticed in any local history, crops up in connection with proceedings before the Privy Council in the year 1599 in which "Mark, lord of Newbottle,\* provost," the two bailies, the parson, and 96 burgesses, all of Peebles, became bound under pecuniary penalties not to molest William Horsburgh, residing in Edderston. The successive Lords Yester usually held the office of provost, and it may be conjectured that the installation of Lord Newbottle, whose daughter was the Lady Yester of the time, was an arrangement made during the temporary absence or disablement of his son-in-law. That Newbottle took Lord Yester's place in another capacity is also ascertained from the same source. Conceiving that the chief cause of encouragement to thieves and rebels was the "not residence and remaining of sic noblemen and baronis, as hes houssis and strenthis ewest [adjoining] the bordouris, within thair said houssis," whereby they may be ready to impede and pursue such depredators, the Privy Council in July 1600 charged certain persons to remain in their strongholds, and amongst others William, earl of Mortoun, his sons or bailies, in the Castle of Drochill, Mark, lord of Newbottle, in the Castle of Neidpath, James Tuedy in the Castle of Drumelzier, and Vatche in the Castle of Dawik." For what period Lord Newbottle retained the provostship is not known, as the burgh records are amissing for some years prior to 1604, and when they resume "my lord proveast," which may indicate either Yester or Newbottle, is all the designation given. Indeed, the only entry in which the latter

\* He became the first Earl of Lothian in 1606.

is specifically named is the following:—"26 March 1606.—Ordanis ane letter to be direct to my lord Newbottle to answer his request for Susanna Elphingstoun, that thair was na yerlie pensioun promisit to hir bot during the tounis will, and that thay haif gewin her fyve yeiris, quhilk thai wald nocht haif done bot at his lordship's request; and being superexpendit may bestow na forder."



## V.

**INUNDATION OF DUMBARTON—PEEBLES RATEPAYERS  
—LORD YESTER'S BURIAL—TRIAL BY COMBAT  
MINISTERS OF PEEBLES—PREBENDARIES—COM-  
MISSARY COURT—COUNCIL CEREMONIES.**

THE steamboat tourist on the Clyde from the Broomielaw outwards, or coming from the open firth and not pusillanimously diving into Gourrock tunnel in dread of reputed odours, has his attention attracted by few objects more conspicuous than the towering rock which formed the chief stronghold of the ancient Britons. Reared by volcanic and hewn and carved by glacial agencies, Dumbarton Rock has for many long centuries stood forth stolidly indifferent to such minor physical disturbances as have manifested themselves in these parts since our globe settled down to a temperature suitable for humanity. Its citadel likewise has generally been able to set at defiance the attacks of its assailants. Very differently, however, fared it at first with the town which began to gather about the base of the fortress. The Leven, in a six miles' run from Loch Lomond, joins the firth here, and when that stream was in flood, or the Clyde at high tide, the rocky hill was apt to become an island and some inhabited portions of the town a temporary lake. To an aboriginal, clothed in paint, and flitting from cave to cave or paddling about in his canoe, contingencies such as these would be of little moment, but to thriving burgesses of the 16th century and later, with their substantial dwellings, their stores of merchandise, and their schemes of competition with Glasgow for the trade of the Clyde, insecurity could not be tolerated, and many and prolonged were their struggles for the mastery till modern science achieved it. A flood on a larger scale than usual ravaged the town in 1605, whereupon the Convention of Burghs is craved for "supporte for helping thame to the reparatioun of thair brugh quhilk is altogedder ruinet be the violent invasioun of the watter of Leven." The king and parliament were also appealed to for help to "mak some defence against the violent course of the Leven and the surges and inundatiounes of the

sea," with the result that the Scottish legislature authorised a tax of 25,000 merks, to be levied upon the kingdom for the purpose of repairing the decayed bulwarks. The proportion of this general taxation falling upon the burgh of Peebles was fixed at £18, 10s. 6d., and this sum, along with the second instalment of a tax parliament had granted to the king, was raised by a stent imposed on the inhabitants in January 1609. Nine stent-masters made up the roll which is engrossed in the council record, and by it we are furnished with a complete list of the ratepayers of the day. From a report on the condition of the burgh made up in 1692 we learn that the houses in the town were then mostly inhabited by their respective owners (those otherwise occupied not amounting to the annual value of £100 Scots) and that the king's cess was paid by a tax on the inhabitants and not on heritages. If, therefore, the conditions of the people, and the system of taxation, were on similar lines in 1608, the names in the stent roll will practically include all the householders in the town and may be accepted as the "directory" for that year.

There are 133 names on the roll, 23 of them being applicable to the "Auld Toun," and the sum of £111, 2s. 4d. is levied in sums varying from 3s. 4d. to £3. The surnames, here arranged in alphabetical order, are as follows, the figures indicating the number of times the names occur if that happens more than once:—Alexander 2, Anderson 3, Bennet 3, Bradie, Broderstanes 3, Brown, Bullo, Charteris, Chisholm 2, Claschen, Cleg, Cleuch, Dewar, Dickson 6, Dodds, Dougall, Edmont, Elliot, Fairlie, Fell, Fischer, Forrester, Frank 3, Geddes 2, Gillies 2, Gowane, Greg, Greif, Halden, Hay, Heckfurd, Home, Horsbruk 4, Johnson, Ker, Kirkwood, Lawson, Lawder, Leggat 2, Lewis 2, Lowrie, Melrose, Marshall, Mosman, Mure, Murdo, Newtown, Paterson, 5, Peblis 2, Porteous 4, Pringill 2, Ridshaw, Robeson 3, Shanks, Smith 6, Steill, Stevinson 3, Stoddart, Symington, Tait, Thomson, Thorbrand 2, Tod, Tuedie 3, Tueddail 2, Umont 6, Vaitche 2, Wallace, Williamson 2, Wilsoun 7, Wod 8, Wyllie 2, Young.

Of the names above enumerated eight are appropriated by females, probably browster-wives or hostel keepers—the Meg Dodses of the period—for the trade in beer and strong waters was then almost entirely monopolised by the sex.

The Christian names contained in the roll may also be classified, the figures again indicating the

number of times each occurs:—Of the men: Adam 2, Alexander 5, Andrew 5, Charles 1, David 1, Edward 2, Gavin 1, George 3, Gilbert 4, Hector 1, Hew 1, James 19, John 25, Matthew 1, Michael 1, Nicol 1, Patrick 9, Paul 1, Richard 1, Robert 5, Stene 1, Thomas 16, William 17. Women: Agnes, Bessie, Helen, Isobel, Janet 2, Margaret, Meg.

James Lord Hay of Yester, who had succeeded his brother in 1591, having died in 1609, the council, out of respect to the memory of their late provost commissioned some of the townsmen to attend the obsequies: "*17 Feb.*—Ordanis the personis efter specified to ryd to my lordis buriall: John Dikisonn, Mathow Hay, Thomas Vsiche, Richart Chrisholme, Andro Patersone, William Dikison, Alexander Broderstanis."

In Dr R. Chambers' *Domestic Annals* there is given a dramatic narrative of a famous judicial combat fought in 1595 between two members of the deceased lord's household, George Hepburn (the challenger), and John Brown. In conformity with the legal usage of the time license was obtained from the king, and in presence of duly qualified judges and the public the two "litigants," mounted and armed with swords and spears, met on Edstone Haugh and went through the ordeal of battle. The vanquished combatant, "resolutely refused to make any confession," and there the narrative in the *Annals* ends, but by recently recovered and now published fragments of the privy council proceedings we learn the sequel to the encounter. The judges in the combat "having found the challenge to be cleirit be the said George, quho overcame the said Johne and spared his lyff at the desyre of the said judges," Brown had ever since borne deadly hatred against Hepburn, and was resolved to have his life whenever "he may find the commoditie." Being summoned before the privy council, Brown appeared before that body on 26th November 1605 and declared, "albeit he had borne feud against Hepburne in tyme bygane, he wes content, in obedience to the councill, to be reconciled with him, and gave his oath that fra his heart he remitted Hepburne all rancour, and sould never quarrell him thairafter, and took him by the hand and were reconceiled together."

Subsequent to the Reformation the first minister in Peebles was John Dikison to whom in 1560 the town council "modified" a stipend of £40 Scots for a year's service as "minister of the common prayeris in our kirk." John Allane was in the following year



lected by the "elderis and decanis to be thair minister in tymes cuming," and John Willock and John Davidson, ministers in Glasgow, had acquiesced, but in addition to this "John Knox, superintendent of Edinburgh" was to be asked to corroborate the appointment. Thomas Cranstoun, coming from Liberton and returning thence, is found officiating in 1571-3; and between the latter date and 1666, a period bordering on a century, the town and parish had the continuous ministrations of only three incumbents. The patronage in 1573 belonged to the crown, and the king at that time appointed Archibald Douglas to be minister of the parish, his stipend being then £200 Scots. In the Privy Council Register of 1589 Douglas' name occurs in the "list of a commission of select clergy in the shires to promote subscription to the Confession of Faith and Covenant over the whole kingdom," but latterly his appearances in the same record, which are frequent, are of a somewhat different character. His disputes with the laird of Horsburgh have already been referred to, and he had also various other pleas and contentions before the lords at Holyrood. When near the end of his ministry a proposal was afloat for the placing of a second minister. To the town council on 26th August 1608, "my lord provest reportit the moderatour of the presbiterie desirit that the second minister to be provydit sould haif the teyndis of the Kirklands, itis ansuerit that they haif na power to geve the teyndis thairof, and farder the Kirklands never payit teynd, and thairfor can not gif that *quod non est sui juris*. Ansueris the prebends appertenis to the burgh and maist pairt giftit, and that thair willing, as thair vaik, to geve thame respective vij or ten yeiris for education of thair [youths?] and sustentation of thair schoolmaster; and farder they can nocht grant ane stepend for thair pairt; but gif the brether sall place ane second minister they will voluntarlie and charitablie contribut with the rest of the parochin without burgh." A second charge had been instituted for short periods in 1586, and again in 1600, but it is probable that negotiations for having a second minister in 1608 were not matured. Douglas died little more than a year afterwards, and Theodore Hay, one of the regents in the University of Glasgow, was appointed his successor on 20th April 1610.

It will be observed from the resolution of the Council just quoted that the revenues from "prebends," or endowments for chaplains formerly serving

at altars, were now being applied for educational purposes, and that they could not be diverted for payment of minister's stipend. From time to time notice of the disposal of the revenues in this manner appears in the records, as on 5th December 1612, when four youths get the gift of the respective prebendaries or altarages of St John the Baptist, St Andrew, Marie Geddes Aisle, and of another altar which is not named.

The commissary courts, where in pre-reformation times the Church exercised an extensive jurisdiction, had since 1560 been conducted under civil patronage; but after one of the re-establishments of episcopacy, the Bishops were in 1609 again invested with the right of nominating the commissaries in their respective dioceses. At that time the confirming of testaments of deceased persons was the principal business coming under the cognizance of the Court, and this had hitherto been transacted in Edinburgh. The town council, however, taking the opportunity of the change in the patronage, besought the Archbishop of Glasgow, within whose diocese Peebles was situated, to locate the reorganised court in that town, and this was acceded to. Henry Balfour, advocate, was appointed "to discharge the office of a commissar within the boundis of Teviotdaill, Liddisdaill, Tueddaill, and uthers boundis in the pairtis subject of befoir to repair to the commissariatis of Edinburgh and Lawder, with full power to the said Mr Henrie to sit within the burgh of Peiblis sua that the said commissariat in all tyme heirefter salbe callit the commissariat of Peiblis;" and in a friendly letter "to my traist freindis the proveist, balyeis, and counsal," Archbishop Spottiswood commended the new official to their "kynd and guid usage." "I dout not," he says, "as ye haif bene earnest to haif your toun the seat of that judicatorie so ye wil haif care to se the judgis and thair memberis of courte weil usit, and to your poweris wil assist the executioun of thair sentencis and suffer nothing to be done quhairby we may be movit to mak change or alteratioun afterwards, quhilk we salbe lothe to do for ony manis request or persuasioun, that plaice haffing been the first choyse we maid in our awin mynd and certainly I tak it to be the fittest place." The council entered with alacrity into preparations for giving the commissary a becoming reception, and keeping up an imposing appearance in his presence. The tolbooth was to be prepared with all diligence, no member of the Council was to "want ane hatt,

-and thai to be providit thairwith, baith in kirk, counsall, and court dayis," psalm books were to be provided, and "it is ordanit that the haill honest men, quarterle, be wairnit be the officeris everis Sunday, before and efter nune, to convoy the provost to and fra the tolbuith."



## VI.

THE PROVOST'S OX — LIBERATING PRISONERS —  
 SCHOOLMASTERS AND DOCTORS—COMMON LANDS  
 —CAIDMUIR, HAMILTON, VENLAW, GLENTRESS—  
 TWEED AND "CUDDY" GREENS — BRIDGES —  
 MARKET CROSS—SERVANTS.

JOHN, the eighth lord Yester, when he succeeded to the title in 1609 was a minor and consequently not qualified for the provostship; and at the ensuing election in October the office, for the first time since its institution about the year 1554, was filled by a commoner. John Dikisoun was then chosen provost, and again in 1610 and 1613, but for the intermediate years and a few subsequent ones the extant records do not show who held rule. Hitherto the civic chief appears to have been annually the recipient of a fatted ox, the gift of the council, but for some unexplained reason this bovine perquisite was now to cease. On 5th February 1616 "the counsall allowis the ox to the provost in Thomas Williamsoun tyme as thesaurer, and dischargis all thesaureris thairefter to pay any; and gif thai pay, upon thair awin purs." How or when the custom of giving an ox to the provost originated is not known, though a surmise may be hazarded. By an act of Parliament passed in 1456 for relief of the "puir commounes," who were greatly oppressed by sheriffs and others "in time of fairs takand distresses of thair gudes of little quantitie quhilk they bring on their heades or their backis or in their armes," it was ordered that such exactions should cease, and that the sheriffs were only to have "the best ox or cow or unriden horse quhilkis are stalled and brought to sell." Now, in Peebles the lords of Yester had possessed the offices of both sheriff and provost, and what was originally given to them in the former capacity may in the popular mind have come to be regarded as dues pertaining to the provostship and so be continued to their successor. Previous to the withdrawal of the ox gift the right of the provost to exercise the prerogative of liberating prisoners was also called in question. On 9th January 1615 the council, "because that sindrie hes beine wairdit be the bailleis for sun-

drie caussis, and of lait the provest has freed thame and nocht maid the bailleis foirseine, nor done the samyn with thair consent, findis that the provest may nocht freith nane wardit be the bailleis without thair consent."

The son of whoever was provost in June 1612 (probably Dikisoun) was an applicant for the situation of teacher in the school:—"My lord provest gaif in his overture that his sone Mr William sould enter to the schole and teiche the schole for ane quarter, and at the quarteris end ressave sic fea as the counsall sall allow." Some other items bearing on the appointments of schoolmasters and "doctors," or teachers, may also be given here:—"The entrie of Mr John Young to the schole is upon 1st September 1605." On 26th January 1607, the treasurer is instructed "to geve James Cranstoun, doctour, £4," and three years later "unto the £4 gevin yearlie to the doctour, Harie Forester, augmentis uther four pundis." On 29th January 1613, "ordanis the thesaurer to delyver to Mr John Young, in compleit payment of his scholemaster fea, £10; and on 22nd April 1616 William Dyet is engaged to be doctor of the school, and binds himself "to keip his houris, to enter at six, remane and teich till nine houris, from ten to tuelf, and from ane to sex, and to behave himself honestlie; and the tounne to geve him ten merkis termlic," being 40 merks or £2, 4s. 5d. stg. yearly. This modest allowance to the doctor for a long spell of work would, however, be supplemented by fees from the scholars and "his daylie meit throw the toun with the bairnes," as, from another appointment made in 1627, we gather that such was the practice.

The management of their common lands of Cade-muir, Hamilton, Venlaw, &c., and the perpetually recurring encroachments of neighbouring proprietors required the ever vigilant attention of the town council. In May 1609 it is "ordanit that nane haif mae sowmes [one was pasturage for a cow or five sheep] nor twa on the tounes heritage, bot that they pay for ilk sowme mae be sycht of the counsall; that nane bot freemen haif guides pasturit; that ane hird be gotten to the nolt and ane to haif the milk and ane uther the yeild guides; that twa commoun herd is be feait to the sheip; that the commoun herd is pasture the scheip on Hammiltoun; that na geir be pasturit on the Venlaw bot hors and calffis." In 1610 bur-gesses are required to pay for each soume on Cade-muir 13s. 4d., and any unfreemen to whom permission

might be granted to pay "according to the counsallis directioun." In 1613 the number of sowmes of grass on Cademuir was found by the council to be "at the leist twa hundreth;" and about this time a house was appointed to be built on the hill "and ilk man to lay in lyme" for the purpose. The town's herds had often vented on them the wrath of neighbours whose trespassing propensities it was their duty to check. Thus there is a "complaint upon William Elphinstoun, sone to Henderston [a laird whose lands adjoined Cademuir] quha in the moneth of June 1608 came to Tued brig and thair strak Andro Ewmont, being ane toun hird, with ane grit roing, on heid, schoulderis, bak, and leggis, to the grit effusion of his bluid."\*

The feuing out of portions of Cademuir Common to individuals ultimately resulted in its entire dismemberment, though it was the original intention that the parts disposed of should remain inseparable pendicles of tenements in the burgh. On 23rd October 1615 "the counsall concludes that swa mony arabill akervis as may be convenientlie spairit of the Caidmuris be sett in few and annexit to the tenementis; and the counsall to be advysit quhat salbe ilk manis portioun, and that portioun to be rowpfit to him quha will give maist, and infestment to be gevin thairefter and consolidatioun to be maid with the burro landis, and seasing to be gevin upon the burro landis of the said annexit landis; with provisoun that the tenementis nor out-land sall nocht be sauld bot conjunctlie, and that infestment sal be gevin of the tenementis for yearlie payment of the few maillis of the out-land."

In consequence of aggressions by Lauder of Haltoun, owner of lands adjoining Hamilton Hill, and Hay of Smithfield, owuer of lands adjoining Venlaw, an assessment of £100 Scots was levied from the inhabitants in 1611, "for persute of Smeithfield and Haltoun for removing fra the Venlaw and Hamiltoun." What was the immediate result of this skirmishing does not appear, probably nothing more than the patching up of some sort of truce for the

\* In August 1600, the provost and bailles complained to the privy council that relatives and household men of James Gledstones of Cokilaw, came upon 9th July to the hill of Caidmuir, the complainer's heritage, where James Dikisoun, their pundler, was keeping their fields, and "with the schott of ane pistolett and with straikis of swordis and lanceis," slew him. A pundler, strictly speaking, was one who impounded or distrained strayed cattle, but it is probable that Dickisoun was also one of the town's herds.

time. Want of precision in title deeds in specifying boundaries—excusable at a time when land was of so little value that a few hundred acres more or less was of little consequence—was one of the causes of these interminable territorial disputes. The “claus contenit in Smeithfield chartour,” for instance, runs in this vague way—“Togidder with special libertie and privilege of pasturage of thair guidis upon the commonite of Suoinhope, Eschellis, Venlaw, and Glentres, quibilk are adjacent to the saidis landis of Smeithfield, Suoinhope, and Fiat; and to pull hedder, cast feull, fail, and divat thairupone, and utherwys to dispone upon the samyn as thair commounite at thair pleasour in tym cuming.” Glentress (one of the commons embraced in the royal charters to the burgh) also appears as a possession of the Earl of Lothian in his titles of lands in and bordering on the Leithen valley, and between his lordship and the town some points of dispute had likewise arisen. 2nd June 1612—“Ordanis the provest to ryd to my lord of Lowthiane, for the Eister Hill mos and difference betwix his lordship and the town, and David Vaiche to ryd with him, upon thair awin expenssis.” 11th June—“The provest, with the baillies, Thomas Vaiche, Thomas Williamsoun, to ryd to my lord of Lowthiane concerning the hillis and merches thairof.”

In addition to the more distantly situated commons, Tweed and Peebles (or “Cuddy”) greens were used for pasturage. 2nd June 1610—“Ordanis that nane pasture thair sheip upon Tweed nor Peblis grein, bot it be reservit to the hors, under the pane of 40s. ilk falt. And that nane tak fall of the tounes heritage of Tweed grene, Peblis grene, nor na uther the toun landis, to big dykes upon uther menis heritagis, nor guid uther menis landis thairwith, under the pane of £5.”

In harvest time, and after it, provision had to be made for protection of the crops against depredators of various sorts. Sept. 1611—“Ordanit that all geis be herdit quhill the cornes be innit.” 2nd Sept. 1616—“Ordanis that nane bring in corne efter the sone sett nor be fund winning cornes within glömin tyme, and that nane ressaif corne from horsmen, gentelmen, nor cadgeris, nor travelleris, na schevis nor cornes.” 5th December 1612—“James France, duelland in the house on the Castlehill, being wairdet for steilling of Robert Thomsoun's corne in William Dikisoun's yaird; because of grit steilling of corne and for restraining thair of, ordanis him to be banishit the toun, under the paine of scourging nixt, and the nixt thair-

after drowning." To secure a sufficient supply of reapers, the inhabitants were prohibited from giving their services elsewhere. 11th August 1612 — "Ordanis all these that passit furth of the toun the last yeir to scheir furth of the samyn be presentlie poyndit and dischargit that none of thame pass away this harvest, under the pain of banishment of the toun; and modifies thame thair fea, viz., the best men scheiraris, 2s. 6d., the women scheiraris, 2s."

In 1608 the town presented to the Convention of Royal Burghs a supplication, "craifing ane custome to be uptaken for uphalding of thair twa brigis," and in the following year that body "gevis licence to the burgh to impetrat of our soverane lord ane gift of the impost following, for repairing of thair calsay and brig, to indure for the space of nyne yeiris, viz., of ilk laid passand alongis the said brig, of unfremen, 4d., and of fremen, 2d.; item, ilk kow, ox, or hors, cummand to be sauld, 1d.; ilk score scheip, 4d."\* It may be assumed that the impost was granted, as there are sundry instructions after this for repairing the bridges:—29th July 1609—"Ordaint to caus mend the briggis." 2nd June 1612—"Ordanes all the hors of the toun to lay in ane laid of lyme for reparatioun of the briggis and stepill. 23rd October 1615—"Item, all to be warnit to leid stanes to the brig work." The market cross also came in for some share of attention. 26th May 1609—"Ordanis to lay in lyme for reparatioun of the croce and uther thingis." 29th July—"Item, to caus mend the croce." 20th April 1610—"Item, to remember the repairing of the croce."

In the printed records (p. 359) will be found an enumeration of some of the mal-practices of servants, their carousals and disobediences, with injunctions for their better conduct. There are other acts on the same subject. 7th November 1608—"The names of thame that ar ordanit to be put of the toun or to pas to service (here follow names of 20 servants, the most of them females.) "It is ordanit that nane fea servants bot for ane year, and that heirefter nane within burgh tak ane servant quhill the yeir be endit." 24th April 1615—"Ordanis that all men and wemen servandis that hes committit transgressions to be chargit be oppin proclamatioun to remove off the

\* Permission was similarly given on 7th July 1615 to ask an impost for seven years of "2d. of ilk horse, 8d. of ilk scor scheip, 2d. of ilk futtman, 4d of ilk horse man cummand to thair bridge," the proceeds to be applied towards reparation of the bridge.



burgh at Witsunday; and that all heritouris of landis  
quha hes sett houssis to unfremen, wemen, and  
servandis, be poyndit for £10 of unlaw."



## VII.

## AN OLD BURGH ACCOUNT.

ACCOUNTS such as we are now-a-days acquainted with, in all their gradations from a tradesman's bill up to the National Budget, do not usually possess the element of attractiveness, and it may therefore appear difficult to get any one's interest awakened in details of pecuniary transactions in which the town was concerned three centuries ago. Old burgh accounts, however, have a special interest of their own, apart altogether from their immediate purpose, which was merely the due reckoning up of the treasurer's intrusions. They are generally characterised by a quaint simplicity of phraseology, and their incidental allusions to every-day occurrences afford many and varied side light views into social customs and manners which more formal records pass over unnoticed.

A series of Peebles accounts, commencing in 1623 and going on continuously for some years, is preserved. At that time the main sources of burgh revenue were the two corn mills, one of them the Auld Mill on "Peblis Water," and the other the Rude Mill on Tweed at the Castlehill, the Waulk Mill situated at Tweed Green, the petty customs, and the mails or rents received for the lands of Dalatho, Kingsmuir, and Cademuir grazings. For the year commencing at Michaelmas 1623 there was drawn from the two corn mills the sum of £656;\* the Waulk Mill, £24; Dalatho, £17; Kingsmuir, in lots at 6s. 8d. the acre, £3, 13s. 4d.; soums of Kaidmuir (over and above those allowed to the burgesses), £32; petty customs, £106, 13s. 4d. Four burgesses paid £1, 13s. 4d. each for their admission; and amongst other casual receipts there are "resavit for ane trie that gaid downe the water, 40s.; fra Stevine Thomson for his entres of half ane aiker of land lyand at the fitt of the loning at Ederstone Burn, £10;" for "ane auld millestone sauld to Oudbert Nickhallsone, Menner Mill, 50s.;" "resavit out of the steppill ane auld pot wechtand ten pund, 40s."

\* It has to be noted that money at this time was of the Scottish denomination, or one-twelfth of the value of sterling money.

As giving a view of some phases of daily routine in the burgh for a year, a liberal selection of items from the disbursement side of the account will now be given. In these the abundance of words then in common use but now obsolete will be noticeable, indicating the great change that has taken place in our vocabulary. Indeed any one who is able to get through them all without being puzzled need not fear the ordeal of a stiff examination in idiomatic Scotch.

1624—December.—Gavin to buy oyle dolie to the knok, 26s. 8d.; for ane quheill barra to carrie stanes to the calsa, 16s.; to John Willisone ane furlet meill for keiping the Eist Port, 45s.; to Cristiane Hay (tavern keeper), quhen the millis was taine ower fra Alexander Williamsone and John Geilleis, 12s.; to the persone (parson), to ryd to Edinburgh to geve John Mickill, wryter, £9, 11s. 8d.; to Mairriane Govan (tavern keeper) quhen the proveist and bailies lewkit the commone kist, for sax pyntis aill, 12s.; item, for candill, 2s.; to Cristiane Hay, quhen the persone come hame with John Mickall his discharge, being in companie the persone, the proveist, and the bailiyeis, 14s.; four foddome of cordis to flichter Thomas Pattersonne [drowned for sheep stealing], 5s. 4d.; for ane candill quhen they ryptit the hous, 4d.; to Cristiane Hays quhen Thomas Paterstone was execute, to the officeris and sindry uthers to hire, for meit and drink, 40s.; to Cleirie and Makwate [officers] thrie bread, 3s.; to James Haldine for ane scoire of stairtes and heacs, 26s. 8d.; to Beige Hoge for dechting of the prissone hous tuys, 8s., dailis to mak ane of the prisone hous doore, 30s.

1625—January—To John Johnstone for mending of the north syde of the tolbuith, 35s.; for 18 ringis to rung the toune ledder, 6s.; to James Haldine for rungung the ledder, 6s.; for ane uther scoir of heacs quhen the iys (ice) come downe and brak thame, 36s. 8d.; to George Kere for bringing in the tua men that brak waird, £26; to James Tait for intaking of four stakellis (shackles) of irne, 8s. 4d.; for twa breid to Makwat quhen he scoirgit Cleirie, 2s.; item, for ane foddome of toweis to flichter him, 6d.; gevin at command of the proveist and bailies, with some others in companie quhen the commissar was maid burges, to Cristiane Hay for wyne and aill, 33s. 4d.; to Beigis Hoge and her sone to dicht the prisone hous, 7s.; to buy ledder to the towing of the steippell bell, 13s. 4d.; to George Merteine for calsaying 14 ruidis of calsay in the Northgett, £42; for furnessching

his staines, £8, 8s.; for serving him for red and sand, £11, 4s.; for sax ruidis and ane half calsayit in the northmost Port Bray, £19, 10s.; stanes, £3, 18s.; sand and red, £5, 4s.; tua trumall brodis to the auld mille, 36s. 8d.

*February.*—To John Robeine, and two others, to cairrie James Bell that dielit at the Crosburne to the kirk, 8s.; to Andro and James Haldine and the thrie offeceris to cairrie the towne ledder fra the persone's place to the steippill and fra the steippill to the Cors Kirk, 10s.; to Alexander Fell and John Gibsone to cairrie ane crippill callit Scot to the Eschilles, 4s.; for tua pund of irne to mend the schaikellis of the nock that James Geddes had brokine quhen he braik waird, pryce and wark, 6s.; to John Haldine for goeing into the steippill windo to oppine the doore, 4s.; for feseing the schappill bell and for ledder to the towing of it, 8s.; to John Lowes, drumer, to buy ane pair of schone, 6s.; for ane aike trie to the ride (rood) mille, £5, 6s.; to Cristiane Hay quhen Alexander Williamson and John Gulleis band was subscrivit, for ane quart aill, 4s.; to Cristiane Hays quhen the persone rede to Edinburgh to borrow the money, 14s.; for thrie candill to sie to big the steippill doore heid, 2s.; for ane furneist doore to set up the steippill staire, £5, 4s.; for thrie quarteris of ierne of maid wark that was bandis and crewkis and staippillis to the doore, 46s.; to John Frank for his nocke fie, £15, 6s. 8d.; quhen Patrick Stoddart brocht the mony out of Edinburgh, to Cristiane Hays for ane quart of aille, 4s.

*March.*—Four peisis aik timmer to big up the nedder windo of the steippill, 26s. 8d.; thrie quarter of ierne and tua pund of maid wark to be slipperis to the nedder winda, 50s.; four geists to the steippill to be staneris to the kaiseing of the bell towis, 40s.; to the steippill wark gevin to John Reuill for sax-teine daillis that was dooris and mendit the loftis and kaiseing of the bell towis, £8; for hame bringing of thame out of Leith, for everie carrige, 15s.; summa for sax hors, £3, 10s.; item, for thair custum, 16d.; 14 pounde of ierne qubilk was four bandis and crewkis and slottis to the dooris, 55s.; to Edwart Fell for carieing of 38 laides of lyme and sand to the steippill, the lyme out of the skool and the sand out of Pebillis Water, 25s. 4d.; for casting of five hundreth fail and leiding of thame to the steippill loftis, 18s.; gevin in companie quhen Mr John Ker com to the towne and grantit thame license

that they sould cairrie the prisoneris na farder nor Selkirk, payit to Cristiane Schisholme, £3, 12s.; to Elewne Plenderlaith and Besse Hecfoird to cairrie ane crippill callit Wilson to the Myrhous, 4s. [Several other payments for removal of cripples to Winkston, Edston, Myrehouse, Possae, and Soonhope]. To three persons to ryde to Jedbruch with the prisoneris, for thair waidgies, £27; for meitt and drink quhen the prisoneris was transportit out of gawill (jail) to Selkirk, 12s.; for depursements in Selkirk and for fieing of hors to the prisoneris out of Selkirk to Jedbruch, £6, 13s.; for four hors to cairrie the prisoneris to Selkirk, £4, 8s.; for casting 600 fail and leiding of thame to mend the rewinous hollis of the rid millne, 12s.; half ane bowle meill to the drumer, £3, 6s.; foure foddome of cordis to flichter the prisoneris quhen they war carrit away, 5s. 4d.; for ane candill when Robert Twedy was put in the steippall, 4d.; for ane wounding scheit to Thomas Steinsone, 10s.; to Jenat Thomsone for wounding of him, 3s.; for tua woindeinscheitis to the twa prisoneris that in deit in waird, 24s.; to Mergrat Kide for woinding of thame, 6s.; [winding sheets also got for "ane that deit in John Thomsone's hous," "ane that deit in the proveist buir doore," and "ane callit Hoge"]; for twa halbertis to the twa officeris, £6, 13s. 3d.; for hamebringing of thame, 4s. 4d.; to John Lawsons in Craigmiller for twa new staines to the ride milne, £20; to the kairter and his men for hors meitt and maneis meitt quhen he come thrie tymes with the staines, £8; allowit for awin waigis quhen I (the treasurer) and James Haldine went to Leith to by the staines and to buy the timer to the steipill, thrie dayis, £6; for mending of ane lok that William Horsbruik brak in the cowmanhous, 12s.; ane scoir of heacs to the auld milne, 26s.; ane staine of ierne to be bandis to the utter quheill and staippillis to the clous of ride milne befor the milne was tain downe, £3; to Thomas Willisone for going to Traquair and to Henderleithane and to thes that hes the prebendar landis, with warnings, 34s.; to John Tempill to goe with wairneings to the laird of Hattone and sindry utheris, £6.

On April.—Quhen Mr James Ingillis come to tak infement for Lady Yester, for ane morneing drink, 30s.; to the men that brocht the chairge about the borroweis, 12s.; givin to cast ane gait besyde Winkstone that the kairt micht come to the towne, 10s.; to mend the littill trie brig with stane and lyme, 18s. and 6s.; for ain aixie trie to the auld millne, £6, 13s. 4d.; to James Haldane and Andro Haldine quhen

they patt in the aixe trie and mending the clous (4 days) for thair meit and drink, 30s.; for naillis to mend the tree brig, 6s.

*May.*—For viij aike treis that was in the Chappill hill to be sillis and staippillis to the ride milne, £16, 6s.; to William Walker in Henderleith for cairing up of ten laidis of kaiberis out of the Ploro woide to the milne, £3, 6s.; to James Haldane in Northgett and John Geillis and John Horsbruik for up-bringing of thrie of the gritt treis, for everie hors aucht schilling, of thair four hors, £4, 16s.; to Laird Bullo to bring up the uther twa treis with his hors and his oxine, pryce everie raik 32s., £3, 8s. [Several other payments for work at Rood Mill]. To ten men for deling of faill (turf) about the maircheis twa daxis, £3, 10s.; to the drumer, thrie days, 20s.; to the pyper, 6s.; to James Haldine and his servants for laying of Tweid call, £6, 13s. 4d.

*July.*—To James Williamsone, proveist, to give the lawieris and advocattis in March, £120, and in July, £40, 9s., to pay the schaker (exchequer) compt\* :—first, for their few maillis, £9, 10s.; item, impost of the wyne, £3, 7s.; item, gevine to the clairkis £3, 6s. 8d.; item, to the clarkis, 6s. 8d.; item, to the man that kelpit the duire, 4s. Item, for my awin waigia, waitting on thrie daxis paying the schaker cowmpt and buying timmer, and waitting with the proveist for the townes turne aganis Smeiffeld, £4, 10s.; gevin for mending of Tueid brig, £20, 12s.; for vj frie staines to mend Tueid brig, £3; quhen John Hay was till have bein serveit (as heir), for brikfast, being in company the provost, bailie, clerk, and procurator, 37s.; to buy ane pepper (paper) bulk to copy the tounes adversaries evidents in, 12s.; quhen John Hay was servit, for thair brikfast, £3, 10s.; for fieing of fyfteine hors to gang about daillis of my lord Yesteris to cairrie thame fra the Auchindyne brigis to the Neppeth, ilk hors 10s., £7, 10s.; to Thomas Wilson and Stevine Thomsonsone for hownding of Kaidmuir, Hamiltone, and Vainlaw, 8s.; to Robert Fotheringhame to cairrie ane prissoner callit Walter Gramme to Dumfreis, for his hors and his selfe, £2, 13s. 4d.; gevin in the Crewik for candill all the nicht and for the prisoner meitt in Moffat and Dumfreis, 12s.; to John Frank for susteining of him 12 daxis, 12s.; for twa foddame

\* Magistrates were required to produce to the exchequer yearly the accounts of their common goods that the lords might satisfy themselves "gif the samen be spendet for the common well of the burgh or not" (Act of Parliament, 1535.)

cordis to flichter him, 2s.; for my awin waigis being four dayis, £6.

*5th August.*—For tua ter barelis to burne on the Vainlaw, 26s.; for tua pound of powder and 6 unce, 6s.; for ane barrill of aill that was had to the Vainlaw, £3, 10s.; to John Robeine and John Billie for playing and stryking of the swyoh, 24s. *6th.*—To tuentie men that keipit the yeild nowlt in the Eschellie cowmane for thair briakfast quhen they had keipit thame all the day, 30s. *7th.*—Quhen James Hay gat seising in the Vainlaw, for instrewment and to Cristiane Hay, 30s. *15th.*—To William Vaich for hamebring letteres of law-borrowis againis Smeithfield and his tenentis, for the letteris and his awine waidgia, £5, 7s. *28th.*—Quhen Mr Mathow and Mr Hairrie (Edinburgh lawyers) come to the towne in tyme of waickance (vacation) quhen they ware going to Dumfreice, payit to Cirstiane Schisholme, 42s.; item payit quhen they come back out of Dumfreice, being in companie with the persone, the proveist, and the clark, and bailies, payit to Cirstiane Schisholme and Cirstione Hay, £9, 7s.

*October—December.*—To Bessie Eokford for dighting of the schoolle quhen the bairnes come till it, 2s.; to the scoole maister for his fie and schalmer maill, £109; to the dockter, Thomas Crawford, for his fie, etc., £17, 6s. 8d.; to the proveist to ryd to Edinburgh in June to meit with the lawieris for thrie dayis, £6; for ane auld millstone that was laid on or the new staines came hame, £6, 13s. 4d.; for mending the swysh and cordis, in August, 10s.; item, allowit to myselfe for papper and ink, 6s. 8d.

A humorously inclined economist has somewhere recommended everybody to live within their income even though they should have to borrow the money necessary for the purpose. The town of Peebles had this year aimed at making ends meet by a similar device, but were not quite successful. With the borrowed money (£186) added to the revenue the gross charge amounted to only £1191 Scots, while the expenditure exceeded that figure by £124.



## VIII.

**THE BURGH'S MAGNA CHARTA—LANDS DESCRIBED  
IN IT MORE EXTENSIVE THAN ACTUAL POSSESSIONS—CROFTS AND FEUS—TOWN WALL—  
REGIAM MAJESTATEM AND ACTS OF PARLIAMENT—MISUSING PROVOST—DISOBEDIENCE TO  
MAGISTRATES—PUNISHMENTS.**

It is narrated in the judicial records of the kingdom that our sovereign lord King Alexander, of good memory, gave the Moss of Walthamshope to his burgesses of Peebles, and since that time (1214-49) their successors have had frequent experiences of royal beneficence. The "hazards of war and fire," to use an old charter expression, were apt to disperse the bits of material containing the visible evidence of such favours, but in such cases the loss was usually made up by ratifications and renewals of investiture. One of these ratifications, with its accompanying novodamus, had been obtained from James II. in 1506, but in the succeeding century fresh acquisitions, both in privileges and possessions, had been made by the burgh, while on the other hand the counteracting influences of encroaching landowners were of increasing portent, and it now (in 1621) appeared to those in authority that the time had come for obtaining, in amplified form, another recognition by royalty of all the town's possessions and privileges. As to how the machinery for accomplishing this object was set in motion and worked, little or nothing can be gathered from the council records. The subject would doubtless be anxiously discussed amongst those locally concerned; consultations would be held with the town's Edinburgh agents, on whom would devolve the task of formulating the requisite supplication to Crown officials, and generally conducting the diplomatic arrangements; while not the least difficult part of the business would be the raising of funds to meet exchequer dues, scriveners' charges, tavern bills, and other attendant outlays. On these points the contemporary burgh accounts, had they been in existence, which they are not, would doubtless have afforded piquant details. As it is, the only reference in the



records which seems to bear on the transaction is the following on 10th December 1621 :—"Item, borrowit for the toun effairis in Edinburgh, vjc merkis (£33, 6s. 8d. stg.); thair obligatioun gevin thairfoir. Ordanis the thesaurer to pay to Mr Theodor and the provest thair expenssis for xiiij dayis." "Mr Theodor" was the minister of Peebles, a member of the Town Council, and one who appears to have taken a prominent part in the town's affairs.\* The provost of the time was James Williamson, and he and the minister, after their thirteen days' sojourn in the metropolis and settling the cost of the new charter, probably brought with them on their return to Peebles very little of the borrowed 600 merks.

The charter is dated 19th November 1621. Written on the face of a large sheet of stout parchment, it is still in a fair state of preservation, and is altogether an imposing looking document. The printed copy and relative translation occupy 34 pages of the *Peebles Charters*. Beginning with a recital of the ancient erection of the burgh, of the memorable services rendered by the community in peace and war, of the losses sustained by the burgesses in defending the country against foreign enemies and resisting border oppressors (the town being then often sacked, burnt, and laid waste), of the place being a convenient one for the administration of justice, and of the king being willing to defend the rights and privileges of the inhabitants that thenceforth a better opportunity might be given them of continuing in their faithful office and service, the charter confirms several previous grants, which are specified at length, and gives a full enumeration and confirmation of all the burgh's privileges and possessions. The extensive territory embraced in the charter is, however, misleading, unless it be borne in mind that royal grants were always issued *salvo jure cujuslibet*. Indeed, crown donees could only look upon as theirs what could not be

\* Theodore Hay, A.M., promoted from being Regent in the University of Glasgow, presented by James VI., 20th April 1610. He was a member of the Courts of High Commission, 21st December 1615, 15th June 1619, and 21st December 1634. Had D.D. conferred by the University of St Andrews, 29th July 1616; subscribed the Protestation for the liberties of the Kirk, with fifty-four others, 27th June 1617; was on the leet for Edinburgh in 1621; gave 100 merks towards building the library of the University of Glasgow, 1st August 1632; continued, 7th June 1643, but demitted in 1648, and was dead before 26th October 1652, leaving a widow and a son, who succeeded to the cure. — Scott's *Fasti Ecclesie Scotice*.

claimed by somebody else by prior or more satisfactory titles fortified by possession. Thus the great charter of Peebles gave the burgesses a *prima facie* right to enter into legal contests with other competitors, but the final issue of these was greatly dependent on extraneous evidence, and in the course of many and prolonged law pleas, the pruning knife of the legal lords succeeded bit by bit in reducing the wide domain described in the charter into somewhat modest dimensions.

. For the reasons just indicated, the council records which narrate the actual use made of the town's lands, and the interruptions to which such use was subjected, afford a more accurate view of their extent than does the long catalogue of them contained in the charter. The following extracts may be given in illustration:—  
 1620—Oct. 16.—“Item, to hound Hamiltan, twa everie quarter daylie, beginnand at the provest. Item, to make teillage thairof, and ilk pleuche to tell a yoking.” Oct. 30.—“Appoynttis ane thrie yeir tak to be sett of Kaidmure, provyding ilk burges haif twa sowme for ane mark the sowme, the takeman fyndand hirdis, the saidis burgessis being landit men. Item, to brek and teill Kaidmure and Hamiltan. Item, to lay down the Eschellie commoun new teillit. Ordanis twa of everie quarter to visit Hamiltoun and to designe quhat partis salbe teillit thairof and efter quhat forme. Mr Theodore Hay, parsoune, one of the counsall, protestit.” 1621—June 11.—“Ordanis the thesaurer to big ane scheill upone Hamiltoun to the hird. Ordanis William Gibsoun to haif weiklie ij pekis meill for his herdschip, and as for his fea he cumis in the tounis will.” June 25.—Ordanis the thesaurer to big ane ludge and fald upon Hamiltoun.” Oct. 29.—“Ordanis to poynd all that has geir gangand amangis the stoukis or rukkis befor the hail cornes be innit.” 1622—April 15.—“Ordanis to saw ane pairt of Hamiltoun. John Lewis offeris for the Inner Hill and Dod iijc merkis. May 14.—The counsall discharges the provest and baillies to be takeris of the hillis; and ordanis thame to nominat uthers in the takis and thai to be pertinoris. June 10.—“Ordanis to pind the guidis pasturing upoun Hamiltoun and Venlaw, and everie ane of the counsall to pas and turne thair day about; and the proveist and bailleis to direct thame to that effect. Appoynttis ane fald to be biggit upon Hamiltoun.” July 8.—Item, to cry Hamiltoun waist the morne and to warne the nyctbouris for eitting of the cornes sawin thairupon. Oct. 4.—“The provest and bailleis to keip and hound

the Venlaw and remanent hillis. *Oct. 23.*—"Ordaines the baillies to send ane of the officeris everie foirtie-aucht houris to pund Hamildoun, Venlaw, and Kaidmuir, and anes everie weik to goe themselffis and pund. Ordanis the hirds to keip the hail hillis and to suffer na guidis be pasturit thairupoun exceptand the townes awin guidis, and to give ane particular inventar of all guidis that was pasturit this last yeir thairupoun." *June 23.*—"Ordaines Thomas Younge, callit Yow-be-the-mouth, ather to tak soumes of the toun and pay thairfoir, utherwayes mak off the toun. Thomas Thomsons, herd of Kaidmuir, compeiring befor the counsall, being posed of the said counsall how he satt upon Kaidmuir fra Witsouday last, deponis he sits as herd to John Dikisone, elder [a tackman], and haith of him aucht soumes gras, togider with the land that he was in use of teilling of befor for his herdship. Ordanes the thesaurer to find materiallis for building the hous in the Innerhill, and the tacksmen to pay the workmen, and the samen to be allowit in foir end of thair mail. Comperit Androw Eumont alias Kerr, and was conduced (hired) of the said counsall for keiping of the hail Kaidmuiris, but in speciall the Dod and Westerhillis, he alwayes having aucht sowmes and tua aikeris of land for his service, quhairwith he was content." *July 14.*—"Ordeanis the hillis of Kaidmuir to be feuit ordourlie to the borro landis. The Westerhill to ly unfeuit." *August 18.*—Two persons for each quarter, and "the parsons, owerisman," appointed to take "tryell quhat tenementis sall have pairt of the Kaidmuiris." *1624—July 5.*—"The counsall censures James Williamsons, provost, and hail remanent persounes that hes castin ony turffis or fewall upoun the Dod to pay £5 each to the thesaurer." *June 21.*—"John Hay of Smithfield offerit for ane tack of the Venlaw £60 yearly," but consideration of the offer was delayed. *July 5.*—"Ordanis the Venlaw to be kepit fra pasturing of all guidis except the townes awin guides, and howndit daylie twyse."

Besides procuring a ratification of their own rights the council also about the same time instituted inquiries as to the tenure under which occupiers of some of the crofts and pieces of land adjacent to the town were held, and the duties or services exigible out of them:—*1620—October 16.*—"Ordanis Niniane Lowis to produce his infestment of the hawche to understand quhat darkis [days' work] he aucht thairfoir." *October 30.*—"John Lowis productit ane charter of

ane pece of land upon the south syd of Tueid, beirand twa dayis labour with ane hors yeirlie." *December*—"Ordanis the provest and baillies to stey all persounes that labouris the mure quhill they produce their fewis and few maillis." *1622—July 8*—"Ordanis all that hes few landis within or without burgh to exhibit thair fewis this day xv dayis, and to that effect to be warnit be oppin proclamation and utherwayis." *1624—July 5*—"Ordanis James Williamsons, provost, to desist fra all forder persewing of Gilbert Bullo for removing fra ane aiker of land in Aikerfield [now Rosetta] haldin of the burgh of Peblis, till sick tyme that the toun of Peblis recover decreit aganes the said Gilbert."

The town wall had been erected in 1569 under circumstances set forth with gratifying fulness in the printed records. At that time the Borders were in a condition of great turbulency, but following on the union of the crowns a state of comparative quiescence had supervened and the walls, not now of prime importance for defensive purposes, were getting neglected and out of repair. Still for many reasons it was desirable that the walls should be maintained. When the ports formed the only entrances the due collection of customs could be better secured, the introduction of persons from infected places in time of plague could be prevented, predatory bands of unsuppressed raiders, sturdy beggars, and other unwelcome itinerants could be more effectually excluded, and supervision generally exercised both upon the arrival of visitors and exit of inhabitants. Accordingly, on 22nd April 1623, "It is statute and ordanit, becaus the toun wallis ar broken down and lyklye to decay, throw defalt of these that hes the landis adjacent thairto, that nocht onlie they repair, re-edifie, and mak thair heid rowmes als guid as they wair of befoir, bot also uphald the samyn in all tymes, cuming, in the lyk estait, under the pane of £5 gif thai do nocht the samen betuix and Lambes and that ilk ane that passis in or ower the wall pay for ilk falt 10s." *1622—July 8*—"Ordanis these that hes nocht buildit the faltische wallis be poindit, ilk ane for £10." *August 19*—"Ordanis that all build and edifie thair heidrowmes of the wallis to ane sufficient heicht with stane and lyme, under the pane of x lib., betuix and the last day of May."

An edition of the acts of the Scottish Parliaments was published in 1598 by Sir John Skene, lord clerk register, and a distinguished legal antiquary. The purchase of the book by all persons of "sufficient

substance and abilitie" was compulsory, and the burgh seems to have acquired a copy of it as well as of Skene's treatise of "Regiam Majestatem," published in 1607. 1623—July 24—"Ordanis John Dikisone to produce befor the counsall Regiam Majestatem the next counsall day. 1624—September 6—Thomas Tuedie producet the actis of Parliament quhilkis ar deliverit and lent to James Williamsone, provost, quhilk with Regiam Majestatem he pro-meist to reproduce."

Speaking evil of dignities, and other disrespectful conduct towards those in authority, cannot be tolerated in a well regulated community, and accordingly we find, on 19th March 1621, "John Baillie censurit for misusing of the provost. Ordanis him, upon the mercat day, at the croce, to crave him forgiveness on his kneis; and farder be standing ane space at the croce, and thairefter cuming with humilitie, etc.; and farder to deliver to the thesaurer of the kirk, for the poor, v merkis." Again, on 20th August 1621, "John Robene, convict of ane ryett upon Clerie, and for disobedience to the magistrat and also upbraiding the provost and stryking the provost's wyf. He be common voit of counsall is discharged and depryvit his officership. And the said day his spous tryit for upbraiding of the provest, saying the vengeance of . . . pat him in office! Ordanis her to be put in the cokstole the morne." 15th April 1622—"For the wrangis done to the provost and balleis be Robert Govane ordanis him to be layit in the stokis and ly thairin xxiiij houris at the croce." 28th April 1623.—"Ordanis John Dikisone, wobster, to be wairdit in lokfast waird during the spaice of tuentie-four houris for strykin the officer." This would be a different officer than the redoubtable Clerie who had on 24th February previously again got into trouble:—"Ordanis to scourge Clerie and Boldis boy for thift and banische thame."

With the approach of May preparations began to be made for the annual Beltane festival and sports.\* The gatherings on these occasions, like the Continental May celebrations of our own time, were sometimes the cause of anxiety to those responsible for the public peace, as in 1608, when the lords of Secret

\* A weekly market and three yearly fairs are sanctioned by the charter. The first fair was to begin on 8rd May (called Beltane Day), the second on 29th June (called St Peter's Day), and the third on 24th August (called St Bartholomew's Day). The first two were each to continue for forty-eight hours, and the last for eight days.

Council inhibited the lieges from assembling at "ane horse race appointed to be held at Peblis in May, whereunto grit numbers of people of all qualities and ranks intend to repair, betwixt whom there being quarrels, private grudges, and discontentment, it is to be ferit that at their meeting upon fields some troubles and inconvenients sall fall out amangs them to the break of his Majesty's peace and disquieting of the country." The time, however, had passed for such grave apprehensions of mischief, and on 28th April 1624 we find the magistrates enjoining the inhabitants to come forth in due pomp—

At Beltane when ilk body bounds  
To Peblis to the Play.

"Ordaines the haille honest men to be wairnit to attend the magistrattes in maist civill forme, everie man with ane sword at his belt, baith at the tyme of the Beltane fair and horse raice upon the morne thairefter; as lykwayis at all uther fairis heirefter, ilk persone under the pane of ten pundis for ilk failie."



## IX.

CONSTITUTION OF TOWN COUNCIL—REVILING MAGISTRATES AND OFFICERS—SCOLDING WIVES—COOKSTULE — COUNCILLORS' HATS — PETTY CUSTOMS — WEAPONSHAWING — PLAGUE — NIGHT WATCH—CHAPEL OF VIRGIN MARY—STEEPLE — PRISONERS.

PEOPLE who imagine that the electoral franchise in burghs was for the first time extended to proprietors and occupiers by the Municipal Reform Act of 1833 may be surprised to know that burghal government was in some respects more democratic two or three hundred years ago than it is at the present day. Not only the councillors but also the magistrates themselves were then chosen by the burgesses direct. By the Laws of the Burghs, sanctioned by the first King David, aldermen and bailies were appointed to be chosen at Michaelmas yearly by the "gud men of the toune;" and, notwithstanding an Act of Parliament passed in 1469, whereby, with the view of avoiding the great contention yearly in elections "through multitude and clamour of commones simple persones," it was enacted that in future the old council should choose the new, the records show that in Peebles the municipal franchise was exercised by the burgesses at large till near the close of the 16th century. About that time a change of system came into operation, though the precise date cannot be ascertained on account of a hiatus in the series of court books, the register in which election procedure was recorded. In October 1578 two bailies had been elected with thirty-three and thirty votes respectively and there is no record of a subsequent election till 1624, by which time the broken series of court books is resumed. The practice of the burgesses choosing the magistrates had then ceased and (to quote the "sett" or constitution of the burgh as reported to the Convention in 1708), "the old magistrates and council elect the new council of seventeen persons, out of which there is a leit of three persons for provost, three for eldest, three for youngest baillie, three for dean of gild, and three for treasurer,

of which leits there is one chosen for each of the above offices." The incorporation of websters or weavers also gave in a leet of six names, out of which the council selected three, and from this number the incorporation chose their deacon, who had a seat in the council. At the election in 1624 James Williamson was chosen provost with eight votes. Two bailies, a treasurer, three keepers of keys, and a deacon of weavers were chosen at the same time, and Patrick Vaitch, clerk, was continued in office.

The municipal oligarchy, whose members secured and retained office independent of the suffrages of the great majority of the inhabitants, did not always succeed in keeping clear of collisions with the more forward of these, as when William Porteous and Charles Porteous (11th October 1624) acknowledge that they had slighted their own magistrates, "disclaiming the proveist and bailyeis and compleining upoun John Robene, (officer), to my lord Yester," and in place of expressing penitence Charles Porteous exclaims—"The devill be amang the provest and bailyeis or I be thair burgress! and that they war ane cumpanie of gredie gormawis." For this defiant outbreak Charles was promptly deprived of the privilege of exercising any freeman's trade in future, and he had also to expiate his offence against the officer. *22nd November 1624*—"The hail counsell ordanes Charles Porteous to cum to the kirk upoun Sondag nixt, and thair immediatlie efter the foirnone preiching, befor the blissing, in presence of the hail parichiners, confes he hes bene in the wrang to John Robene in calling him mensworne and perjurit, and first to ask God forgifnes and nixt the partie; or utherwayis remittis him to the session." The quarrel between the Porteouses and Robene, though perhaps smoothed over for the time, was not entirely extinguished, and a month or two later we find indications of some embers of wrath smouldering in the bosoms of their wives and relatives. *21st February 1625*—"The provest, bailyeis, and counsell statutes that quhasaever salbe tryit to be the first skalder or speikar with any uther sall not onlie be put in the cockstuill bot also sall pay the sowme of fyve pundis for ilk failyie, without defalcation. And this act to be extended to John Robene his spous, and William Porteous his sone, and thair wyffis. And for obedience of this act John Robene is becum cawtioun for his wyff, and William Porteous for his wyff, his sone, and his wyff."

That the hat made the man, and the want of it



the councillor of deplorable inefficiency, were axioms either not readily perceived or tardily acted upon, judging by the reiterated orders issued on the subject:—*22nd Dec. 1623* — “Ordaines that quhosever cumis heir to the counsell heirefter but [without] ane hat sall pay tuentie schillingis.” *12th Jan. 1624*— “Convictes David Plenderlayth, James Horsburgh, John Geddes, and John Thomsone, all present, ilk ane in ane unlaw of tuentie schilling for coming heir to the counsell but hattis.” *Feb. 2*—“Unlawis Patrik Patersone and John Thomsone each in ten schillingis for wanting of hattis.”

Part of the revenues of the burgh consisted from the earliest times of dues levied on goods brought to the burgh for sale, otherwise called small or petty customs. Information as to the mode of collecting these dues from the landward proprietors is afforded by letters granted under the privy seal in the ninth year of the reign of one of the Jameses, but only “copyit and insert in the counsell buik” in 1623, indicating that the same system of collection was still followed. In this document it is stated that “the bailyeis and communitie of our burgh haif of us the small customes of our said burgh, and payis thairfoir yeirlie to our comptroller the soume of fourtene merkis,\* as the chekker rollis beiris; and quhair they ar in approvit use and consuetude of ane firlot of aittis to be payit of everie pleuch tilth† of land within the bounds of our scherefdom of Peblis to thame for thair hail customes of thair cornes, hydys, skynnys, and woll, and utheris guidis brocht to the mercat of our said burgh, ane pairt of the lairdis of landwart and thair tennentis now mak impediment and refusiss to pay the said custome aittis, in defrauding us of our custome aucht to us of the saidis guidis, and in grit skaith to the bailyeis and communitie of our burgh that man pay for the samyn to our chekker yeirlie as said is, and aganes justice gif sa be.” The sheriff was therefore charged to call before him such persons as were complained against, make enquiry and compel them to continue in the payment of such dues as they had formerly been accustomed to. The collection rolls showing the different contributions throughout the shire,

\* This is the payment prescribed in the charters both of 1506 and 1621, but it is there divided into twelve merks to the royal treasury and two to the hospital of St Leonard.

† Supposed to be synonymous with ploughgate, meaning as much land as could be turned over by one plough or tilled in the course of a year.

had they been in existence, would have thrown some light on the state of cultivation at the time, but the burgh books do not give assistance in this respect. The customs were let to a tacksman, who undertook the collection, and the treasurer had only to account for the tack duty received by him. This amounted in 1624 to £106, in 1625 to £112, and in 1626 to £120.

With the long period of freedom from entanglement in foreign wars which characterised King James's reign, and the fortunate absence of international disputes, the custom of holding general musters and weaponshawings had fallen somewhat into desuetude. The episode of the Spanish war which the king, in his last year, had been reluctantly drawn into, raised some little martial enthusiasm throughout the country, and it was probably in connection with the warlike feelings thus evoked that a "generall wappinschawing" was held "in the Croce Kirkyeard" in presence of the provest and bailies, on 20th August 1624. One hundred persons, of whom twenty-five belonged to the "Auld Toun," turned out and had their arms and armour inspected, while half a dozen more are stated to have been absent. Of the arms worn the sword, lance, hagbut or musket, and spear, were the prevailing weapons, but a few were possessed of "pistolets," and two had each a "bow and bag" [bow and quiver of arrows] in addition to sword and spear. Of swords, 86 were shown, and there were 6 lances, 16 hagbuts, and 69 spears. Of defensive armour, thirty-eight persons were provided with "steil bonnets" or helmets, and ten were each encased in a "jack" or coat of mail. At the inspection only thirty-seven were allowed to pass without being enjoined to equip themselves more efficiently. Thus, one appearing with sword and hagbut, is required to procure a jack and steel bonnet, another having only a sword, is "unlault for wanting armour," another, with sword and spear, is to get a jack, steel bonnet and hagbut, another with an "auld sword," is to get a new one, and other arms and armour, and another with a sword and hagbut, is to get a "buffil coit." Remedial measures seemed practicable in such cases as these, but when they stepped out on parade "John Lausone with ane roustie sword and ane speir wanting the heid," the provost and bailies appear to have looked on the case as a hopeless one, and John was allowed to go without comment.

Rumours of the approach of pestilence towards the end of the year 1624 stirred up the council to extra

watchfulness in admitting strangers. *Dec. 6—* "Ordanes the foure portis to be keipit sua lang as the plage continewis in Edinburgh, Louthiane, or ony uther partis in the four halffis about, and that be four men, maisters of thair famelies, and be the principall servantis of these that ar wedowis, for quhom they wilbe ansuerable, fra sex houris at morne till aucht houris at evin. And quhasoevir being warnit thairto beis fund absent any tyme of day sall pay ten pundis and punischment of thair persones conforme to thair mereit." *Dec. 20—* "Ordanes the water-yet ather to be biggit up or ellis ane yet of dailis to be put thairon, with ane yet upoun the weikyet, and lockis to be put thairupon and keipit preceislie. Ordanes to poynd all these quha hes not biggit the toun wall upoun thair heidrowmes of sufficient heicht."

Danger of the plague disappeared in course of time, but a watch was subsequently organised to guard against another evil, probably some threatened mischief from border marauders. *17th April 1626—* "Ordanes ane watche of sex persones, viz., foure of the new toun and twa of the auld toun, nightlie, to watche the toun fra ten houris at nicht till four houris in the morning, and this watching to continew ay and quhill it be dischargit. And the hail watch to cum in the morning, ather to the proveist or ane of the bailleis, and declair to thame thair diligence and mak report quhat they haif hard and sene."

The chapel of the Virgin Mary had been erected on a site at the west end of the High Street, granted for the purpose by the second King David. After the Reformation, the building ceased to be required for religious services, and as patched up and added to came to be used for a variety of municipal purposes. The clock and bell were placed in its steeple, which, when occasion required, was used as a watch tower, the town's papers and valuables were sometimes deposited there, and in its vaults prisoners were detained till they escaped or were liberated. *22nd Jan. 1621—* "The thesaurer to mak ane new dur to the steipill. *26th May 1623—* "Ordanis the thesaurer to direct John Frank to ring the grit bell at fyve at morne and aucht at evin, and gif he faillyie to detain his waiges." *19th Jan. 1624—* "Thomas Frank, burges of Peblis, is becum cautioner for John Frank, his brother, for keiping of the steipill, guying of the knok, and ringing of the bell, and for guid and thankfull service under the pane of fourtie pundis." *26th April—* "Ordanies Archibald Frank as cautioner for the bell to produce the samyn, under the paine of

£100." *5th July*—"It is statute be the haill counsell that quhasaevir sall heirefter haif the keiping of the stepill, wairdhous and javill of this burgh, sall find sufficient caution and souertie for thair dew and faithfull service thairin; and siclike to warrand, freith, releve, and skaithles keip the provest, bailieis, haill counsell and communitie of all and quhatsumevir sowmes of money, skaithis, costis, and expensis that they may incur throw the saidis keiparis negligence or escaping of ony persones furth of the said waird in tyme cuming." *25th July 1625*—"Comperit Patrik Tod and being accusit for breking of the tolbuith and escaping furth thairof upoun the last day of June last, confest the samyn. Continewis the censuring of him." *24th Oct.*—"The haill counsell ordanes that na persone nor persones of quhatsumevir degrie haif access to Patrik Grahawe, presentlie in waird, for quhatsumever caus at ony tyme herefter without ane speciall warrand of the provest or bailieis, and that na drink be delyverit to him bot samekill as may serve for his intertanement; as lykwayis that na letteris or missives be delyverit to him till the provost and bailieis sie the samyn and be acquent thairwith; and speciallie that John Moffet haif na acces to him." *19th Dec.*—"Ordanes the thesaurar to by ane barrell of powder for furnishing of the twa gunnis in the stepill, and these that hes pieces within this burgh, ilk ane of thame twa unces agane the next wapounschawing." *1st May 1626*—"William Jonkesone, for injury done to a bailie, is discharged from using any freemen's trade "and himself to enter his persone in waird within the stepill lockfast till the haill counsell convene, and not to be relevit be ather provest or bailie without advyse of the haill counsell or ellis consent of the said bailie." *14th Jan. 1628*—"James Hope, accusit for breking of the loft of the wairdhous of the stepill quhen the presoneris and sojoris was in waird thairintill, grantis he was upone the counsell thairof and knew the doing of the samyn." *16th Jan.*—"William Horsburgh affirms that he hard James Hope and the fellowis talking togidder and popping upon the loft quhen it was brokin, and that the deponar come up to thame and said that wark wald not be interprysit nor done, and that than James Hope answerit that it aucht be done, and that the loft was brokin that nicht, and that eftir they come down and oppinit the lock of the dur quhair he was and causit him go up with thame quhen the loft was brokin; as lykwayis that the commoun kist being turnit up the boddome thairof nicht be easilie brokin and

ane hoill maid thairin and the writtis micht be easilie tane out and distroyit. James Hope declairis he knew of the breking of the lock and was at the doing thair of himself, and anent turning up the boddome of the commoun kist and making of ane hoill thairin denyis. Cumis in the counsallis will for breking of the said loft and all uther wrangis laid to his charge." "Ordaines the keipar of the steipill to ring the grit bell everie nicht at ten houris at evin that thairafter quhasoevir beis fund ather drinking or playing may be inexcusable of thair censure." From Accounts:—*1625*—"For stray to cast beneth the prissoneris in Brokishoill,\* 6s. Item, for careing the irones fra Brockishoill to the steipill, 32d." *1626*—Amongst other entries relating to a weaponshawing there is a payment "to John Frank for shuiting of the twa goines in the steipill." *Jan. 12*—"To Chairles Pringill to ryde to Edinburgh to meet with Lord Yester anent Patrik Graime, tua dayis, £3." *April 28*—"To James Wilson, smith, to mend ane quheill of the knock, for ierne and his awin wark, and for tursing up of the quheill, 48s. To leiding of fyve hunder sklatis out of the Corce Kirk to the chappell, 6s. 8d." *June*—"To James France for speiring of the man that fell comeing downe the steippill that Andro Stewart put in, 24s." *July*—"For laying of ane loft in the steipill and reulling of the bos windayis and for taking up the daillis in at the bos windayis, £3, 12s." *1627, Feb. 23*—"Gevin for carieing of sax laidis of staine to the tolbuith and thrie laidis lyme to the steippill heid out of the Croce Kirk, 10s. For ane kie to the chaippill and ane plait to the lock and for mending of the lock, 10s. The four lockis to the steippill, to John Slebairne in Edinburgh, £8, 2s. 8d." *1627*—"To John Frank and James Haldane for mending of the steippill dooris and lockis that guid William Horsbruik brak—God mak us quit of him with our onestie!—12s."

\* "Brockshole, literally badger's hole or den: the common name for the blackhole of a prison, into which only the vilest criminals were put."—*Supplement to Jamieson's Scottish Dictionary.*



## X.

NAMING OF STREETS—LIDGATE—IMPOST ON WINE—  
 SALE OF PROVISIONS—MARKET FOR SHOES  
 AND OTHER WARES AND MERCHANDISE—  
 FLESHMARKET — SLATED AND THATCHED  
 HOUSES—MISCHIEVOUS HENS—MINISTER OF  
 MANOR—BELL AND CUP FOR RACES—SILVER  
 ARROW—THE SCHOOLMASTER AS PHYSICIAN—  
 MISCELLANEOUS ITEMS FROM ACCOUNTS.

"I HAVE often remarked," says Carlyle in his Journal (1832), "that the present generation has lost the faculty of *giving names*. The modern streets of towns, and innumerable other things, are proofs of this. They are reduced to name streets by the owner of the land, by the builder, or in some other mechanical way, almost as if by formula. Thus in Dumfries they have made their old Lochmaben Gate into *English Street*. . . . In Liverpool they have named streets by herbs, by poets, and by other desperate methods. What talent is specially requisite for giving a name? A certain geniality of insight, whereby some real property of the thing reveals itself. A very little will do, but some little is requisite; then, so useful are names, even an indifferent one sticks. Giving a *name*, indeed, is a poetic art; all poetry, if we go to that with it, is but a giving of *names*." In some towns the "poets" would in recent years have enjoyed no sinecure had it been incumbent on them to produce all the street nomenclature on Carlyle's principle; while, on the other hand, the device of adopting names ready made, whether those of eminent personages, of our noble selves, or of esteemed friends, comes in as a handy expedient and is scarcely censurable. Indeed, the honoured name of the sage of Chelsea himself is not infrequently found chiselled out at the corners of streets and inscribed on lamp-posts. If Peebles has not yet distinguished itself in this way it may be permissible to suggest to the builders that there would be a special appropriateness in doing so, because it was one of their predecessors who, migrating

into Annandale and marrying into the family, instructed the elder Carlyles in mason craft and did much to produce those surroundings amid which the great philosopher passed his early years.\* But whatever course may be pursued in bestowing new names it is always a regrettable circumstance when an old and well-known name—especially where “some real property of the thing” is revealed by it—comes to be superseded by a new one. One of the oldest and best known landmarks in Peebles—so far as streets are concerned—used to be the Lidgate, or Leidgait, as it was more properly designated in old records, and it is to be hoped that amid the array of streets and terraces which are now lining its course, the ancient name will not be smothered out of existence. Judging by the allusions to it given in the records, it is probable that Leidgait meant simply the gait or road leading to Hamilton Hill, and by which turf, fuel, and crops were “led” or brought into the town. “Leid,” again, in old Scotch, was of flexible signification, indicating in some cases a district or country, in others a load (loads from Hamilton would frequently pass along this “gait”), and even in one or other of these connections the road may have got the name it was known by.† In 1461 the common of Hamilton was set to a tenant for five years, reserving to the inhabitants freedom “to cast turris (turfs) and pul hedder (heather), wyn thaim,

\* In 1778, when he (Carlyle's father), was sixteen, a certain William Brown, a mason from Peebles, came into Annandale, became acquainted with the Carlyles and married Thomas Carlyle's eldest daughter. He took her brothers as apprentices, and they became known before long as the most skillful and diligent workmen in the neighbourhood.—*Froude's Life of Carlyle.*

† Dr Chambers was inclined to regard *Lidgate* as a corrupted form of *Lichgate*—the way by which the dead were carried for burial, but there are difficulties in the way of accepting this interpretation—(1) The prefix, though found in MS. 300 years old, is never written similar to “lich” or otherwise than “lid” or “leid.” (2) If corrupted from the original the name would be more likely (as in the cognate word *lykewake*) to take the form of *Lykegait* than *Lidgate*. (3) Though “lichgate” (common in England but rare in Scotland) signified the shed over the gate of a churchyard to rest the body under, perhaps there are few if any instances of the way to the ground being termed *lichgait*. (4) The *Lidgait* in Peebles was situated at a considerable distance from the churchyard, and was only approached to it by a cross road (now St Andrew's Road), described in old titles as the road leading from St Andrew's Kirk to Gilsburn.

led thaim, &c., as thai did or he was tenand." 1566—*Jan. 18*—"The auld actis of the common gait betuix the toun and Hammiltoun Hill to be observit and kept." *Mar. 4*—"Imputis the wyte (blame) to the baillies that thai ordour nocht the common gait betuix the Leidgait and Hammiltoun." 1628—*May 10*—"Gevine quhen the mairch staines was sett on the streit that gois to Hamiltone, to Patrick Vaitch his wyfe for thrie schapping wyne, in companie with the laird of Blakbarranie; with the suggare, 22s. 6d. Item, to Thomas Frank wyfe for meit and drink to the men that sett the staines and maircht the way, 18s. Item, to James France for leiding the staines to sett all the way betuext Hamiltone and Lidgett, 53s. 4d." 1628—*October 27*—"Whosoever pas by the merche stanes in the gait betuixt the Auld Toun and Hammiltoun Hill sall pay for everie fault ten pundis." 1629—*Mar. 16*—"Ordanes all these that hes teillit upon bayth the sydis of the Lidgait betuixt the Auld Toun and Hamiltoun to be poyndit, ilk persone for ten pundis." 1632—*Feb. 20*—"Ordaines William Vaitche to produce the instrument of the Leidgait betuixt this burgh and Hamiltoun." *July 16*—"William Vaitche producit the instrument anent the merches of the Lidgait betuixt the Auld Toun and Hamiltoun Hill."

In 1613 the convention had agreed that each burgh should farm (that is collect in consideration of payment of a fixed tack duty) the impost granted to the king of £4 upon each tun of wine retailed within its jurisdiction. The revenue derived in Peebles from this source was not large. 1613—*Nov. 1*—"Ordanis Thomas Barbour, unfrieman, to bring na mair wyne to be sauld within this burgh becaus he is nocht frie to the burgh." 1623—*July 28*—"Ordanis the baillies to collect the impost of the wyne conforme to thair inventouris." 1624—*June 14*—"Ordanes the venteraris of the wyne to be citat to the nixt Weddinsday anent the impost of wyne, and to gif thair aithis." *July 5*—"Cristiane Chisholme, sworne, grantit scho ventit and ran thrie laidis of wyne and offerit payment thairfoir. Elspeth Threipland, sworne, grantit scho ventit and ran four laidis wyne, pairtlie wyne seck and pairtlie French wyne. Marion Pringle, sworne, deponit scho ventit alanerlie thrie laidis wyne. Ordanes the bailyeis to exact the impost of the wynes with all diligence." 1625—*July 11*—Cristiane Chisholme confessed that she sold between Martinmas 1623 and Martinmas 1624 "thre



puncheon of wyle, the impost quhair of is thrie pundis. Marion Pringle confest xxiiij gallounes wyne during that ilk tyme." In 1625-6 there is received "fra Patrick Vaitch's wyf £6, fra Cristiane Schisholme, 40s.; and fra Marrane Pringill, 20s," making the total duty for wine sold during the year £9.

Supervision was exercised over the sale of provisions and other necessaries and the holding of markets:—1622—Oct. 7—"To proclame upone the fair day that all within the sherefdome and uthers be frie to slay and sell flesche upon the ordinar mercat dayis." 1623—Dec 22—"Aill to be cryit doun till tuentie pennies the pynt," and in October next year 16d. the pint. 1625—Mar. 21—"Ordanes the hail baxteris within this burgh to mak sufficient breid, baith quheit breid and ait breid, the quheit laiff to be of sufficient stuff of sextene unce wecht, and the ait breid effeirand to the meill, under the pane of confiscation thair of and fourtie schillingis for ilk contraventioun, but defalcation." Nothing is said here as to the price, but judging by the practice in other burghs it is conjectured that the fixed price would be a shilling, the weight varying with the market prices of raw material. In 1631 the wheat loaf was appointed to weigh 18 oz. and the oat loaf 27 oz. 1626—April 23—"The counsell hes statute and ordanit that the hail fleschouris, present and to cum, within this burgh, at all tymes heirefter, brek all sort of flesches to be slane be thame, in forme and maner following, that is to say, the beiff and veillis to be partit in the accustomit forme of pairting, at four houris ilk day efternone in symmer, and at tua houris efter none in winter. As lykwyis the hail muttoun to be slane be thame to be cuttit and partit in leggis, baith symmer and winter, at the houris respective foirsaidis; and this act to be extendit to these of landwart that sall bring and slay flesch within this burgh; and that the beiff and bakoun be brokin and partit according to the will of the buyaris, and sauld in tailyeis at the buyaris plesour, under the pane of confiscationne of the hail flesch." 1628—Mar. 3—"Understanding the grit and manyfold injuries, loissis, and skaithis done to this burgh and sustenit be the samen abent the mercat thair of, be selling and buying of sehone and uthers mercat wairis and merchandice, and selling and buying of meill upone the mercat day of this burgh in sindrie landwart poffillis, buiths, and privat houssis within this burgh, baith contrar the tennour of the actis of

parliament, actis of burrowis, and particular actis of this burgh, . . . sua that thairby the mercat of this burgh is becum as it war little or altogider na-thing, be the malignant dispositioun and deilling of sum malicious and evill-disposit persounes: For remeid quhairof they haif statute that the scho mercat, and the mercat of all uther merchandice and merchant wairs, sall begin everie mercat day at ellevin houris befor none at the ringing of the chapell bell; and the victuall mercat, sic as meill, beir, malt, quheit, peis, aittis, and ry, sall begyn everie mercat day preceisslie at tuelff houris in the day. . . . Quhatsumever persone salbe fund ather to buy or sell . . . in ony landwart toun or possil, or yet within ony buith or privat hous within this burgh befor the samyn be presentit to the mercat, aither yet sell the samyn out of the mercat place of this burgh, that the said schone and merchant wairis, as likewayis the said meill and uther victuall and pryces thairof, sall be confiscat and applyit to the tounes use," and the contraveners otherwise punished in terms of law. *1628—July 7*—"The bailyeis to visit the hail muttoun and lambis to be slane at any tyme heirefter; and quhatsumever flesche salhappin to be blawin the samyn to be confiscat and dealt to the pure (poor) of this burgh." The practice of "blawin" or inflating flesh in order to make it appear richer and more solid, though more common in the olden time, has not entirely become extinct. In a paragraph recently going the round of the newspapers a conviction for this curious offence, committed in an English town, was noticed. *1629—Jan. 26*—"Ordanes the provest and bailyeis of this burgh, present and to cum, to pas throw the touu and visit the measuris and hail wechts of this burgh and to consider the quantite and qualitie of the hail breid and drink."

At one time it would appear that the slaughtering of animals took place on the High Street:—*1629—Nov. 9*—"Appointis John Thomson to visit all the flesch to be slane within this burgh to be slane on the Hea Streit." But this unseemly state of things was soon to be terminated:—*1631—Aug. 22*—"Ordanes the thesaurar to buy and caus bring hame ten Leyth jeistis and tuentie dallis for reparatioun of ane flesch mercat in the clois of the new tolbuith." *Nov. 28*—"It is statute and ordanit be the hail counsell that all nolt, scheip, lambis, swyne, and uthers, to be slane and sauld within this burgh, be slane and sauld in the new flesch mercat, thairin to remane till the samyn be sauld and brokin conforme

to the former acts; payand thairfor ilk burges for ilk lamb, 2d.; and the landwart man, 4d.; ilk burges for ilk scheip, 4s.; and ilk landwart man, 8d.; ilk burges for ilk auld nolt passing the boundis of ane yeir auld, 12d.; and ilk landwart man, 2s.; and the veills to be conforme to the scheip; ilk swyne, ilk burges, 12d; and ilk landwart man, 2s." At first two visitors were appointed to collect the dues, but subsequently the market was leased to a tacksman. In November 1632, the market was let for the period to Whitsunday following for £10 Scots.

In 1624, 8s. is paid "for ane to go to Dudingstone for the winner of solaits;" and from other items in the accounts, such as a payment "for leiding of fyve hunder sklaitis out of the Corce Kirk to the schappell," it may be gathered that in roofing houses slates were used to a limited extent. Turf and thatch, however, were the prevailing materials, and the roofs so composed formed favourite roosting accommodation and *gymnasia* for the poultry:— "1631—Oct. 24— "Quhasaever haifand hennis or foullis fund upon housis, scraping the rigging or thack thairof, it salbe lesum to the awneris of the housis to slay the samyn to thair awin use, without payment or satisfioun, by and attour satisfioun of the pairtie skaithit." 1656—April 28—"Considering the prejudice and wrong occasioned by the scraiping of foules in housis and yairds, it is ordained that all those who has henes or capones put and tye such a weight of tymber to the foote of the saids foullis as will hinder them from flieng"; and any person finding a hen or capon without such a "cloige" to be entitled to seize and dispose of it.

The minister of Manor, it may be noticed, was allowed turf for roofing purposes from Kaidmuir. 1625—July 11—"The hail counsell grantis licence to Mr Alexander Spittell, minister at Menner Kirk, to caus cast and away leid off the landis of Kaidmure, for theiking of ane hous, twa thousand devattis alanerlie, conforme to his supplicatioun."

At the annual horse race at Beltane, the winner who "bore away the bell" was entrusted with the custody of it for a year:—1625—May 4—"The bell of the hors race of the brughe of Peblis being rune at betwixt the nether toune of Horsbrughe and the eist port of the said brughe, was wune be ane hors pertouning to Sir Archhald Murray of Dernehall knycht; and the samyn bell being delyverit to him to be kept till the next Beltane, fand Williame Vaitche, burges of Peblis, caution for the redelyverie thairof

upon Beltane day 1626, togidder with ane augmentatioun thairto." Hallyburtoun of Inachecarnie or Edgairny was victor in the following year, and came under a similar obligation, which he fulfilled by returning the bell with an "augmentatioun" of £4, 9s. For another race a cup was to be purchased:—1632—May 7—"Ordanes Alexander Mure to ryde to Edinburgh and buy ane cupe for the Trinitie race, the xxix of May instant, haifing the tounes airmes and *Peblis* within ane scheild and yeir of God." Connected with the inauguration of this race, £6 are paid for "carrying of four missive letters to proclame the cupe," and there is given to a messenger, who rejoiced in the nickname of "Thack," 21s., "for carrying ane letter from the town to Lanerk to proclame thair cupe thairat. Gevin to him to give thair drummer, 12s." The expenditure in purchasing the cup itself is thus set forth:—"I being direct to Edinburgh to buy the cupe that was sett down be the town to be run at on Trinitie Tysday, gave for the said cupe, weyand 12½ unces, £42, 10s. For ane ribbin to put about the stalk tharof, 6s. Gevin to the goldsmys the thrie men for thair drink silver, 18s. Item, that was drunk with the goldsmys and John Blaiklaw in agreing with him for the cupe, thrie chappines wyne, 15s. Item, to myself that tyme for tua dayes waiges, £3."

The silver arrow which is still periodically competed for at Peebles by the Royal Company of Archers (the Queen's Body-Guard for Scotland) was purchased in 1628 (printed records, p. 415), and the following entry in the court book records what probably was the first contest for the custody of it:—1628—May 19—"The silver arow of this brughe being schott at the bow buittes be the richt honourable George Forrester of Corstorphine, Johnne Forrester, his brother, Mr John Drummond, bailyie of Corstorphine, Mr Michaell Scott, brother to Andro Scott, sometyne of Aikewood, and Hairie Inglis, servitour to the laird of Traquair, is wyne with the staks, viz., xii s. Scottis money imput be everie persoune thairto, be the said Hairie Inglis, quha hes act himself to present the said silver arow, with ane augmentatioun thairto be him, to the proveist and ballyies of this brughe upoun the morne efter Trinitie Monday, quibilk is the tent day of June nixttocum, under the paine of fourtie punds." Sir George Forrester and a number of the other visitors were on the same day admitted burgesses of the burgh.

. In the dearth of regular medical practitioners,

amateurs had an opportunity of testing their skill in the noble art of healing :—1625—*March 9*—“The bailie is ordanis John Dewar in Peblis to content and pay to Mr Andro Watsons, schoolmaister in Peblis, the sowme of aughteen pundis money as ane modiefid sowme for cuiring of ane sore arme of Thomas Dewaris, brother to the said Johne, and for ingredients bestowit be him in curing therof, at the desyr and direction of the said John Dewar, in November 1623, and that conforme to particulars in his compt producit, viz, tuelf pundis for sindrie ingredientis and for fomenting of the said Thomas his arme at sundrie tymis, and the uther sex pundis for his panis.”

The following miscellaneous items are taken from the treasurer's accounts between 1624 and 1627:—*1624-5*—“To Patrick Watsons for his hors to the persone to ryd to Edinburgh in the tounes affairs, 36s. To James Hecfuird and John Frank for mending the stockis and bandisthair of, 12s. To Mr Mathew [Edinburgh lawyer] for decret of improbation aganst certain of the town's vassals, £40.” [Other payments to Mr Matthew and for his entertainment in Peebles]. “Item, be the baillies drinking in my hous at the said Mr Mathew his way going, 10s. 8d. Item, ane quart of aill at the gray stane,\* 32d. Item, to the provest, Alexander Muir, and myself, imployit to ryd to Edinburgh to rais letteres aganes the Burnattis, twa dayis and myself thrie, £11, 10s. That night we came to Edinburgh to Mr Mathew, ane chappin of wyne, 5s. The morne thairefter, at our disioyne (breakfast), 33s. 4d. For letteres of lawborroues, etc., 48s. Item, for passing the bill, to Mr John Skene, £6, 8s. . . . To James Erne for the coppie of the letters anent the warris and the wappinshawing, £3, 6s. 8d. To James Haldone for mending the Auld Towne brigg, £5, 6s. 8d.; item, for frie staines and careing of the lyme fra the tolbuith thairto, 20s. To ane puir schipbrokin man, 6s. For careing away ane crippl blind wyf and ane bairne, 6s.” *1625-6*—“Gevin to Gavine Dikison for copyng ower the hail inhabitants of the toun befor the wappinshawing, 6s. For powder to give thame that had hagbutis, £7, 16s.; item, for powder, £5. Gevin John Robeine for stryking of the swysche, 12s.; item, to the piper callit Borland, 8s. That day the wappinshawing was, in companie with the laird of Blakbarronie, to Patrick

\* Probably the place where the Peebles convoy and Edinburgh visitors partook of the stirrup cup and parted.

Vaichis wyffe and Bessie Threipland, for wyne and aill, £4. *Feb. 12*—Gevin for ane brikfast to Mr Robert Winrame and Mr John Gallaway [of Edinburgh], in companie with the persone, Gilbert Williamsone, the proveist and bailie, and sindry utheris, £9, 12s.; and thairefter at the grea stane, twa pyntis wyne, 24s. *Mar. 28*—Item, quhen Mr Mattha was ganging away, at the gray stane, tua pyntis wyne, 24s." 1627—"To ane passinger callit George Keir, come from the Cowpper in Fyfe, 6s.; gevin to ane bishop of the Greissenes (Grecians) £4, 6s. 6d.; to Alexander Macartna for writing the townes grit charter, £8, 16s.; gevin in moneth of August, quhen the lordis and advocats come frome Blakbaraneis dowchteris brydall, to Patrik Vaichis wyf for wyne, £8, 7s.



## XL

**MARRIAGE OF BLACKBARONY'S DAUGHTER—HONORARY BURGESSES—SIR THOMAS HOPE—SCOTT OF SCOTSTARVIT—SIR ROBERT SPOTTISWOOD—HAY OF SMITHFIELD—LORD TRAUQUAIR—KINGSLANDS — LADY BLACKBARONY — SHERIFF'S JURISDICTION — SHOOTING HARES — MORE ABOUT LEIDGAIT—PROPERTY OF ABBOT OF MELROSE.**

ALLUSION has been made to an entertainment given in the burgh "quhen the lordis and advocatis come frome Blakbaraneis dowchteris bryddall." The lady in this matrimonial alliance appears to have been the eldest daughter of Sir Archibald Murray of Blackbarony or Dernhall, and the other happy one, John Hope (afterwards a lord of session and second baronet of Craighall), eldest son of Thomas Hope of Craighall, a celebrated lawyer and statesman, and founder of the noble family of Hopetoun. On the occasion of the visit of the bridal party, the town council took the opportunity of further manifesting their regard for their distinguished guests by conferring upon them the freedom of the burgh:—*1627—Aug. 18*—"Compeirit the richt honorables maister Thomas Hope of Craighall, advocate to our soverane lord; Mr Andrew Seytoun, of Culcreych, one of the senatoris of his hienes collidge of justice; Mr Johnne Hope, fear of Craighall, eldest sone and apeirand air to the said Mr Thomas Hope; Mr Thomas Hope, fear of Grantoun; Alexander and James Hopes, also his sones; Sir William Ker of Ancrum, knight; Thomas Ker, callit of Ancrum, his father brother; Sir Robert Halket of Pitfirren, knight; James Halket, appeirand thair of, his son; Sir Johnne Murray of Ravigrig, knight; Johane Riddell, appeirand of that ilk; Thomas Ker of Cavers; James Murray, merchant, burges of Edinburgh; Adam Cunningham, younger of Auchenhavrie; Jehn and Walter Murrayis, sones to Sir Archibald Murray of Dernhall, knight" (and about a dozen others, including servitors, a trumpeter, and a coek), "and they being great burgeses of the said burgh,

and acceptand the samyn upone thame, gair thair aythis and maid faith of fidelitie as use is."

From a subsequent list of honorary burghesses, it is found that the Burgh has on its roll the name of another famous public man of the period. Sir John Scot of Scotstarvit was a councillor to King James and King Charles, a lord of exchequer, and held the office of Director of Chancery for a period of forty years, but it is as an author, a patron of men of learning, and a benefactor to education that he is best known. His book, alliteratively titled "The Staggering State of Scots Statesmen for a hundred years, 1550-1650," containing some free, though not always unprejudiced, criticisms of his contemporaries, is well known in antiquarian circles; and a work of greater importance, in which he took a prominent part, has long been the standard authority on the early topography of Scotland. This was the well-known atlas published by John Bleau at Amsterdam in 1662. Scott, by pecuniary help and otherwise, encouraged Timothy Pont and other coadjutors in making the surveys and maps, himself writing most of the descriptive letterpress, and to him, in its published form, the work was dedicated.\* His visit to Peebles was made on the instructions of the privy council, who gave orders that the president of the council and others, including Sir John, should hold a court for the sheriffdom on 27th October:—"1629—Oct. 28—Comperit the right honorable Sir Thomas Henrysone of Ohesteris, knight, one of the senatouris of the college of justice; Sir Johnne Scott of Scottistatvat, knight, directour of our soverane lordes chancelarie, one of his majesties privie counsell and one of the senatouris of the college of justice; James Scott, apperand of Scottistatvat; Mr William Chalmbers, one of the clerks of his majesties exchequer; William Chalmbers, his servitour; James Pringle, apperand of Gallaschellis; Adam Wat, wryttar to his majesties signet [and a few others]; and being maid burghessis and friemen of the said brughe hes gevin thair aithis *in communi forma*." The following items in the accounts probably refer to the judicial proceedings in which the visitors were engaged:—To Andro Paterson for ane burdecloathe, £3, 3s. 4d.; for ane pund of kandill to the tolbuthe at the justice aire, 5s.; to Patrike Vaitche, his wife, for wyne at that time, £23, 15s. 4d.; to the lordis, of acteing silver, j dollour, 58s.; gevin to the commissioneris clarke,

\* A copy of the portion of Bleau's Atlas as surveyed by Pont, is given with Dr Chambers' *History of Peeblesshire*.



ij dollouris, £5, 16s.; mair with the said clerk, spended in his lodgeing house, 15s."

Of other honorary burgessees admitted at different times, the following may be noted:—1627—*Sep. 27*—"The richt worschipfull Sir Robert Spottiswood of New Abbay, knicht," an eminent lawyer and judge, and author of a well known book, "The Practicks of the Law of Scotland." Being an adherent of the royalist party when the civil war broke out, he was present at the battle of Philiphaugh while on a mission to the Marquis of Montrose, and being then taken prisoner, he was afterwards condemned to death and beheaded. 1631—*Oct. 3*—"The richt honorable James Hay of Smeithfield, esquyer of his Majesties persone."\* 1632—*May 29*—"Ane noble lord, John lord Stewart of Traquair, thesaurer of Scotland; Sir George Cockborne of Ormistoun; James Steuart of Ormistoun; Robert Ker, callit of Greinheid; Michaell Naismith, younger of Posso; John Lewis of Menner; James Patersone of Caverhill; John Burnet, younger of Bernes; and John Mark, servitor to Sir George Cockburn." 1633—*Aug. 29*—"The richt honorabill Sir John Hammiltoun of Skirling, knicht, baronet."

Sir John Stuart of Traquair, who was raised to the peerage by the title of lord Stuart in 1628, made treasurer depute and an extraordinary lord of session in 1630, and created first earl of Traquair in 1633, was at that time possessed of large influence at court, and the magistracy of Peebles thought it well to cultivate his friendship.† 1629—*July 20*—"Or-

\* Hay of Smithfield (who afterwards became the first baronet), had been appointed by James VI. an esquire of his body in 1624. He succeeded to the estate in 1628, and his first visit to it as a laird seems to have taken place three years afterwards. 1631—*Sep. 10*—"Item, drucking with the laird of Smithfeild in Patrick Valtche's, at his first cuming to the cuntrie, thrie chappins sek and ane quart of Frynch wyne, £3; item, for ane hundreth plowmis and thrie desone of pelris."

† Scott of Scotstarvit, in his "Staggering State of Scots Statesmen," gives anything but a flattering account of Traquair's career but the description is evidently coloured by political partisanship if not personal animosity. The opening sentence may be quoted as a specimen:—"Sir John Steuart of Traquair was first brought in by the earl of Morton to be treasurer depute to him, but within a few years he displaced the principal and got the full possession of the treasury to himself, which place he managed so nimbly that he conquest many lands in the space that he enjoyed the same, viz., the baronies of Drochils, Linton, Horsburgh, Henderland, Dryhope, and many others."

danes all these that hes not sent thair horses to the lyme for my lord of Traquair to be presentlie poyndit or wairdit quhil they pay fyve pundis." Accounts: 1631—*March*—"To Androw Hay (in Edinburgh) to wrytt ane supplication to the lordis of exchequer, 58s.; item, to Mr Patrik Browne to give my lord Traquair the bill and to putt his lordship in mynd thairof, 29s. *April 8*—Item, in Patrik Vaitches, at my lord Traquaires bonvalle,\* ane quart of wyne and ane pynt of aill, 25s. 8d.; to William Mylrose for going to Horsbruik to try at quhat hour his lordship wald come by, 4s. 1632—Gevin to John Kaitcheon to attend to the Whytstane, upon my Lord Traquairis upcuming, to the effect the town might speik with his lordship about some thair affairis, 4s. 1633—To the provost, being directed to my lord Traquair for Pait Bullo his business, he remained four dayis, thrie dollouris, £8 14s. To the provost, directed to Edinburgh to my lord Traquair anent Alexander and James Stewart, he remaining four dayis, £8."

Communings with the laird of Blackbarony in connection with the setting of march stones on each side of the way leading to Hamilton Hill have already been referred to. Blackbarony's interest partly consisted in his being owner of the "Kingslands," situated on the east side of the road. The revenue from these lands he had granted to his lady, as is shown by her application to the burgh court on 20th February 1633, when Alexander Williamsone was decerned to pay £3 "to Dame Margaret Mauld, lady Blackbaronie, for the ferme deutie of tua aikers of the landis of Kingsland pertening to the said complener in liferent and occupyit be the said Alexander, crop 1631."

In a burgh court held by the provost and bailies, on 1st January 1631, John Pringle and six other residents, four of them being burgesses, "all accused for schuitting of hairis, being all sworne, denyit," and were absolved, but this procedure was challenged on behalf of the sheriff—"Comperit Alexander Horsbruik of that ilk, sherif deput of the sherefdom of Pebblis, and protestit that quhatsoever was done in this burro court anent the persounes abovnemit for schuitting with gunnis and hagbuttes suld nocht prejudice the sheref principall and his deputtis of thair libertie and jurisdiction, but that it suld be lesum to him to call and convene thame of new agane

\* Bonaille, a drink taken with a friend, when one is about to part with him, as expressive of one's wishing him a prosperous journey.—*Jameson's Dictionary*.

befoir him." By acts of parliament, 1567 and 1581, severe penalties were imposed on those shooting certain wild animals, including "hairs," and the sheriffs and "all uther ordinar judges" were required to enforce the law within thair bounds. The sheriff in the case above cited seems to have considered that he possessed exclusive jurisdiction.

The theory that Leidgait was so called because it formed the gait or road leading to Hamilton Hill\* receives farther if not conclusive support from an entry in the court book dated 16th April 1631, whereby the heirs of the deceased Andrew Paterson made up a title to three properties in the Old Town, the descriptions of which will be found to be of interest. Amongst other things they indicate the situation of some churchmen's possessions. The properties are described as (1), "That fair land and houses thair of and kail yaird adjacent thairto, lyand in the Auld Toune of Pebles upon the south syd of the hea streat thair of, betuixt the lands now pertaining to William Wyllie upon the east . . . the lands pertaining to the archideane of Glasgow upon the west, and the hea streat of the said Auld Toun on the north pairtis . . . (2), Ane yaird, and now biggit in ane dwelling hous, and remanent of the said yaird, with the taill of land lyand contigue thairto, lyand in the said Auld Toune upon the north syd of the hea streat thair of, betuixt the landis pertaining to the aires of Gilbert Andersone, wobster, upon the east, the said hea streat upon the south, and the landis callit the abbot of Melros land on the west, and the vennel that leads betuixt the Croce Kirk and the Hea Kirk of Pebles [now St Andrew's Road] on the north partis; and (3) Thes thre tenementtis of land, with the thrie yairdes and thrie tailles of land contigue adjacent thairto, together with the stanehouse laillie biggit be umquhile Andro Patersone, father to the said umquhile Andro, at the east end and gavill of the saids tenements, all lyand in the said Auld Toune, on the north syd of the hea streat thair of, betuixt the said tenement yaird and taill of land pertaining to the aires of umquhile Gilbert on the west, the said vennel that leades betuixt the said kirkes on the north, the gaitt callit the Leidgait that leades fra the said Auld Toune to the Hill of Hamilton pertaining to the said burghe of Peblis upon the east, and the said hea streat upon the south pairtis." The property last mentioned appears to embrace

\* See Gleanings, No. X.

that which was recently gifted to the burgh by Mr Robert Gibson, Edinburgh. Lands belonging to the abbot of Melrose were situated farther west, probably extending to the churchyard. Can the abbot's property be identified with the "hospicium" of the abbot and monks of Aberbrothoc? (See grant by the abbot and convent, 1317; Peebles Charters, p. 6.) The site corresponds with what is set down in Dr Chambers' sketch map of the burgh.



## XII.

PEEBLES CASTLE AND THE CASTLEHILL—BURNING  
WITCHES—APPOINTMENT OF SCHOOLMASTER—  
CLERK'S SPOUSE A PURVEYOR OF WINE—MIS-  
CELLANEOUS ITEMS FROM ACCOUNTS—MORT-  
CLOTH—A FISHING INCIDENT.

It is stated in Dr Pennecuik's *Description of Tweeddale* (published in 1715) that the castle of Neidpath was of old called the castle of Peebles, but this practice probably never extended much beyond the limits of a colloquial misnomer. It seems, indeed, that there was produced long ago in a law plea a rental book of the earl of Tweeddale's estates, dated "Peebles Castle, 26th April 1671 till 1685" (Chambers' History, p. 262); but though the factor may have here used the casual name which, according to Pennecuik, was at one time in common use, and not the correct one of Neidpath, which is always found in titles, records, and similar documents, there can be little doubt that lord Tweeddale's residence of Neidpath was meant. The circumstance, however, has led to the conjecture that part of the royal castle of Peebles was in existence and habitable in the 17th century. Now, the Records, so far from supporting this theory, fortify by positive evidence what from the absence of any documentary reference to Peebles Castle as being in existence subsequent to the 14th century had previously been all but established by negative proof.\* The structure, as a place of habitation or defence, had disappeared long before the 17th century

\* Strong negative evidence of the disappearance or dismantling of the Castle so early as 1384 is afforded by a charter granted by Edward "King of Scots" (Balliol) to Edward King of England on 12th June of that year. By this document there is ceded to the English King certain castles and territory, including "the castles, towns, and counties of Berwick-on-Tweed and Roxburgh, the town, castle, and forest of Jeddeworthe, the town and county of Selkirk, and forests of Selkirk and Ettryk, the town, castle, and county of Edinburgh, the town and county of Peebles, and the town, castle, and county of Dumfries." The omission in the list of the castle of Peebles is significant. *Bain's Calendar of Documents*, vol. III., No. 1127.

dawned, and the site,\* at that time lying waste, was used frequently for the purpose of penning cattle, either those belonging to burgesses or to strangers, and seized for trespassing, and for other storage purposes. Portions were also sometimes given off for building sites. 1628—*November 17*—"Comperit upone the Castlehill of Peblis, the provest, bailyeis and maist pairt of the counsell, and conforme to ane supplicatioun gevin in be James France, hes licenciat him to set furth his hous upon the Castellhill tuelf futtis in length westwart, in recompence of the broid he wantis of the said hous, conforme to his and his authoris seeing produceit." 1631—*July 18*—"The hail guidis upone Kaidmures to be brocht to the Castlehill that ilk owner of the guidis may clame his awin, and these that hes mae guidis thairupone may be lyable in payment of the dewtie and maill thairof." 1636—*Junc 20*—"Ordanis the guidis upone Kaidmure, Hamiltoun, and Venlaw to be brocht to the Castelhill and pyndit thair." 1637—*July 27*—"Ordanis the hail forane guidis pasturand upon Kaidmure to be brocht to the Castelhill, thair to remaine till the awneris pay the bigane maillis thairfoir, and ather to abstene in tyme cuming or to tak of new agane. 1638—*Oct. 15*—"All the guidis pasturand upone Venlaw, except the tounes guidis, to be pyndit and brocht to the Castelhill, thair to remane till the awneris thairof tak ordour with the magistrats and councill thairanent." From the accounts—1625—"To Daniell Frank for keiping scheip that was pindit upon the Castellhill, 2s." 1627—8—"Gevin for keeping the milne geir on the Castellhill, 6s." 1632—"Spent that day the Miltoun geir was pindit be thes who drove the geir, 12s. 8d. Gevin to twa lads who kepit the geir on the Castellhill, 4s. Gevin to them who pindit Kidstoun geir off Hamiltoun and brought the samyn to the Castellhill, ane gallon aill, 11s. 8d." A sun dial also appears to have been placed on the hill. 1631—*Sept. 2*—"For putting up the orlage on the Castelhill, agreit be the proveist, 58s." 1633—*Feb.*—"To James Haddane for mending of the dyall in the Castelhill and for lead to put in the stickill (latch) thairof, 8s."

In 1628, and some subsequent years, both civil and ecclesiastical judicatories were throughout the country much disturbed by the prevalency of witch-

\* The Castlehill—there is no mention of a castle—is one of the properties confirmed to the burgh by King James' charter of 1621.

craft manifestations, and along with others the burgh magistrates were bestirring themselves. 1628—Oct. 21—"In presence of James Williamsone, provest of Peblis, compeirit Mr John Syd, minister at the kirk of Newlandes, and David Plenderleith, burges of Peblis, and become actit for Marioun Grege, spous to James Scott in Scottistoune, as being apprehended be the moderatour and remanent bretherine of the presbyterie of Peblis, as suspect of witchcraft, &c., that the said Marioun Greg sall nawayes escape and be fugitive fra the lawes of this realme, but that scho salbe ever reddie and subject upon sex dayis warning to compeir befor ony judge, spirituall or temporall, within this realme, and underlye the saidis lawes als oft as scho salbe requyrit or citat thairto, and that under the paine of ane thousand poundis money of this realme." A few months later the parson of Peebles was successful in apprehending William Mathisone in Kirno, as subject of witchcraft, etc., and similar sureties were obtained for his appearance when required. But the epidemic was not to be stayed by such mild procedure, and the climax was not reached till three victims of this Satanic hallucination came to the horrible fate of dying by strangulation and burning. The executions were carried out at a place called the Calf Knowe, probably a part of the Venlaw, that hill being reserved as the principal grazing ground of juvenile cattle. *Accounts—1628-9*—"Item, at the fundatioun of the Caffe Knowe, ane galloun of aill and iij wheate breade, 19s.; a pund and a halfe of leid to yett the cruikis of the Caffe Knowe durre (door), 5s.; to James Haddane to build the Caffe Knowe, £10; lyme fetched to the Caffe Knowe work, with the tounes horse, 47 loades, £9, 8s. [Other 33 loads got.] Furnishing sand to the foirsaid 80 loadis of lyme, £8; for bringing hame four dailis to be ane durre to the Calf Knowe, 20s. Item, debursed for the witches, £24, 10s." 1629—Nov. 9—"To James Haldoune for making the Calf Know durr, 33s. 4d.; for making the gibitt that stands thairupoun, £4." Nov. 9—"Gevin for the commissioun to burne the witches, £6, 13s. 4d. Item, of drinksilver to James Prymrois,\* his mane, 30s.; my awin waiges at that tyme, thrie dayes in Edinburgh, £4, 10s.; item, the provest agreed with James Haldoune for setting up the gibitt the wichis was hangit upoun, £3, 13s."

\* Primrose was clerk to the privy council, and it may therefore be assumed that the enlightened instructions for the burning of the witches came from that body.

*December 15*--"Item, Mr Williame Dikisoun [school-master] for being clerk to the wiches proces, £6; item, directed to conduce (hire) with ane lockman (executioner) to the wiches, my tua dayes waidges, £3; item, drucking at his feaing, 26s. 8d.; gevin to John Robene for fyve laids peittis, with ane quartt of aill he gave to the peitmen, coft to burne the wiches, 32s. 8d.; thrie laids of coalls, 36s.; ane turs of hedder (load of heather), 9s.; thrie faldome small towis to bind the wiches hands, 30d.; four faldome gritt towis to kitt them up with all, 6s. 8d.; for thrie tar barrellis, 48s.; to Alexander Dikisone, ane pair of schowis, for wairneing of the ministrie, 20s.; for careing the tar barrellis to the Calf Knowe, 3s. 4d.; to hangman for his waiges, £10; to his son for being dempster, 12s. Item, for ane instrument upon Isobell Grahames confession aganes the rest of the wiches, at the persones command, 12s.; to John Frank (jailor) for furnisching the wiches, his compt being alowitt and gif need beis heir present to be sene, £8, 14s.; to him for furnisching lockman and his son, £3, 12s.; for breid and drink fetched furth to the assytheres, 30s.; item, fetched to hangman and wiches, 18s." These items are from the treasurer's accounts. In a separate note of disbursements by the provost there is an outlay of £5, 16s., "for ten laids of coalls to the burning of last thrie wiches."

A vacancy in the mastership of the burgh school having occurred in 1631, a new appointment fell to be made. *1631—Nov. 7*--"Mr William Mairtene, being ressavit and admittit scholmaster of the schole of this burgh" till All-Hallow Day (1st November) 1632, for £100 Scots of salary, "with ane competent chalmer, or ellis £9, for the maill thairof; togidder with tuelf penneis of quarter payment for ilk toun bairne, and ane mark quarter payment for ilk landwart barne, quarterlie; and the said Mr William Mairtene compeirand" accepted office, and gave his oath of fidelity. "Lykas he has acceptit the injunctiounes in-joynit to him in the said service, consisting in the articles following, viz.:—*In primis*, he sall daylie, in the oulk (week) dayis enter to the said schole at sex houris in the morning, and efter morning prayer and psalmes, with ane compt of schollaris thair morning lessounes or paitis, teitche the lessounes to the bairnes, baith leirning Latine and Scottis, till nyne houris. Item, he sall enter him self and convene the saidis bairnes daylie the saids oulk dayis at ten houris, awaiting upone thame and teitohing thame till ellevin houris, and thairfra



teitching and leirning thame to wryte to the tuelf hour, geving thame copies and tak compt of wryting. Item, he shall enter agane to the said schole (the bairnes being convenit) at half hour to twa houris efter none and attend upone the schole and scholaris, teitching thame and taking compt of thair lessounes till ane quarter of ane hour befor sex houris at nicht, during the quhilk quarter of ane hour he sall mak ane prayer, reid ane cheptour of the Byble, and sing ane psalme or ane pairt of ane psalme. Item, it sall not be lesum to him to geve the bairnes the play ony dayis in the oulk except upone Tysday and Thursday betuixt tua houris and four houris efternone, and than preceislie to convene agane, and upone Setterday fra tua houris efter none for all that nicht. Item, ilk Sondag he sall conveyne the saidis maill bairnies at aucht houris in the morning and teitche thame thair Sondagis lessounes of scriptur and catecheism till the ringing of the secund bell to the preiching, at the quhilk tyme he sall go to the kirk with the bairnes in cumlie ordour, and in tyme of preiching mark ony disordour amangis thame, with sensuring of thame thairfor. Item, he sall convene the saidis bairnes ilk Sondag at ane hour eftir none, and at the ringing of the said secund bell address him with thame to the kirk in cumlie and decent ordour, marking thair faultis and censuring thame thairfor, as said is. Item, at the ending of the efter none sermone he sall convene the saidis bairnes and tak ane accompt of thair noittis of preiching and Sondagis lessounes. And gif he sall happin to failyie in ony of the injunctiounes and articles abonwrittin and perfyttin thairfor, he of his awin consent immediatlie thairefter is content to be depryvit the said schole and all benefeit thairfor forever." Mr Mairtene's injunctions and time table would not perhaps be attractive to a preceptor of the present day, but it is pleasant to be able to note that before settling down to his arduous task, some marks of genial hospitality were extended to the new comer. 1631—Aug. 4—  
 "In Patrick Vaiches at the feaing of the scolmaster, ane pynt of aill and ane loaf, 11s.; item, drinking with him in David Plenderlaithis, 10s.; item, gave to him at provost and baillies directioun, 58s." Oct. 5—  
 "Gevin out in Patrik Vaiches, for wyne that the provost and baillies drank with Mr William Mairtene the day of his entrie to the schoole, 32s. 4d. Item, that nicht the said Mr William came first to the toun, being lodgit in William Vaiches hous, for his intertainment thair, 18s."

The names of Patrick Vaitch and of his wife are frequently mentioned in the accounts as purveyors of festive entertainments. The former was the town clerk, and the latter, who carried on the business of a vintner, appears at one time to have had no competitor in the sale of wine:—*1630—June 23*—"The baillies sittand in judgment, Elizabeth Vaitche, spous to Patrik Vaitche, clerk, onlie ventar of the wyne within the said brughe fra the first day of November 1628 till the first day of November 1629, being convenit to give hir aith upon the quantitie of all wyne toppit, sauld, and ventit be hir duiring the said space, conforme to the act of the lordis of counsell, and scho being judiciallie sworne, declairit that scho ventit and sauld during the said space half ane tune of French wyne and ane but of seck allanerlie." In the account for 1631-2, there is "resavit fra the clerk's wyfe for the impost of wyne, £6," and a similar amount is credited as "impost of the wyne" in the year ensuing. *1632*—"Gevin to the clerkis wyfe for ane compt of wyne that was addebtit to hir, allowit be the counsell, £32, 6s. 8d."

The following items are taken from the town's accounts between 1627 and 1631:—*1627—Nov. 20*—To ane crippill callit Lauder and to cairrie hir to the Neippeith, 3s. *20th*—To thrie passingeris that come out of Shytland, 18s. *Dec. 10*—For mending the toune wall ewest the Venell fut at Queid Greine, 6s. *12th*—Givine to cairrie ane crippill to the castill, 3s. *1628—April 6*—To John Gilgour, drumer, for putting on ane new heid in the drume, 40s.; to Steine Thomsone to cairrie hir hame and affeild, 8s. *30th*—To Steine Thomsone to cairrie the custume staine to Edinburgh to mak guid with thair staine, 4s. *July 13*—Gevine to ane blind man at the kirk doore, 2s.; gevin to ane dussane of men to rowl grit staines in to Queid brige, being tua dayis, payit for meit and drink, £4, 13s. 4d. Item, for fyve foddome of cordis to fessone the ledderis for feir the watter had taine thame away, 8s. 4d.; item, for 10 lb. of ierne of maid wark to be boltis to the brige, 37s.; item, for tua aik sillis to Queid brig, £3; item, for tua geistis of aike to be binding insteid of frie staines, 40s.; gevin for tursing of sax laidis of frie staines to Queid brige, 4s.; for lyme to the four brigis and the schappill and towbuith, £15, 12s.; for leiding of tuentie laidis of lyme and sand from Queid brig to Pebills Watter brige, 6s. 8d. *1628-9*—For a quarter hundred nails to mend the hurlebarrow, 3s. 4d.; for casting Edder-stoun burne, 46s. 8d.; thrie faddome of towis to the

chappell bell, 6s.; for mending the bow buttis at Beltane, 30s.; to Patrike Vaitehe for the wryting in the busieness of the valuatioun of teindis, and to William Melros for summonding the witnesses, and to John Somervell his drynk sylver, 54s.; to the commissioneris and valuatouris brocht to the towbuith, aquavytie aill, and breade, 23s. [The twopreceding items refer to proceedings taken by the King at this time for adjusting the revenue produced from lands in due proportions between the owner of the soil, the titular of the tithes, and the clergy for their stipends.] For repaireing the litill trie brig efter the floode, 24s.; to ane Yrishe man and a womane, 8s. 1629—Nov. 19—For mending tua windowis to the scole and finding materiallis thairto, 12s.; to Mr Alexander Spittell to ryd to Glasgou, 58s. Dec. 15—To give ane passinger at the Briggaitt heid, 12s. 1630—Feb. 2—For four faldome towis to the stepell bell and uther four to the chappill bell, 13s. 4d.; for binding the townes prothogallis [protocols], 20s. April 5—Item, quhen the provest and baillies of Jedburgh war maid burgessis, for wyne and beir drinking, 36s. May 8—Gevin for ane decreitt contra Gledstanes of Cocklaw, £14, 19s.; item, drucking be the provest and baillies in James Williamsones hous, at the resaitt of the morteloth,\* 23s.; for towis to bind the theives at Beltane, 4s. June 12—To James Grive for taking up the conduct (conduit) in John Steven-sones closs, redding the samen, setting the flages and edges thairof, £3, 6s. 8d.; item, for ane rood of calsay and twa elnes, £4. July 3—For twa dailis to be furmes to the tolbuith buird, 32s.; item, for making four cuschings and covering the saittis agreid be the

\* Robert Horsbruik, a burges of Edinburgh and son of Alexander Horsbruik of that ilk, on 10th May 1630 gifted to the burgh and kirk session, for the benefit of the poor of the parish, "ane morteloyth [i.e., a pall or covering for the corpse used at funerals], being of fyne blackclaith, lynit throw with blak buckasie and compassit round about with ane blak silk frenzie in the bordouirs thairof . . . and deasyrit the samyn micht be kepit be the kirk thesaurer, and he to geve furth the samyn for the decorment of all defunctis as he suld be requyrit," on payment of prices to be fixed by the council and kirk session, the proceeds being distributed amongst the poor. It was ordered that no other morteloth should be used by any private person, "ather to burgh or land," and the dues to be exacted (though they might be more "according to charitie and plesour"), were for borrowers within burgh, 13s. 4d.; outwith the burgh but within the parish, 20s.; within the parishes of Eddleston, Kailzie, Manor, and Lyne, 30s.; elsewhere, 5 merks and farther according to distance.—*Peebles Records*, p. 370.

provest, £5. *Aug. 1*—For haimbringing of twa dracht of daillis to the chaipill, 32s. *Nov. 6*—To tua honest-lyk men quha was taken be the Dunkirkers, 12s. [Complaints of the loss sustained by the inhabitants of burghs “throw occasioun of the Dunkirkers daylie robbing and spoyling of thair schips, guids, and sea-fairing men,” had a year or two before this been made by the convention of burghs, and the recipients of this donation had probably been amongst the sufferers.] *Dec. 10*—To James Haldowne for repairing the saitt in the chappill, 20s. [In 1629 the presbytery had ordered St Mary’s chapel to be repaired and made suitable for the inhabitants meeting in it, and holding religious services daily. Sundry payments for slates, slaters, lime, and other materials and workmanship occur in the accounts.] *1631—Feb. 28*—For taking away ane Bessie Scott and ane auld crippill wyfe, the ane to Edderstoun and the uther to Jederfeild, 8s. *April*—For clyngeing Brockis hoill and burneing the werming furth thereof, 20s. *June 21*—To putt away ane auld wyfe with ane beird, 4s.

Some evil-disposed persons had been damaging the “aik sillis” (oak beams) which as above noted had been fitted into the foundation of Tweed Bridge, but a Waltonian (if not a disciple at least a contemporary of Isaak), who had been practising the gentle art in the night time detected the culprits:—*1631—Jan. 31*—“Anent the challenge of the cutting of ane aik syll in the ground of Tueidbrig, John Willesone, younger, witnes, sworne, depones that betuixt Mer-temes and Yuill last he being fisching in the nicht saw twa men at that pairt of the brig quhair the said sill was; and, as he believes, that the said sill was sawn aff sex quarteris thair of; and, as he believes, the men he saw was James Frank, walker, and William Tueddell; in takin (token) quhair of the laying on of his lyoun (fishing line) tuik aff ane of thair bonettis.”



## XIII.

## HOW HAMILTON HILL GLIDED OUT OF THE BURGH'S POSSESSION.

CONTINUED, subject to long intervals of truce, through a period of at least two centuries, it was not till the first decade of the present one that the last of the series of legal battles fought between the lairds of Cringletie and the burgesses of Peebles for ascendancy in the ownership of Hamilton Hill terminated. By this time the points in dispute were of minor importance compared with the issues involved in the earlier contests. The main questions left for determination seem to have been (1.) whether the burgh could, by its own authority, give to the droves of black cattle, horses, and sheep, passing annually between the north of Scotland and England by Peebles bridge, and paying custom to the burgh, permission to halt or pasture on Hamilton Hill. The court decided that Murray of Cringletie and his tenants were entitled to exclude all such droves not belonging to the burgh or its inhabitants. (2.) Murray maintained that the magistrates, as representing the community and inhabitants, could not by law acquire for the use of the indefinite mass of individuals whom they represented a servitude of pasturage over the lands of Hamilton Hill, and that the servitude could only be exercised by the burgh sending their own proper sheep to the hill in such numbers and at such times as was conform to use and wont; farther, that the servitude could not be let to others. The court were satisfied that the community and inhabitants of the burgh, as well as the feuars of Caidmuir, had the right of pasturing on the hill; and "that as by the decree of 1720 the town of Peebles is declared to have a right to common pasturage over the lands of Hamildown, and that it does not appear from the proof that they have been circumscribed in that pasturage to any particular species of cattle since the date of the decree, that they cannot now be limited in that respect." But it was decided that the burgesses were not entitled to let the servitude to others. (3.) Similarly it was held that the inhabitants were en-

titled to dig and quarry slates and stones on the lands for their own use but not for sale.\*

Hamilton Hill was one of the town's most ancient possessions, specially confirmed to it by the earliest extant charter, that by King James II., 5th February 1451-2. Along with other lands the hill had previously been bestowed on the burgesses, but the documents vouching this having been lost the original grant was ratified and renewed. That the effect of these charters, and of others which followed, was to invest the burgesses in the full possession of the property is amply shown by the older records. In 1461 the bailies and community "set tyl a wyrohypfull man, Thomas the Hay, the commoun of Homyldoun, with the pertenans," for the space of five years; "and the nychtburris of Pebillis sal haf freedom to cast turris and pull hedder, &c., as thai did or he was tenand."† In 1476 "our landis of Homyldon" were set to a tenant for seven years at a yearly rent of 6½ merks, and there is again reserved right to the burgesses and inhabitants "to pull hadyr and cast turris als oft as tham lykis upon the said landis of Homyldown." Then, in 1569, when funds were urgently required for building the town wall, "the hail communitie is contentit that the hill of Hamilton be heretabillie analiit to my lord Yester, or ony uther that will gif maist thairfor, under reversoun, contenanand siclyke soume as can be getting thairfor." It is not known whether this proposal to borrow money on the security of Hamilton Hill took effect or not, but the intention to do so clearly indicates that it was regarded at the time as the exclusive property of the town. When not let to a tenant the arable sides of the hill, probably embracing what are now enclosed fields to the eastward and southward, were tilled and cropped by the inhabitants, while their cattle and sheep, when not better or more conveniently provided for, pastured on the remainder.‡ But the fact is that at that time the burgh

\* *Court of Session Decisions*, 8th December 1808. Also printed papers in process James Wolfe Murray, Esq. of Cringletie, v. Magistrates of Peebles.

† Five merks yearly was all the rent stipulated for, but looked at in comparison with the other principal sources of revenue even that sum may be regarded as considerable. The customs then realised only 14½ merks, and the two corn mills with the multures 26 merks.

‡ The marches of Hamilton Hill were periodically visited by the Town Council and community. An account of one of these perambulations, on 7th June 1558, appears in the printed Records, and is described as a visitation "in accus-

possessed more lands than its inhabitants could stock. Caidmuir and the slopes lying between it and the town, with Venlaw and its neighbourhood, formed the more favoured pasturages, and it was usually only the surplus cattle and sheep which found their way to Hamilton Hill. The neglected condition in which large portions of the pasturage was thus left, afforded to neighbouring proprietors and tacksmen an opportunity which they were not slow to embrace of gradually extending their grazings into the town's territory, and eventually appropriating it altogether.

The Lauders of Haltoun were of old owners of a wide territory extending from the Blackbarony estates on the north to Hamilton Hill on the south, and embracing Cringletie, Over and Nether Kidstons, and the eastern side of the Meldon district generally. Bordering on the town's lands, between which and their own there was no clearly defined physical boundary, it was almost inevitable that tacksmen on Haltoun's estate, whose sole occupation was the rearing and trading in cattle and sheep, should come to use the neglected pasturages belonging to the burgesses of Peebles. Bit by bit the encroachments advanced until, by the beginning of the 17th century, Hamilton Hill over its whole extent had come to be regarded somewhat as a pendicle of the Haltoun estate. One serious obstacle to the full appropriation of the hill, at least from a lawyer's point of view, presented itself—the lands were not described in Lauder's title deeds—but even this difficulty was overcome. In 1610 Lauder applied for and obtained a Crown charter whereby all his lands in the district were confirmed to him and granted of new. Specific descriptions of the boundaries were given, and these for the first time embraced the lands of Hamilton Hill!\* Armed with this charter the laird of

tomed form of the marches between the lands of Kidstoun, Chapelhill, and Eddistoun, and the property of Hammiltoun belonging and pertaining to the baillies, community, and inhabitants." Beginning at places called Burrelfield and Acomfield (now Rosetta and neighbourhood), the march went "up the syke" to "Jedburghfield," over the swyre and on to the "syke in Eddistoun hoip," which it passed upwards, thence to "Kidstoun hoip heid," which it passed downwards, and thence eastward, north, and south-eastward, by march stones, cairns, bushes, and other land marks, till the starting point was regained.

\* This device for securing territorial aggrandisement at a neighbour's expense was, it appears, not unknown in other districts:—"Their neighbours, the Earls of Argyll and Breadalbane, in the meanwhile managed to have the

Haltoun was better prepared to dispute the burgh's right to interfere with him, though, as will be seen, a long period had to elapse, and much had to be forgotten, before the new weapon could be effectually used. At first the granting of the charter made no appreciable difference in the usual routine of encroachment and "hounding,"\* but in a few years a crisis seems to have been reached, and the parties found themselves contesting their respective claims before the Court of Session.

The following interim decree, pronounced at one stage of the case, gives an explicit and intelligible view of these claims and the pleadings of litigants:—

*At Edinburgh, 29th March 1628.*—Anent the summondis raisit at the instance of Charles Pringill, proveist of Peibillis, John Lewis and Alexander Mure, bailleis thairof, and David Plenderlaythe, thesaurer of the said burghe, for thame selffis and in name of the counsell and communitie thairof, againe Mr Richard Lauder, now of Haltoune, to heir and sie it fundin and declairit be decret of the lordis of counsell that the undoubtit richt and propertie of the commoune landis of Kaidlaw, Hammildoun, and Venlaw, pertenis and belongis to the saidis compleneris, and that it is and salbe lesuene and lawfull to thame and thair successouris in all tyme cumyng to peceable posses, bruik, and joyse the samene lands be pasturing of thair guidis thairupone, harrowing, sawing, tilling, laboring, manuring, and uther wayes useing of the samene as thair awne commoune landis at thair plesour, siclyke and als frielie in all respectis as any of thair predecessoris bruikit and possess the samene at ony tyme of before, conforme to the saidis compleners' richtis and securiteis of the saidis landis, as at mair lenthe is contenit in the said summondis. The perseueris compeirand be Mr Thomas Hope of Craighall, one of our Soverane Lords advocattis, Mr Thomas Nicolsoune and Mr Mathow Forsythe, thair procuratouris, quha for instructing of the summondis product ane infetment grantit be King James the Fourt, of worthie memorie, in anno 1506, in favouris of the toune of Peibillis, off the said burghe and hail liberteis and fredomes thairof, mylnes, landis, and possessiounes perteing and belonging to thame, and whairof they and thair predecessoris wer in possessioun or whareunto they had richt: togidder with ane infetment grantit be our lait Soverane Lord, King James the Sixt, of worthie memorie, in anno 1621 yeiris, to and in favoures of the said burghe of Peibillis

lands occupied by the Macgregors engrossed in those charters which they easily obtained from the Crown; and thus constituted a legal right in their own favour, without much regard to justice."—*Introduction to "Rob Roy."*

\* 1610—*June 2*—£100 to be raised "for persute of the actioun of removing aganis Haltoun and Smeithfeild."  
1611—*April 17*—"Concludit that Hammiltoun salbe sett to ane honest man for certane yeiris, and that it be cryit wast of all menis gear in the meane tyme." *June 21*—"Ordanis the ballies to poynd Hammiltoun."



confirming the infeftment above specifit, with certane utheris preceding infeftments grantit be the Kings of Scotland to and in favoures of the said burghe, be the quhilk his Majestie hes gevin and disponit to the said toune in communitie all and hail the landis of Kaidmure, Hammildoun, and Vainlaw, with their pertinents. And the said Richard Lauder of Haltoune, compeirand be Adame Cunynghame and Lawrens Scot, his procuratouris, quha alledgit that na declaratour can be sustenit at the perseueris instance upoun the said summondis be vertew of the infeftment and rychtis productit, grantit in anno 1621, becaus the saidis infeftment is onlie gevine upon thair awne resignatioun, they haveing no preceding infeftment of the landis lybellit *per expressum*, and as to the infeftment gevin to thame be King James the Fourt, in anno 1606, the samene can nocht be sustenit, becaus thair hes no saising followit thairupone; and farder, the samene is onlie gevine upon thair awne assertioun affirming that thair former evidentis of the said lands wer brunt. To the quhilk it was answerit and replyit for the perseueris that the alledgeance sucht to be repellit, and the foresaidis richtis and evidentis productit is sufficient to susteine the actioun abovementionat, albeit no saising followit upone the charter grantit be King James the Fourt, seing the samene is grantit be the Kingis Majestie to ane burghe and communitie, and sua neidis no saising, and the infeftment grantit be the lait Kingis Majestie, in anno 1621 yeiris, is sufficient notwithstanding of the objectioun maid thairaganes, seing it wes in the Kingis pewart to disppone to the perseueris the foresaidis landis of Hammildoun, Kaidmure, and Vanla, inrespect the samene landis wer not disponit *per expressum* to any uther persone of before. Secundlie, it was alledgit for the pairt of the defender that na declarator can be grantit in favoures of the perseueris for the foresaidis landis of Hammildounhill in prejudice of the said Mr Richard Lauder of Haltoune and his richt of the landis of Wester Wormestoune callit Cringiltie, the landis of Eister Wormestoune, and all and hail the landis of Over and Nedder Kidstounes, with the mylne and pertinentis thairof, and landis of Stewartoun, and of thair possessioun of the saidis landis of Hammildounhill as partis and pertinentis of the saidis landis of Kidstoune: because the said defender is infeft in all and hail the foresaidis lands of Cringiltie, Eister Wormestoune, and Over and Nedder Kidstounes, with the mylne thairof, boundit as follows, viz., the landis of Chapelhill upon the eist, the landis of Burrowfield and Cukitland upon the southe, the landis of Eddistoune upon the southe west, the west pairt of Eddistoune, Meldoun burne, and Hairoupe upon the north wast, and the saidis landis of Stuartoune upon the northe; and that as air to umquhill Alexander Lauder, younger of Haltoune, his brother, wha was likewais infeft in the samene landis boundit as saidis, conforme to ane chartar and infeftment grantit to him thairanent under the great seill of the dait 24th July 1610, and sua the landis of Hammildounhill can not be ascryveit to be ane pairt of the commoutie of Peibillis but be the contrair most be ascryveit to appertene to the laird of Haltoune, in proprietie, speciallie seing the samene landis of Hammildounhill lye contigue to no pairt of the toune of Peibillis thair proprietie bot lye

within the boundis, meithis, and mercheis foresaidis, of the defenderis infestment and invironed round about with the samene meithis and mercheis above specifeit, and thairfore, unles the perseueris wald produce ane infestment of the landis and utheris foresaidis prior to the said umquhill Alexander Lauder his infestment above writtin, they can never be hard to sute declarator aganes the defender wha and his predicessouris hes bene and is in pecebill possessioun of the landis of Hammildounhill belonging to him in propertie as comprehendit within the boundis and merchis of his landis, and that past memorie of man. To the whilk it was ansuerit and repliyt for the part of the perseueris that the forsaid secund alledgeance aucht to be repellit in respect of the perseueris infestment productit beirand thame to be infest in the foresaidis landis of Hammildoun *per expressum, cum aratione, seminatione, et pasturatione*, and that conforme thairto they ar and have bene in pecebill possessioun of the samene landis of Hammildoun but interruptione. Lykeas the perseueris offeris thame to prove in fortification of thair infestment and possessioun foresaid (gif neid beis) that the commoune of Glentreis is the commountie belonging bothe to the landis of Hammiltoune pertaining to the toune of Peibillis and to the saidis landis of Kidstoune belonging to the laird of Haltoune, to the whilk commountie of Glentreis the words *cum libero introitu et exitu* of the defenderis chartar man onlie be ascryvit. Quhilkis alledgeancies and replis being sene and considerit be the saidis lordis of counsall they find and declair that befor they give answer thairto and pronunce interloquitour thairupone they will have the ground of the foresaidis landis with the meithis and mercheis thair of visit and sichtit be sume of thair awne ordinar number and report thair of maid to thame, that the saidis lordis may thairefter the more cleirly proceed in the decisioun of the foresaidis alledgeances and ansueris and pronunce interloquitour thairupone; and for this effect ordanit ather of the saidis pairteis and thair procuratouris to nominat lordis for visiting of the ground of the foresaidis landis contravertit; according whairunto the said Mr Mathow Forsythe, ane of the perseueris procuratouris above namit, nominat and chuseit Sir Robert Spottiswood of Newabay, knight, and Mr Alexander Seytoun of Culcreuche, tua of the saidis lordis thair ordinar number, or any ane of thame to be visitor of the ground of the foresaidis landis for the pairt of the perseueris. Lykeas the said Adame Cunynghame, procuratour for the defenderis, also nominat and chuseit Mr James Bannatyne of Newhill, Sir James Leirmonthe of Balcomie, and Mr Alexander Moresone of Prestounegrange, also thrie of the saidis lordis thair ordinar number, or any ane of thame, for visiting of the ground of the foresaidis landis for the pairt of the laird of Haltoune, defender. To the whilkis lordis visitoris abovenamit, or any tua of thame, ane being for ilk pairtie, the saidis hail remanent lordis of counsall and sessioun geveis and grantis full pouer and commissioun to pas to the ground of the foresaidis landis of Hammildoun and Kidstoune respective upone the sextene day of May nixtocume and thair to visit and sicht the ground and boundary of the saidis landis, meithis, and marches thair of, and to tak sic uther

tryell and cognitioun thairanent as the visitouris or any tua of thame, ane being for ilk pairtie, sall think meit and expedient for thair informatioun anent the treuthe of the premissis and cleiring thair of, and to the effect that they thairefter may thairupone mak ane cleir and sensible report of thair visitatioun to the saidis hail remanent lordis of counsall and sessioun; for the whilk effect ordanes baythe the saidis pairteis to attend and await upone the saidis lordis visitouris at the day abovementionat to the end before rehearsit, and ordanes the tryell, visitatioun, and cognitioun to be tane be the saidis lordis visitouris, or any tua of thame, ane being for ilk pairtie as said is, to be reportit be the saidis lordis visitouris in presens of the hail remanent lordis of sessioun the first day of Junij nixtocome, with continowatioun of dayis, that the saidis lordis may thairefter give ansuer to the foresaidis alledgeances and ansueris respective abovementionat and pronounce interloquutor thairupone, but prejudice alwayes to ather of the saidis pairteis and thair procuratouris of all thair lawfull defensas and ansueris *Ante inde* competent to thame in the said mater efter report as accordis of the law. And in the meane tyme the saidis lordis continowis the said mater in the same forme, force, and effect as it is now, but prejudice of pairtie, unto the day foresaid.

Preparations were forthwith made by the council for the reception of the lords on their judicial visit. March stones along the way leading to the hill were set down or renewed; consultations were held with the Edinburgh lawyers; and there is a payment "to Patrick Vaitch, his wyfe, for wyne quhen thay war heir anent the vicitacione of Hamiltone;" a horse was hired "to Mr Mathou to ryde to Hamiltone;" and four men get half a merk each "for keiping of Kidstone geir off Hamiltone that day the lordis was weicitteine [visiting] the marches." By markings on the extract decree above quoted, the progress of the case can be traced a little further, but whether or not a final judgment was ever pronounced in it has not been ascertained:—*June 14*—"The lords' visitours gave in their report and parties' procurators were appointed to be ready to dispute on Tuesday." *June 17*—Haltoun's procurator "desyrit to delay to such competent tyme as he may look out his writtes. . . . Answeris Nicolsone for the town—The desyre is not reasonable in respect of the many delayis heirtofoir grantit. The lordis continewis the mater whill Tuesday next, again the quhilk day ordanes the laird of Haltone to be readie to dispute his caus." At this point farther proceedings in the declarator are lost sight of, with the exception of an authoritative decision on one of the principal points of dispute, viz., the alleged defect of the town's title on account of the royal charters not having been

followed by sasine or infeftment. Giving of sasine was a symbolical act by which heritages were held to be delivered to, and taken possession of by a purchaser or donee. In the case of a transfer of lands the parties or their representatives, accompanied by witnesses and a notary, repaired thither, and on production of the charter or other deed of transfer a handful of earth and stone, taken from the land, was handed by or on behalf of the former proprietor to the new one or his representative, and these proceedings the notary narrated in an instrument which was thenceforth preserved as evidence of the fact that the new proprietor was duly infeft or invested. This formality, necessary and proper in ordinary circumstances, might well have been dispensed with in the cases of the renewal charters of 1451 and 1506, because, long before the granting of either, the burgesses had been in *actual possession*, a position which it would have been difficult for any symbolical investiture to strengthen. Weak, however, and even grotesque as the objection might present itself to the mind of a layman, it probably had a serious enough aspect when it came to be adjudicated upon, *strictissime jure*, by the college of justice. Fortunately for the burgesses, the lords gave effect to their contention, and decided that "sasine is not necessary upon infeftments made to burgesses of their burgess and common lands."\* Put thus in the best possible position by having their priority of title conceded, there seemed to be nothing farther required than for the burgesses to get their boundaries defined, and obtain a declarator which would have settled questions with Haltoun beyond the reach of future dispute. But to this final issue, so far as can be learned, the proceedings were not pushed. It is not unlikely that, resting satisfied with the practical concession of their demands, and dreading the heavy expenditure which a completion of legal formalities might entail, the council suspended hostilities in the law courts, and allowed the declarator to drop. Gradually affairs at the hill got into the old groove. Aggressions by neighbours and periodic boundings and poindings of their stock were resumed and continued; and in course of time the estates of Lauder

\* 9 July 1628—*Morrison's Dictionary of Decisions*, p. 6885. The case is here cited as *Town of Peebles v. Lady Haltoun*. Had the Hon. Henry Erskine and John Clerk this decision in remembrance when they advised the Magistrates as to their legal rights in 1804? See *Chambers' History*, pp. 310-1.

of Haltoun came into the possession of Murray of Cringletie.

The new line of lairds have this to be said in their favour, in connection with their contests with and final triumph over the burghesses of Peebles in the law courts, that they were only attempting to establish a right to property ostensibly their own, seeing it was situated within the boundaries described in their titles. The history of Hamilton Hill, as we are now privileged to know it, they were not conversant with, and they perhaps regarded the inhabitants of Peebles as a community of troublesome and persistent trespassers. From their point of view, as put in one of the papers in a law process, "the town in the 17th century *had set up pretensions* to the property of Hamilton; and in the beginning of the 18th century they carried these pretensions to such an extent that the petitioners' predecessors raised an action of declarator against them."\* The strained relationships existing betwixt the town and Cringletie, and resulting in the action just referred to, culminated in one or two incidents which are dramatically mentioned in the council records—

"1714—May 31—The counsell having convened, and William Simsone, the tounes' herd of their property of Homilton, having represented to them that while he was keeping their ground, Alexander Murray, fiar of Cringletie, had come to him, and, without any offence or provocation given, did beat him over the head and face with a kaine, whereby he was wounded in the forehead, and shewed them his blood, the counsell ordained fyve men out of each quarter, and baillie Jonkison, to goe with their herd and bring in Alexander Greive's sheep or nolt, if they be found on Hamilton, to the fleshmercate or Castlehill, and keep them till they give bond and cautione that they shall not pasture on Hamilton, belonging to the tounes in property, till the plea betwixt the tounes and Cringletie be determined by law; and ordaines three men each day to wait on the herd in case he be assaulted. The baillie and party at their returne reported that upon their approach Mr Murray fled, and drove off the sheep to his own lands of Over Kidstone, and took horse there and rode away towards Cringletie. Ordaines his beating of the tounes herd to be consulted in the tounes' plea against Cringletie. June 3—The counsell appointis James Brotherstaines, their clerk, to goe to Edin-

\* Petition of James Wolfe Murray, Esq. of Cringletie, 3rd December 1808.

burgh and consult such lawyer as shall be thought needful for defending their property of Hamilton against Murray of Cringletie, elder and younger."

The action thus set agoing had a different issue from the one at Lauder's instance, illustrating once more the glorious uncertainty of the law. Though not entirely extinguished, the "pretensions" of the burgh got a considerable damping:—1717—Jan. 18—  
 "Their lordships found that the charters produced in favours of the town of Peebles from King James II. and King James IV. imported only a *servitude* and not a *property* in the lands of Hamildown; and that the foresaid bounding in the charter produced by the pursuers in favours of their author, Alexander Lauder, younger of Haltoun, in the year 1610, being proven to comprehend the said lands of Hamildown Hill, with the seisin thereon, did convey the property of the said lands belonging to the said pursuers by the said charter and progress aforesaid; and found it proven that the town of Peebles had been in the immemorial use of pasturing their cattle on the said lands, of casting feal and divot, and digging slate and stone within the same; and therefore found that by their right and possession aforesaid they had a *servitude* of pasturage, feal, and divot, and of winning slate and stone in the said lands: and declared and decerned the property of the said lands of Hamildown Hill to belong to the said pursuers, with the burden of the said *servitude* of the town of Peebles." By an after judgment, dated 28th January 1720, the lords "declare the property of the said lands of Hamildown Hill to belong to the said Alexander Murray of Cringletie, pursuer, with the burdens of the town of Peebles, the defenders, *servitudes* of common pasturage, casting feal and divot, and of winning and digging slate and stone therein."\*

The nature of the town's possession, subsequent to those judgments, may be gathered from a few brief quotations from the evidence given in the 1808 process:—James Simpson depones "that, his father was tenant of the lands of Cademuir, Heathpool, and Winkston Commons, for twenty-six years, and he quitted about seventeen years ago. In the month of April his father was in use yearly to send sheep in the latter end of July or beginning of August to Hamildown Hill, where they pasture for two or three weeks." James Ker, weaver in Peebles, "has known the sheep of Cadmuir being sent to pasture

\* These judgments are quoted in the Petition, 1808, before referred to.

upon Hamildown Hill, sometimes by Tweed Bridge and Cuddy Bridge, which is the direct road from Cadmuir to Hamildown Hill, and sometimes from Winkston Common. The yeld cattle of the inhabitants of the town of Peebles were pastured on the hill. Andrew Anderson, weaver, his neighbour in the old town, pastured his horses and cattle (12 or 15) on the hill." William Kerr, weaver, "has seen sheep passing from Cadmuir, by Tweed Bridge and Cuddy Bridge, to the Kirklands and from thence to Hamildown Hill; and has known the same sheep in bad weather come down from Hamildown Hill to the Kirklands." William Robertson, cooper, "has very often, in the end of harvest and during the winter, seen the sheep sent from Cadmuir, by Tweed Bridge and Cuddy Bridge, to Hamildown Hill, and they just passed the door of the house in which the deponent lives."

With the termination of the tussle in 1808 the combatants buried the hatchet, and its disinterment is not a likely event. What was considered worth fighting for in the first, is, on account of changes of circumstances and modes of living, not regarded as worth preserving in this the last decade of the century. With a competent portion of Wishaw collieries and Ballachulish quarries wheeled to their gates, there is no demand by the inhabitants for native turf or slate; grazing ground is required only to a limited extent since sheep and kine no longer form the staple stock in trade of the burgesses; and the heather, pulled of old for roofing houses, bedding cattle, or burning witches, is not now indispensable to their necessities. And then, to take the hill as a whole, the Peebleans need not inconsolably lament that it is not theirs to sell or let or mortgage so long as they are free to climb its sides, to wander in its holms, and inhale the healthful breezes that play about them. May the day be distant when privileges such as these cease to be enjoyed or come to be numbered amongst the things that have "glided out of the burgh's possession!"



## XIV.

FLOOD—TREE BRIDGE—SCHOOLHOUSE IN BRIDGE-  
GATE—TOWN WALL AT NORTH PORT—PEELHOUSE  
OF HUTCHEONFIELD—SMITHFIELD AND VENLAW.

IN one of its effects—the removal of the “Tree” Bridge—the recent flood\* seems to have had its prototype in one which occurred in the autumn of 1631. Some of the ravages committed by that inundation are thus noticed in the burgh accounts: “Gevin to James Haldanes twa sonnes for going along Tueidsyd to seik the trie briggs and dails thairof quhilk wer carryit away be the flood, 8s. Gevin to Thomas Lowes his sone for laveing of the schoole quhilk was full of water be the flood, 4s. For 200 fail (turfs) to lay the schoole fode whilk was inundit with the water, and for leiding and laying of the samyn, 12s. Gevin for carying the town ledder fra the Bordell-hawche quhilk was tane away be the flood, to four men ilk ane ane groat, 16s. Gevin to James Haldin for repairing the end of the trie brigg and filling up the samyn with stanes and sand quhen it had bene undermyndit, for ane dayes wage and a half, 20s. Gevin for carying of twa geists of the trie briggs that wes caryit away be the flood, from Swynehopehaugh, to James Williamsone and John Browne, ilk ane of them sixpence, inde 12s.”

The school above referred to as having been inundated by the flood was probably part of the old tolbooth situated at the foot of the Bridgegate. In the printed records, under dates 1555 and 1571, will be found notices of the tolbooth having been appointed as the place “to teche the barnis in” (pp. 214, 326.)

The clerk was owner of ground bordering on the Bridgegate and he obtained permission to erect buildings facing that street:—“*23rd May 1631*—The counsall, conventit upoun the grund efter specifelt, hes geven libertie and fredome to Patrik Vaich, clerk of Peblis, to sett out ony new houssis to be bigt be him at his yaird fut, and to extend the samen to

\* For an account of the great deluge of Monday, 21st September, see the *Peeblesshire Advertiser* of 28th September 1891.



the Briggait, he leving ane fut braid of grund betwixt the syde wall of his said housis and the calsay, for ane gutter and passage of the watter betwixt the said syde wall and calsay."

The town wall from the North Port to Cuddyside appears to have run along and within the site of the existing lane opposite the entrance to the British Linen Company's old Bank. In 1630 the council bargained for this part of the old fortification being kept in repair by a proprietor to whom had been conceded the privilege of using the wall in building his barn:—"16th August 1630—The hail counsell hes ordanit John Williamsone, for the licence gevin be thame to him for bigging his house to the wall of the said burgh at the North Port (conforme to the said Johne his willing) to big, beir, and repair the said toun wall baith upoun the syde of his yaird descending frome his berne to the water, and thair-with the round and hail wall at the fute of his yaird sa far as the samen gois, and that of ane competent heicht, and to pay the haill expenseis to be wairit thairupoun, the toun always finding the materiallis thairto."

On the rounded front of the hill now forming part of Mallingsland farm, a position which commands a wide view of the surrounding country, stood the old peelhouse of Hutcheonfield. Viewed at distances from many places in the vicinity of Peebles, portions of the structure in a dilapidated condition, are still visible, but in the olden time it formed the residence and fortress of a valiant country laird. Disputes between the Horsburghs of Hutcheonfield and their neighbours the Hays of Smithfield more than once came under the cognizance of the privy council, in the register of which are contained some vivid narratives of encounters between them.\* At

\* One of these cases may be noticed as a specimen. On 27th June 1612 complaint was made to the Privy Council that Alexander Horsburgh of that ilk, and Alexander, William, and John, his sons, had never, during the last four years, come a mile from their houses without pistolets at their belts or hagbutts in their hands, and also ordinarily with swords. On a day of the month then current, while Hay was upon the lands of Sheilgrene, without company or armour, "thay (the Horsburghs) all horsit, and went to the pairt quhair he was and as soon as they came in sight of him, kuist thair cloikis from thame, took their swords and pistolets in their hands, and with all their speed chased him a mile towards a house of his father. and had not he left his horse and taken him to his fute, having the commoditie and advantage of ane hill which was not very possible for

the weaponslawing in 1627 John Horsburgh is "present, for the lands of Hutcheonfield, weil horsit, with collet, buff coat, steil bonnet, lance and sword," while his neighbour the laird of Smithfield, himself absent, is represented by "seven of his men, horsit, with ane futeman, all with swords and lances." An arrangement regarding pasturage between the laird of Hutcheonfield and the town council in 1630 indicates the existence of neighbourly relationship between the burgh and him at that time:—*10th May 1630*—"License is given to John Horsburgh of Hutcheonfield to pasture twa hundreth sheip upon the Kister Commoun conforme to his applicatioun till St Peters day (29th June) next; likas the said John Horsburgh, present, actit him to remove his saidis sheip thairfra at that ilk time."

The present mansion house of Venlaw, now undergoing enlargement on an extensive scale, occupies the site of the old dwelling of the lairds of Smithfield, by which name the place is designated in the records, Venlaw proper being then a possession of the burgh. *1627—Sept. 3*—"Anent the supplication gevin in be Charles Pringill, chalmerian to the laird of Smeithfield, for wyning of certane hay, transported be him furth of the Corsburne medow, pertaining to the said laird of Smeithfeild, to the townes proper hill and landis of Venlaw, licence is grantit to him to wyn the samyn hay for this ane yeir during the space of fyftene dayis alanerlie, and thairefter the said Charles caus transport the samyn thairfra of his awin consent."

thame on horabak to wone, they had not faillit to have alane him" The proof was deficient and the Horsburghs got off scatheless; but a few days afterward the Laird of Smithfield, accompanied by his sons and servants, took the law into their own hands, and avenged themselves upon their opponents by attacking and "deldlie" wounding their "cattall, sheip, and bestiall" and driving them off the commonty of Glentress.



## XV.

INCORPORATION OF WEAVERS—THE WAULKERS—  
 THE WAULK MILL—WAULKERS' HAUGH—  
 GIPSIES OR EGYPTIANS—PLAYING THE PIPES  
 —ACCOUNTS, 1631-2.

IN royal burghs it used to be a common practice for members of a particular craft or trade to combine together in one society and agree upon rules and regulations for the management of their internal affairs, and on these rules being confirmed by the town council in a certain form the society attained the status of a legal incorporation, qualified to acquire and hold property, and endowed with various privileges, amongst which was usually included representation at the council board. The "charter of incorporation" granted by the town council consisted simply of an act passed by them and recorded in the council record, to the official extract of which the burgh seal, otherwise termed the seal of cause, was affixed, a form of attestation which gave rise to the name by which the document is designated—a seal of cause. In Peebles the only incorporated trade represented on the town council was that of the weavers, though in 1713, when the masons, wrights, smiths, and glaziers were incorporated, it is stated in their petition that they "had never been incorporated, albeit severall other trades were." What is here alluded to is probably the fact that besides incorporating the weavers the town council had approved of rules and regulations passed by the cordiners\* (shoemakers) in 1669 and 1677, by the "men servants" in 1674, and by the tailors in 1680. In these several rules (including those of the masons, &c.), prominent provision was made for the keeping

\* Along with the supplication of the cordiners for the Council's sanction to the rules framed by them was produced a certificate "bearing the same practiq to be in Edinburgh, Haddingtoun, Lanerk, and Couper in Fyfe." In Lanark it may be mentioned there were seven incorporated trades, viz. wrights and masons, smiths, tailors, shoemakers, walkers, weavers, and glovers. The deacons of each of these crafts took part in the choice of magistrates, and elected one of themselves to sit on the council as deacon convener.

of a common box and the making of contributions to it for the benefit of the sick and infirm. Power was also taken for the appointment of boxmasters and other officials, but no mention is made of a deacon. The seal of cause generally contained stringent conditions for securing to the crafts a monopoly of trade within the burgh, the serving of specified apprenticeships was stipulated for, the terms of admission of new members were carefully guarded, and due precaution taken for the rejection of unskilful workmen and workmanship. Then in pre-Reformation times there was provision made for the performance of divine service in honour of a tutelary saint. St Servanus, or Serf, one of the pioneer apostles of Christianity in this country, and the reputed instructor of Kentigern, was the patron to whom the websters offered oblations.

On 28th January 1629 there was "productit be John Edmond, deacon of the wobsteris, thair seill of caus grantit be the proveist, balyeis, and counsel of Peblis for the tyme to thame, daitit and seillit with the touns commoun seill, the last of February 1563." It may be that this was the first formal incorporation of the websters, though they must have been working under some sort of organisation previously. In 1556 the members of the craft were directed to have all their weights made conform to those of Edinburgh, to put out sufficient work, and to take payment for it on the scale in use there. 1561 the council authorized the craft to choose a deacon yearly, conform to the practice in other burghs, and specially Dundee and Edinburgh. A deacon was elected accordingly, one of his functions being the collection from the members of "thair wolkie (weekly) penny to be distribute be sycht of the baillies to the pure (poor) folkis." A couple of years previously (25th June 1559), there is noticed in the printed records an indenture, whereby John Broderstanis, in Winkston, apprenticed his son James to Thomas Tueddall, "textour" (weaver), for a period of seven years, with the curious condition that if James should die within that period his brother and sister, if in life, should succeed to the apprenticeship. A premium of £6 Scots was to be paid to the weaver, who on his part became bound to teach or "leir the said James, or ony succedand in his place, all the poyntis of his craft, conforme to thair capacite, and sall sustene him or thame sufficientlie in meit and drink, as use of prentenschip is, and furnis him or thame quhilk succedis, yerellie,

during saidis vij yeris, ane sark." This was just on the eve of the Reformation, but altars were still *in situ* and chaplains requiring sustenance, and the stipulation was made "that the said John pay to the service of Sanct Severan ane pund of walx (wax) and ane pischare of aile." Two years hence and a donation such as this, or rather its equivalent in value, would likely have fallen to the "pure."

The deacon of weavers, who was elected out of a leet of six persons made by the trade and shortened to three by the magistrates, continued to have a seat at the council board down to the passing of the Municipal Reform Act of 1832; but this was subject to an interruption of about thirty years, during which time the craft was municipally disfranchised on account of the personal fault of a deacon. The privilege was restored in 1703, on a supplication being given in to that effect by William Chambers, deacon of the trade at the time.

In supervising the affairs of the craft the deacon held courts, but for these the sanction of a magistrate was required:—*30th October 1620*—"Discharges the deacon to hold courtis without ane baillie, and to produce thair seill of caus, gif ony thay haif, this day xv dayis." *22nd August 1625*—"The hail counsell ratifies the act maid be the wobsteris contentit in ane court haldin be thame with umquhile Martene Hay, ane of the baillieis of Peblis for the tyme, in favouris of the walkeris of this burgh, of the dait 25th November 1569; and ordanis that for ilk failye the contravenar sall pay fyve pundis but mitigatioun." The seal of cause and old minute book of the weaver craft, could they now be found, would afford some curious glimpses into trade affairs in the olden time, but probably they have long ago disappeared from view.

Closely allied to the weavers in trade affairs were the waulkers or fullers of cloth. Before the era of tweed factories, and in the handloom and "customer weaver" days, as many Peebleans will well recollect, the Waulk Mill was in full swing at Damdale on a site now occupied by an extensive tweed factory. This waulk milne, which in its day had displaced the "auld corn mill" on "Peblis Water," was not the first of its kind in the burgh. So far back as 1482 there was a "walk myln standand on the south side of the burgh at the est end of Tued Grene." In that year the mill was set in tack to a chaplain and his brother, for their lifetimes, at a rent of three merks yearly, to be paid not to the town-treasury

but to the service of St John's altar in the parish kirk. The same cauld and lade served both for the Rood Mill, situated above Tweed Bridge, "under the Castelhyll,"\* and for the waulk mill, and in the tacks provision was made for regulating the supply of water between them. The mill seems to have been in good working order in 1562, as three joint tacksmen who then entered into possession "confessit that the walk milne was als guid and sufficient ane milne as was in all Scotland," and they became bound to "leif hir as gude at the ische of thair takkis."

The waulkers, like their brethren in the other trades, enjoyed a monopoly in the burgh:—*5th December 1625*—"It is statute be the hail counsell that quhasover within this burgh sall takfony wobbis to be walkit at ony uther walkmylne nor the walkmylne of this burgh, and be the walkeris thair of, they alwayis doing thair dewtie, that the persone or persones quha salhappin to contravene this act sall pay to the saidis walkeris for thair loissis fourtie pennies for ilk elne thair of, exceptand alwayes furth of the present act sick claith as salbe littit and walkit in claith in Edinburgh."

In 1632 and subsequently, a James Frank was tacksmen of the waulk mill, paying for it and a piece of adjacent land a yearly rent of £32 Scots. The following conditions are taken from what seems to be the scroll of a lease to Frank and a partner:—"The council set to James Frank and James Tueddell, proportionallie between them, all and hail the walk mylne of the burgh of Peblis, wyth houssis and landis perteing thairto, callit the Walkeris landis, presently possess be the said James Frank, with the half of the mylne dam and wateris rying thairintill, half caull thair of, and hail privileges and pertinentis perteing and belanging to the said walkmylne and landis thair of." The tacksmen were bound "to build and repair the said walkmylne with ane sufficient stock, quheillis, axetries of aik, with irne and all utheris necessaris perteing thairto, and to uphald the samyn sufficientl during the said spaice. And that they and ilkane of thame sall haif ane guid and sufficient servant man and hors for working at the said walkmylne, uphalding thair of, and inlaying, fortifeing, and menteyning thair pairt of the caull, convoying the wateris thairto, and sall

\* This mill is supposed to have been erected about the year 1461. See printed Records, p. 139.

furnisoh and find guid and sufficient qualifeit servantis for working of thair warkis and claitis honestlie and substantiouslie, pleising the owneris thair of to thair best and maist proffeit and commoditie, that na complaint be maid of thame nor ony of thame." The act of 1625, above quoted, was ratified, and the council bound themselves to put it to due execution. The lands let along with the mill were those situated to the eastward of Tweed Green, and still known by the name of Walkers' Haugh.

In the statute book there are many fulminations against the wandering tribes known as gypsies or Egyptians, and the privy council had in 1630 issued a stringent order for their suppression. Peebles, it is noticed, received a visit from some members of the proscribed fraternity:—*21st July 1634*—"Comperit Walter Scott, burges of Peblis, and being challengit for resetting in his hous and beiring cumpanie with the Egipsianes at divers tymes within thir sex oukis (weeks) bygane, grantit they war tua severall dayis in his hous in his cumpanie and not in ony night; and that thair was thrie men of thame, and na women. Denyit bying of ony geir from thame. Ordanes him to compeir heir this day xv dayis. Comperit lykwyis John Pringill, younger, and being challengit for hanting and frequenting with the Egipsianes this sex oukis last, grantit he was with thame and playit at the pennie stane upon Tueid Greine; denyit he was with thame within the toun, and that he coft na thing from thame. Continuit to this day xv dayis." The "pennie stane" was a quoit of stone, or a flat stone used instead of a quoit, and the playing with these is said to have been a common game in the country. The accusations against Scott and Pringill are not further referred to in the records.

In the dearth of private chronometers the opening and close of the day were ordinarily announced to the inhabitants by ringing of bells or beating of the drum; but the rousing strains of the bagpipes were also called into requisition:—*20th Nov. 1634*—"Robert Thomsons, burges of Peblis, become cautioner for John Layng, toun piper, that he sall daylie and ilk day, at four houris at morne and aucht houris at evin, play throughe the toun with his grit pype till Mertimes 1635; and that he sall not absent himself nor scip dyottis therof during that space without ane lafull excuse and leave of the provest and bailies; and that under the paine of tua schillingis money for ilk dyot and skip."

The following items are taken from the accounts for year to Michaelmas 1632:— 1631— Oct. 12— “Gevine to ane poore man, William Douglas, with four small barnes, 12s. 1632— Gevin for five chapines wyne and a breid with the provest, baillies, and John Frank, when the pulpet wes compleit, 31s. Gevin to John Brown for tua drawcht of bent and ane burding of bent to straw the schoole, 18s. Gevin to Thomas Ewmond’s lad to buy ane doubill catechisme, 40d. To ane Irischman and ane Irischwoman, with sex children, 12s. For ane stand of clothis to Charles Cleg, drummer, and for furnishing thairto and making of the samyn, £5, 10s. To John Plenderlaith for mending of ane lock of the yett of the fleschmercatt and making ane key thairto (the key being tint be the fleshers), 6s. To James Haldin for bigging the fleschmercat, 16 merks. Gevin to him ane dayis wage for redding the Deanes Wynd, 13s. 4d. To John Tuedie, merchand, for 250 naillis to the fleschmercat, 33s. 4d. To James Haldin for taking down the auld pulpitt and helping to sett up the new pulpitt, £6. To John Tuedie for 25 naillis to nail the bottom of the pulpitt in the chappell, and Mr Andro his seat, 3s. 4d. Item, for 20 daillis and 20 geists to the chappell, £24. Item, that day that the provest, baillies, and uthers sichtit Winkstoun Commoun, thair was spent be thame at thair returne, 16s. To Cristiane Hay that wes spent be the provest and uthers on a tyme quhen they sichtit some writts concerning the toun, 54s. Gevin to Thomas Crawford for wryting ane precept of wairning at the towns instance aganes certane persones in the town and for reiding thairof at the kirk dure, 8s. Gevin to thrie sodgeris, ilk ane of them ane groat, 12s. Item, at weying of the cupe [“Trinitie race” cup; see Gleanings No. X.], in Patrik Vaitches, with the baillie and Mr Alexander Hay, ane muchkin of seek and ane chopin claret wyne, 12s. Gevin, at direction of the provest, to ane learnit young man callit William Lumbie, 12s. June 29—To ane Irishman mutilat of the hand, 6s. For ane new drum and for to putt tua new heidis on the auld drum, £11. For carying the auld drum to Edinburgh, 12s. For four geists to be formes to the chappell loft, 48s.; for thair cariage, 32s. For casting of 5300 devotts to theik the towns houssis, 58s. For four load of lyme to mend the auld north port, 32s. Gevin to the com-pryssers who compryssit the corne that wes eatten be the goods of Kidstoun on Hammiltoun hill, thrie quartrs aill and breid, 9s. Gevin for raising of



summonds aganes Patrik Bullo and his mother about the aiker of land in Akerfield, 2 merks. *Sep. 15*—Gevin to Mr John Skene for ane suspensioun aganes Bryce Sempill, and for lawborrowes raising aganes him and uther persones, being 21 persones, and getting ane cautioner in the suspensioun acceptit, £10, 3s. To Andro Hay for wryting the bills and letters thairupon, £4. Item, to his man of drinksilver, 12s. Gevin to ane post to go to my lord Kilcricht [Seton of Kilcreuch, a Court of Session judge], to get the billis past, wha was absent, 12s. Gevin for wyne that wes drunk with the sheref in Cristiane Chisholmes that day decreit wes gottin aganes the eaters of the corne on Hammiltoun, 56s. 6d. [The council had, on 10th September, instructed "the thesaurer to perseu for the eittin cornes upone Hammiltoun Hill, destroyit be the tennentis of Over Kidstoun, Chapelhill, and Edatoun, befor the sheriff."] Gevin to ane auld schoolemaister callit Daniell Johnstoun, 8s. Item, I being direct to Edinburgh, on 20th Nov., to stabill ane advocat aganes Bryce Sempell, and to tak ordour with James Tnedie, I establishit Mr David Primros and gave him twa dollouris, £5, 16s. Item, at ane consultatioun with the advocat, twa chapines wyne and a breid, 11s. Item, for paper and ink to the wryting of the compts sen my entrie, 6s. 8d."



## XVI.

THE STEEPLE AND ITS USES—JAILOR AND KEEPER  
—PRISONERS—ORIGIN OF BURGH—OLD AND  
NEW TOWN—VENNEL FROM OLD TOWN TO  
“PEBLIS” WATER—USHER’S WYND—HORSE  
RACE AND THE BELL—MARRIAGES ON MARKET  
DAYS—ACCOUNTS, 1632-3.

THE erection of the tower attached to the Chapel of the Virgin Mary at the west end of the High Street, “the bygin of the stepyl at the chapel gayl” (gable), as it was expressed in the records, was a work which occupied the attention of the burgh authorities in the closing years of the 15th century. Between 1488 and 1494 there are notices of burgesses, on their admission, being required to contribute, some of them quantities of material, such as lime, stone, and iron, and others labour, such as “fyv schillingis of wark,” while payments also occur for erecting the building, for “thekyn” it and fitting in benches; and when the structure was approaching completion (1494) a contract is entered into with Thomas Boyle for executing all the wood and iron work not yet made, “that is to say, durris, wyndois, plantearis, loftis, clausuris, all lorkis, snekis, and all the irne wark and treyn (wood) wark neidful; and he sall mak the ruf of the turngreys (winding stair) completely, al to the thekyn.” Then as a finishing touch in 1496, the admission dues of a burges are “gebyn to the glasyn of the west wyndo of the stepil at the chapell gavil.”\*

\* Printed Records, pp 193-7—In security of the “deuteis” of the burgess last referred to there is pledged a “berne at the chapel gavill at the est end of the Castlehill.” If by this is meant that a barn also was attached to the chapel wall the character of the buildings there was not wanting in variety. A priest, too, appears to have had a house in the vicinity:—*30th Jan. 1478*—“The balyeis passit to the west end of the said burgh, and at the est end of the castle hyll, and at the south end of person (parson) hous, and tuk up erd and stan (earth and stone) on that samyng grond and lad it in the hands of Will of Elphynston, and gaf tyll hym seasyng (possession) of xliiij fut of lenth, begynnand at the south end of personis hous and met (measured) down towart Twed and the wydnes of personis hous, . . . and the foressaid

Used as a prison, as a watch tower and place of defence, and fitted up with bells and a clock, the steeple was for many years under the charge of keepers bearing the surname of Frank, presumably successive generations of the same family. James Frank in 1556, Andrew in 1570, and John in 1623-32 are noticed in the records. John Frank was succeeded by John Robene, whose appointment contains interesting particulars as to the routine of his office and the appliances connected with it:—*10th September 1632*—In presence of John Lowes, provest, Alexander Mure and Patrik Thomsons, bailyes, comperit personallie John Robeine, burges, and being creat, ressavit, sworne, and admittit of new [he had been first admitted on 5th March], javillour (jailor) and kepar of the stepill and javill houssis and tolbuith of the said brughe, and kepar, guydar, and rewar of the knock thairof, and to ring the bellis of the samyn at the ordinar tymes accustomit and appointit to umquhile John Frank, last kepar and guydar of the said stepill and knock, immediatlie befor his deceis, and he acceptand the saidis offices in and upon him, being sworne be the saidis provest and bailyes, hes gevin his great aith of fidelitie thairintill, and for thankfull and tymous service in the samyn at all occasiounes, alsueill nicht as day, and that he salbe comptable for whatsumever persoune or persounes that sall happin to be arreistit or committit in waird thairintill till they be lafullie and ordourlie fred and relevit furth thairof; and for that effect he sall have ane buik to be markit and subscrivit be the provest, bailyeis, and clerk of the said burgh, qubairintill he sall insert everie persounes name to be committit in the said waird, at quhais instance they salbe committit or arreistit, the particular caus or sowme of money for the quhilkis they are or salbe arreistit, as also the maner of thair relief furth of waird, bearing the name of the magistrat and pairtie, commander or causer of thair relief, with the caus and reassoune thairof. Lykas the said John Robeine grantes him to haive ressavit in his custodie and keeping the lockes, keyis, yrones, and utheris underwritten, viz., the great kie of the lock of the utter (outer) yett of the steepill, the kie of the lock of the doore at the fute of the turnepyk thairof, the kie of the lock of the doore of that house thairin callit the cowmmoune hous, the kie of the lock of that doore of the house

Wylyam sall pay 18s. of anuell be yeir to St James altar in the He kyrk to pray for our soverain lord the Kyng and the Queen, and for the weill of the said burgh."

callit Maile Grayes hous thair, the kie of the lock of the doore in the midstair or turnepyk thairof; item, the kie of the knockhous doore thairof; item, the kie of the lock of the outshott besyd the knock; item, the kie of the lock of the bell hous thair; item, the kye of the doore of Brokisholl; item, thrie hing-ing lockes with the kies thairof; item, ane lang gad\* of yron, with tuelf schakelles thairupon; item, ane pair of stocks of trie. Quhilkis yrones and utheris abovewritten the said John Robeine as principall, and his cautioneris underwrittin, obleissis thame conjunctlie and severallie, thair aires and executouris, to make furthcummand and delyverance to the saidis provost, bailyes, and counsall, and thair successouris, at the feast and terme of Whitsonday nixt, 1633."

The "commoune hous" or hall in the steeple seems to have been an apartment which prisoners were in special circumstances privileged to frequent:—*10th November 1628*—"The hail counsell hes licenciat James Broderstanes to haif access to the commoun hall of the stepill ilk day betuixt ten houris befor none and thrie houris efter none till the counsell tak sum forder cours anent his liberation."

Of the guests for whose entertainment provision was thus made a few particulars may be quoted:—*1633—Jan. 28*—"John Brown, at the Eist Point, accusit for drawing of ane ait stak pertening to John Cleghorne, standing in the yaird of Thomas Young thair, denyit the samyn; and thairefter John Horsbruik, being sworne, avowit he saw him draw the samyn upon Fryday last at nicht, and caryit the samyn till his awin berne on the uther syd of the gait. Ordanes John Brown to be wairdit in the stepill, thairin to remane till Tysday cum aucht dayis, and than not to be relevit till he pay to the theasurer ten pundis, and than to be put ather in the irnes or stockis at the mercat croce, and bring the cornes bund besyd him, and remane in the saidis stockis fra ten houris befor none till four houris efter none. And gif the lyk falt be fund and tryit on him he to suffer death, of his awin consent. *April 1*—Ordanes Patrik Bullo to be put in the irnes presentlie, thairin to remane unlowsit out till this day aucht dayis for wrang done be him to the bailye. Ordanes Cristian Robesone to enter in waird in the stepill, thairin to remane till scho pay

\* "Gad," an iron rod with rings or shackles attached to which prisoners were fastened.

ane dolour for misreporting of the counsell. *Nov. 18*—Anent the generall complaint maid of certane inhabitants for railling out, miscalling, and baning of the brekeris of the taxatioun,\* ordanes the proveist and bailyeis to caus warne all these raillaris in the stepill, thairin to remane fourtie-aucht houris. *Dec. 30*—Comperit Adam Newton and being challengit for steilling the blankettis of his awin bed, being then servant to umquhile Margaret Chisholme, and of ane harrow pertening to John Williamsons, and of ane mutour stand pertening to Michell Newtown, his brother, and of sum hedder pertening to Bessie Broderstanes, grantit the samyn and cummes in will." Whether or not Adam expiated his offences in durance vile the record saith not. Perhaps, repentant, he turned over a new leaf, and lived honestly ever after, but it is unfortunate that the only episode in his career which has come down to posterity is so little to his credit.

It is noticeable that in the older records what is now the west end of the High Street is referred to as the west end of the burgh. This practice points to what there is much reason to believe is the fact that the original *burgesses* of Peebles, to whom the sovereigns gave charters with corporate privileges and grants of lands, were those who held "stob and stak"† in the new town. The "natives" of the Old Town, who, in the days before the first David was king, celebrated divine worship in the church of "Pobles" and tilled the carucate of land belonging to it, consisted of churchmen and their dependants; and had it not been that successive Scottish kings discovered in the neighbourhood of the church a residence suited to the requirements both of government and pleasure, Pobles would perhaps never have attained higher rank than have its rural neighbours Stoboc and Penjacob. At an early period the two divisions were regarded as parts of the same whole, but for a long time the Old Town is mentioned in the records as the district "beyond the watter" (1465 *et seq.*) The principal street was called the "gait passand fra Peblis brig to Sant Andro's Kyrk" (1481 and 1498.) There had been thus early, in addition to the primi-

\* A heavy tax levied in 1683 by the parliament which was held on the occasion of the first visit of Charles to Scotland after his accession. To this parliament James Williamsons was the commissioner appointed to represent the burgh of Peebles.

† An ancient expression, meaning that each burges should have a permanent residence in the burgh.

tive structure at the foot of the Briggait, a bridge spanning the stream at the point where the present one connects the High Street with the Old Town. Previous to the first bridge being erected there it is probable that, on account of the steep acivity on the south side, before the Castlehill got its neck filed down, the west end of the burgh was reached by a ford across Peblis water (there was then no impounding cauld), reached by the south lane forming a continuation of the Leidgate. This lane is referred to in the description of a piece of ground embracing the site of what may now, in view of the approaching migration, be termed the old West U.P. Church:—*8th July 1660*—"Frere Gilbert Broune, minister of the Croce Kirk of Peblis, with consent of the convent of the samin, viz., of freris (friars) John Robyn, Thomas Smyth, John Newtown, and James Lowys, religious men, passit to thair land and biggin callit Hannykyn kill steid, and yard of the samin, lyand within the burgh of Peblis in the Auld Toun, on the south syde of the samyn, betuix the comon vynell passand to Peblis water on the est part, Peblis water on the south part, and the King's street on the north part; and thair the said Gilbert Broune, with consent of the said convent," resigned the property in favour of "Nicholl Vache, burges of Peblis, and Margreit Smyth, his spous." An adjacent "waist land lyand in the auld toun," also extending between "Peblis water on the south and the King's calsay on the north," was at same time transferred to Vache and his spouse, who thereby became liable for payment of the "dewite and annuellis auld usit and wont to the baillies, counsals, and communite." In the town's rent roll in 1498 the property appears as "Sir John Hannikyns [or Hammksins as printed] land beyound the water, of his kill, xxd. yerly." In a rental of 1550 it is entered as "Sir John Hannikyn land, now the Croce Kyrkia, xxd."

Another vennel, called in old maps Usher's Wynd, leading from the Northgait towards "Peblis" water, and doubtless by a ford to the "auld corne miln," is sometimes noticed in the records. In the following extract the origin of the name is satisfactorily accounted for:—*6th Oct. 1603*—Gilbert Wilyheson, burges of Peblis, passit to the land and tenement of Jhone Hwschar [Usher] liand in the said burgh in the Northgait, on the west sid, betuix the land of George Young on the south pairt and the comone venail strekand to Peblis watter on the north pairt, and thair the said Gilbert gaff up and resignit "8s. of

annual rent (payable to him furth of the property), in favour of the minister and convent of the "Haly Cross kirk of Peblis," for which they were "to do yearly ane anniversair for the said Gilbert and his spous the day of his decesia, with *dirige* at evensong and messes on the morne."

The winners of the bell at the annual horse race usually returned it with an augmentation:—*4th May 1635*—"In presence of the provest and bailies of the said brughe, comperit Charles Pringle, burges of Pebles, and become cautioner for Sir Johnne Seytoun of Sanct Germanes, quha haifing this day be his horse win the bell of Pebles with the name and armes of my lord earle of Traquair, in anno 1634, with ane lyttle bell augmented therto be John Hamiltoun of the Ness, in anno 1628, with ane uther bell augmented therto be Johnne Scott of Hundilshoipe, in anno 1630, the said bell being also win be umquhile Sir Arohibald Murray of Blackbaronie, knight, with his name and armes, together also with ane plaitt of silver, also appendit to the said bell, beand—'Win be me, Robert Pringle of Blindlie, 1632;' the said bell and haill pendicles therof all weyand 13½ ounce silver. Quhilk bell and pendicles the said Charles Pringill obleissis him to produce befor the provest and bailies upoun the fourt or fyft dayes of Maij nixtocum, together with the augmentations thairto at the said Sir John his pleasure." *4th May 1636*—William Govane, in Cardronna, is caution in like manner for John Dalyell of Newtonne, whose horse this year had won the bell. The bell, "with tua uther lyttle bells and tua uther pendicles," now weighed 14½ ounces.

The celebration of marriages on market days seems to have been prohibited by the presbytery:—*1635—December 22*—"William Stewinsone, in Kallyeo, actit himself to produce befor the moderator and remanent brethrene of the presbiterie of Peblis, in thair meeting to be holdin on the last day of December, £10, and that for transgressing of ane act of the said presbyterie, maid and done be Walter Scheell in Kallyeo, in appoynting the marriage of his dochter with Thomas Heckfurd, in Innerleithen, to be this present day being the mercate day of this burgh of Peblis, and sua contrair the said act."

Selections from accounts, 1632-3:—*1633—Dec. 10*—"Being directed to Edinburgh for calling the suspensioun contra Bryce Sempill, I remanit four dayes, £6. *Dec. 12*—To James Haldin for mending sum holes in the tolbuith, 26s 8d; item, for 50 naillis

therto, 6s 8d; for carrying sclaittis from the auld kirk and lyme from Tueid brig, 4s. 1633—*Jan. 8*—To Alexander Ewmond to buy ane catechise, 8d. *Jan. 11*—To Thomas Bell, Hector and Mergerat Dikisones, to buy everie ane of thame ane catechise, 2s. *Jan. 14*—I being directed to Edinburgh for taking bak the touns proces from Mr William Scottis chalmer and delyvering again to Mr Harie, and calling the samyn, and buying of timber for the chappell and tounis lodgeing, being four dayis remaining, £6. Payit to John Rewle for 24 daillis, £12. Item, for tua tries to the chappell for bandis to the saitis thair, 40s. Item, for the cariage therof and custome, £6 2s. *Jan. 22*—To John Stoddart for mending the locke of the chappell doore and keye therto, 6s 8d. Item, for fyve faddome of towis to the steipill bell, and for buckling the toung therof, 8s 4d. *February*—Item, when the merchdes betuix Mr Hewe Ker and the toun wer visited and layed in, with the provost, baillies, and visitouris, 40s. Item, to the provost, being directed to my lord Traquair for Pait Bullo his busines, he remainit four dayis, three dollouris, £8, 14s. To James Haddane for the mending of the stockis, 6s. 8d. Item, for helping to lift up and doun the portes, 13s. 4d. Item, agreed with James Haddone for mending the saides portes, £10. Given to Patrike Vaitche for extract of the townes valuatioun, £4. Item, to his man in drynk silver, 8s. *Feb. 26*—I being directed to Edinburgh for calling of Pait Bulloe's waikning and agreeing with the knok maker, remaining four dayes, £6. Item, with him and James Williamsons, at our agreement, 1 pynt of wyne, 10s. Item, for building the sait in the chaippell, £10, 13s. 4d. Item, to myself directed to seik the sklaiter throu Brochtoun, Glenwhome, and Drummalyer, 30s. Item, the provest and baillies at agriement with him, 24s. To James Haddane for taking doun of the orelege bred (clock dial), 30s.; for taking doun therof 8 faddome towis, 13s. 4d. *April 4*—At Edinburgh for staying of Mr Robert Burnetis signatour, 3 dayes, £3 10s. [Burnet of Cringletie, successor of the laird of Haltoun, had at this time disputes with the town as to Hammilton Hill and Kidston.] With the knok-maker to caus exped the bred of the orlege, a pynt of wyne, 10s. To ane boy to go to Skirling to stay the sklaiter who was appointed to come, 10s. Item, to William Tempill's dochter, ane of the spinstera, 24s. [In May and June 1633 authority was



given for "the taking of ane hous for the mistress and bairnes of the lytill quheill to be erectit for leirning of the young anes of this burgh to spyn." For a thousand sklaitt to the chaippell and tolbuith, £7. Item, to the sklaitter for his feye, 13s. 4d. To the knockmaker for his waiges, £23, 6s. 8d.; item, to his man in drynk silver, 28s.; item, the provest and baillies in Patrik Vaitches at his bonails, 24s.; item, for ane hyred naig to him fra Edinburgh to this town, 32s.; item, for a naig to carie him haim, 24s.; item, for his interteinment heir aucht dayis, with his man and his horse and ane uther man the first nycht, £8, 10s. Item, for fyreing the knocke and making the compter paise to the hand and for thrie yron wairds to the horologe bred, 13s. 4d. For tua rigging stanes to the chapell, 24s. For laying in of the caull and casting the dame, £6, 13s. 4d. For carieing a myllstone fra the auld mylne to the rood mylne, being a dusoun of men, 20s. To the carter for carieing the staine out of the rood mylne to the auld mylne, 48s. To Isobell Brotherstains, when the provost and baillies took the hous fra William Porteous to the spinners, 17s. 4d. To James Haldane for setting on a lock on the commoun kist, 2s. 8d.; item, a kandill to set it on, 4d. Item, at command of the provost and baillies when the commissioners for parliament and borowis was seiled, 48s.; item, a candill at the sealing thair of, 4d. Two candill at the seiking out of King James chartour furth of the kist, 8d. Item, to ane boy that brocht the Frenche woman, 36s. To Steine Thomesone and Andro Frank who brocht haim the wheile for spinning, 40s. To Marione Stodderts lasse, spinster, 12s.; item, four of the spinster lasses, 48s.; item, to Charles Portes las, 12s.; item, a load of peitis to the Frenche woman, 5s. Item, in Patrik Vaitches hous when the letters wer written to the byschope. [As to other communications with the bishop see printed Records, p. 418.] For chaingeing of seiven dollouris in gold and Ingliche testans, 13s. To James Williamsons, commissioner for the parliament, £66, 13s. 4d. To the post that brocht the precept for the parliament, 24s."



## XVII.

## ST LEONARD'S HOSPITAL — ALMSHOUSE — ENDOWMENTS OF ST MARY'S CHAPEL — CORN AND WAULK MILLS OF INNERLEITHEN — THOMAS-HAUCH OR KIRNEHAUCH — HILLHOUSES.

JOHN SPOTTISWOOD of that Ilk, advocate, compiled, and his son, in 1724, published "An Account of all the Religious Houses that were in Scotland at the time of the Reformation," in which were enumerated twenty-eight hospitals, all governed by a superior called *Magister* or Master, partaking of a religious character, and used for the purposes of receiving strangers and pilgrims and for maintaining poor and infirm people. This list of hospitals did not profess to be a complete one, and, indeed, as subsequent investigations have shown, such institutions, like churches and chapels, to which they were beneficent auxiliaries, were distributed in considerable numbers throughout the land. Three of the hospitals mentioned by Spottiswood were dedicated to St Leonard, and were said to be situated near the towns of Edinburgh, Lanark, and Peebles respectively; and a fourth, under the same patronage, is now known to have been located in the outskirts of Perth. St Leonard, the founder of a famous monastery, was of noble parentage and brought up in the court of Clovis, the first "Most Christian King" of the Franks. Becoming a monk, he occupied a forest retreat, where on one occasion his skilful services towards the Queen, when taken suddenly ill while on a hunting expedition in company with her royal consort, were rewarded by an extensive grant of land. Noted also for his charity towards captives and prisoners, with the reputation of having worked miracles on their behalf, St Leonard is usually represented in paintings and other works of art as holding chains and fetters; and it was doubtless on account of the estimation in which he was held as a succourer of the distressed that he became a favourite guardian saint of hospitals.

Spottiswood got his information regarding the Peebles hospital from a charter, dated 25th July 1427, whereby King James I. granted to his confessor,

David Rait, of the Order of Preaching Friars, the hospital of St Leonard, near the town of Peblis (*juxta villam de Peblis*) the mastership of which was vacant by promotion of George of Lawedre to the bishopric of Argyle. In a charter, a few years later in date (2nd December 1440), certain lands situated eastward of Peblis are described as bounded on the west by the lands of the hospital; and tradition, corroborated by this charter and other similar documents, locates the building on the south side of the Innerleithen Road, at a place called Chapel Yards, adjoining the ruins of Horsburgh Castle. In Blaeu's Map (*Chambers' History*, p. 180), made up from a survey made by Timothy Pont in 1608, "The Chapel" is also shown at this point, and it may safely be assumed that at least the remains of the hospital or the chapel in connection with it were then in existence.

In the royal charters to the burgh of Peebles stipulation is made for the annual payment to the hospital of two merks, or £1, 6s. 8d. Scots, yearly, out of the crown revenues derived from the burgh. In the earliest preserved account passed by the bailies in exchequer, viz., in 1327, when Bruce was king, the payment is 30s. yearly, and the same contribution is repeated down till 1366, in which year the entry runs thus:—"And to the master of the hospital of Peblys in part payment of 30s. owing to him of his yearly pension, 26s. 8d." From this time the lesser sum became the regular payment, and was that which, as just mentioned, the charters made provision for. In the entry above quoted the payment is said to be made "*magistro hospitalis de Peblis*." In other accounts he is styled "*magistro hospitalis Sancti Leonardi de Peblis*," the last two words again varying to "*juxta Peblis*." The three designations were thus used promiscuously, but they obviously all apply to the hospital at Chapel Yards. An almshouse adjoining St Mary's Chapel in Peebles, the chaplains being tutors and overseers of it, was established about the year 1462, and it also became identified with the name of St Leonard, but it is not probable that the new almshouse and the older institution, with their respective endowments, ever became amalgamated. On the eve of the Reformation (26th June 1558; printed Records, p. 248), John Hay, brother german of Thomas Hay of Smithfield, was, in virtue of letters of gift, running in the Queen's name, vested in the perpetual preceptory of the hospital of St Leonard "during his lifetime," and the

ceremony of investiture was performed "in the chapel of St Leonard, at the high altar thereof." Hay is not here designated a cleric, but as the missal hook, chalice, casuble, alb, and other vestments of the chapel, the symbols used in the induction of chaplains, were delivered to him, it may almost be inferred that he possessed some qualification in holy orders. At this time John Tuedy is believed to have been chaplain of St Mary's Chapel, as in the subsequent year he is found, in that character, disposing of a piece of ground in Arnot's Haugh which had belonged to St Mary's. The chapel of St Leonard's which Hay acquired, and the bestowal of which rested with the Crown, would therefore be the one at Chapel Yards. After the Reformation the "preceptory" became secularised, and on 17th July 1624 John Hay is served heir of Alexander Hay of Smithfield in the "acres of St Leonard adjacent (*juxta*) to the chapel of the same, near (*prope*) the burgh of Peblis, which lands are called the "Chapelyairds of Sant Leonardis."\* The property now forms part of the Eshiels estate.

Reverting to the earlier history of the hospital, though the founding of it cannot be traced, a very ancient notice of one of its endowments occurs in the report of an "Inquisition taken at Pebbles on Monday next before the nativity of St John the Baptist, in the 33rd year of the reign of Edward I." (21st June 1305, during Edward's usurpation), whereby it was found that it would not be to the King's damage if William Opkeliok demised his manor of Westropkeliok to Eblo de Montibus, or another, for 13 years, for the usual services, including the payment of 4s. yearly to the Hospital of Pebbles.†

John of Peblis, the same it is assumed who in 1362 was the collector of the "tenth penny"‡ from the deaneries of Lanark, Peblis, and Eskdale, and who subsequently became bishop of Dunkeld and held

\* *Retours of Services*: Shire of Peebles.

† The other "services" were payment of 9 marks yearly to the King; 12 chalders of provender when the King comes to Pebbles, and if not, 4s. for each chalder; a suitor at the court of Pebbles, and the third of a knight's service in the King's Scottish army and finding a man at St James's day for 8 days during Roxburgh fair, to keep the road through Minche Moor from robbers.—Bain's *Calendar of Documents relating to Scotland*, vol. ii., No. 1675.

‡ The tenth penny of church property was allowed by the Pope to be collected as a contribution towards the price agreed to be paid for the ransom of King David.

high rank in the councils of the nation during the reigns of David and his successor, was master of the hospital of Peebles, and being desirous of founding a chapel in the burgh in honour of the glorious Virgin Mary, obtained from the King a grant of ground for the purpose. § In the letters or charter by the King, dated 8th March 1362-3 (printed charters, p. 8), requiring the bailies to assign a stance for the chapel, the extent of ground wanted was stated to be only 48 feet in length and 24 feet in breadth. The request to give off so small an area was easily complied with, and a suitable site was obtained at the west end of the High Street. Here accordingly the chapel was erected, and it was not till about the end of last century that the last of the structure disappeared. The chapel, shortly after its establishment, received a substantial endowment from the King. The grant referred to was contained in a charter dated 20th September 1367, which is still in existence, and as it is not known to have been printed a full translation is here given :—

DAVID, by the grace of God, King of Scots.—To all good men of his whole land, clerics and laics, greeting — Know that we, moved by divine charity, for the weal of our soul and of the souls of all our ancestors and successors, kings of Scotland, have given, granted, and by this our present charter confirmed to God and the chapel of St Mary newly founded within the burgh of Peblis, and to the chaplain celebrating and to celebrate divine service there for ever, our mill of Innerleithane, with our whole astricted multures, which formerly pertained to our mill of Traquair, on the north side of the water of Twed, from the town (*villa*) of Horsburk to Gathopeburne, to hold and belong to the said chaplain in the said chapel celebrating and for ever to celebrate divine service as aforesaid, for his maintenance for ever, in pure and perpetual alms, as freely, quietly, fully, wholly, and honourably, as any rents in any other place within our kingdom of Scotland are freely, quietly, and honourably, in pure and perpetual alms, given or granted. In testimony whereof, to our present charter we order our seal to be appended. Witnesses, the venerable fathers in Christ, William, bishop of St Andrews; and Patrick, bishop of Brechin, our chancellor; Robert, steward of Scotland, earl of Stratherne, our nephew; William, earl of Douglas; Robert of Erskyne; Archibald of Douglas, Hugh of Eglyngton; and Walter of Halyburton, knights. — At Edinburgh on the 20th day of September, in the year of our reign the 38th.

§ It is not made evident whether John of Peblis founded the hospital in his personal or his official capacity, though the greater likelihood is that he was acting individually, as no succeeding master of the hospital is found exercising patronage in the appointment of chaplains.

Either as pertinents of the original gift, or acquired by subsequent donation, the chapel is found to have been endowed not only with the corn and wauk or fulling mills of Innerleithen, but also with the adjoining lands of Thomashauch and Hillhouses; and these possessions, or at least the revenues derived from them, the burgh became entitled to, at first as patrons of the chapel and afterwards in their own right under King James' charter of 1621. At the time of the Reformation, and for a few years subsequently, Sir John Tuedy was chaplain, but in 1564 he resigned the benefice in favour of Gilbert Tuedy, who got a gift of it from the "baillies, counsals, and communitie, as undoutit patrones thair of." In the course of administration of the property, Gilbert Tuedie had in July 1596, with consent of the patrons, and also of "James Scott in Hundillishope," who it appears had also acquired an interest in the chaplainry, granted a feu charter to Alexander Horsbruik of that ilk of "our lands of Innerleithen called the Hilhouses, with the pertinents, sometime occupied by George, Robert, and William Horsbruik, with our fulling mill called the walk mylne of Innerleithen, with the lands, mills, pasturages, and pertinents."\* This feu was confirmed by a Crown charter in 1609, and seven years afterwards (1616) Horsbruik conveyed the property to John and Robert Horsbruik jointly. After the demise of Tuedie and Scott, there has not been noticed any appointment of another chaplain, and probably the town council looked after the revenues on their own account. Thus on 18th October 1613 there is a note in the record "to remember that thair commoun of Hinderlethene nixt Pirne, because he (the laird of Pirne) hes teillit, he teillit be the burgh the next yeir. 16th July 1616—To fauch [fallow] ane pairt of Innerlethene. 20th Oct. 1623—Ordaines the commoun kist to be socht for the rentall of the milne of Innerleithen. 19th Jan. 1624—The persone grants the haifing of the chartour of the mylne of Innerleithen and other writs, quhilk he promiseit to produce the nixt counsell day. End Feb.—He producit the writtis, quhilkis ar ordanit to be put in againe in the kist."

Meantime the burgh's great charter of 1621 had been obtained, and by it, besides confirmation of the charters by King David, Innerleithen property was

\* The charter, as narrated in two others granted to Horsbruik's successors on 26th October 1635, is said to have been dated at the place (*locum*) of Neidpath and burgh of Peblis in the court of the same, 17th and 20th July 1596.

pecially bestowed upon the burgh. Perhaps in consequence of the increased efficiency of their title the town council were now endeavouring to realise a more substantial return from their property, eliciting the following supplication from their feuars or tenants:—"My lord provest, bailyeis and counsell of the burgh of Peblis: Unto your lordship and wisdomes humlie meanes and schawes we, your ser-vitouris and tennentis, Alexander Tait of Pirne, Johnne Horsburgh, elder, in Hilhoussis of Innerleithen, and Johnne Horsburgh, youngar, thair, that quhair it is not unknawin to your wisdomes that we haif in possessioun your wisdomes and the guid toune of Peblis milne of Innerleithen, mill landis, walkmylne, and pertinentis thair of, and ar willing to pay to your wisdomes the dewties contentit in our writtis and securities maid to us thair of; beseikand heirfoir your wisdomes to appoint us ane convenient day that we may bring and produce our writtis befor your wisdomes, and that your wisdomes wald than accept of the dewties and dew service addebtit be ws thairfoir." On this supplication there is a note, dated 14th May 1624, bearing that the "hail supplicantis, present, promiseit to produce the hail writtis befor counsell this day aucht dayis;" but the minutes do not show that the promise was fulfilled; and in any case a settlement was not arrived at, as a few years afterwards the parties entered upon litigation in the Court of Session. From the summons, which passed under the signet on 9th January 1628, the following excerpts are taken:—

Forsamekill as it is humlie meanit and schawin to ws, be our lovittis the proveist, baillies, counsell, and commounitie of the burgh of Peblis, that quhair they ar dewlie and heretabillie infest and raisit in all and sindrie the landis, mylnes, multouris, annuel rentis, tenementis, and utheris, pertening to the chaplanrie callit the Virgine Marie fowndit within our said burgh of Peblis, of the quhilk chaplanrie the corne and wauk mylnes of Innerleithen, with the mylne landis, multouris, sukkin and knaveschip, and landis of Thomashauch *alias* Kirnehauch, lyand beneth the landis of Innerleithen beyde the cours and rying of the water of Tueid pertening to the said corne mylne; and landis callit the Hilhoussis, with housis, biggingis, and all thair pertinentis pertening to the said wauk mylne, as propper, pairtis, pendicles, and pertinentis of the patrimonie of the said chaplanrie. Lykeas umquhile Gilbert Tueidie and umquhile James Scott, chaplanis of the said chaplanrie, at the leist they or either of thame wer in pecabill possession of the samyn chaplanrie as chaplanis thair of, and be thame selfis and utheris in thair names, to thair behuif, utilitie, and profeit, brukit, joyset, and possess the saidis

[mills and lands], and all their pertinentis above specificit, as propper, pairtes, pendicles, and pertinentis of the patri-  
 monie of the said chaplanrie, be uplifting and ressaueing of  
 the yeirle dewties esterspecificit, viz., of 18 bollis victuall,  
 with the sustentatioun of the said corne mylne in all  
 necessaris, togidder with 12 caupones as for the dewties of  
 the said corne mylne. Item, the sowme of fourtie schillingis  
 of yeirle rent and dewtie for the saidis landis of Thomas-  
 hauch. Item, £8 money and 24 caupones yeirle, togidder  
 with £8 everie thrie yeir in name of gersum as for the  
 dewtie of the said waulk mylne and waulk mylne landis  
 callit Hillhousis, with the pertinentis, uset and wont to be  
 payit to the saidis chaplanis be the possessouris and oc-  
 cupyeris thairof: and trew it is that Alexander Tait of  
 Pirne and umquhile Tait of Pirne, his father, and  
 thair predecessouris, quha brukit and joyset the said corne  
 mylne of Innerleithen, mylne landis, and landis of Thomas-  
 hauch *alias* Kirnehauch, with the pertinentis, as tennentis  
 to the saidis chaplanis, payit the foirsaid yeirle dewtie. .  
 . . . Lykeas Johne Horsbruik, elder in Hilhousis, and  
 Johne Horsbruik, younger thair, and umquhile Hors-  
 bruikis, thair fatheris and thair predecessouris, quha brukit,  
 joyset, and possess the said waulk mylne of Innerleithen,  
 with the landis of Hilhousis and thair pertinentis, as  
 tennentis of the saidis chaplanis, payit yeirle thairfor the  
 foirsaid yeirle dewtie, . . . yeirle, be the space of  
 threttie yeiris, at the leist be the space of twentie yeiris  
 now bygane, preceding the deceis of the said umquhile  
 James Scott, last chaplane of the said chaplanrie quha  
 deceisit 16 : And albeit the saidis Alexander Tait of  
 Pirne, George Tait, his sone, Lawder, spous to the  
 said George, and Tait, thair sone, and William  
 Lawder, brother to Lawder of that ilk, be thameselfis,  
 thair servandis, complices, and utheris [have possessed the  
 mill and mill lands of Innerleithen and lands of Thomas-  
 hauch during the four years 1624-7, and the Horsbruiks,  
 elder and younger, have possessed the waulk mill and lands  
 of Hillhouses for same period, and are owing the said duties  
 payable therefor to the complainers], quha ar now becum  
 in the vice and place of the saidis chaplanis. . . . Never-  
 theless they wrangualie refus, postpone, and defer to do  
 the samyn without they be compellit.

The case, or it may have been a supplementary  
 one, casts up again in the Court of Session a couple  
 of years afterwards. On 12th Dec. 1629 the lords  
 issued a decree ordering Alexander Tait of Pirne to  
 produce his writs, and on 22nd of the following  
 month a charter and sasine were lodged. The last  
 indorsation on the decree is the brief one—"5th June  
 1630—To see," after which farther trace of the pro-  
 ceedings are lost. In 1632 the sheriff court had  
 been resorted to:—*March 5*—"Ordaines the thesaurar  
 to insist in persute befor the shereff in the removing  
 at the tounes instance aganes the laird of Pirne."  
 Then in the accounts there are payments to the



clerk "for writing of ane precept aganes auld Pirne for removing;" to an officer "for charging of auld Pirne for the first dyett; to the clerk for act sulver quhen Pirnes actioun was callit befoir the shereff; and to Patrick Thomsonsone, baillie, being direct to Edinburgh be the toun for stopping of Pirnes compysement." The "compysement" has apparently reference to proceedings taken by Lord Traquair against Tait for attachment of his lands in satisfaction of debt, and which resulted in the Innerleithen property being transferred from the laird to the peer:—*1633—April 1*—"Anent the charge gevin to the proveist, bailyeis, and counsell at the instance of my lord Traquair for infesting him in the mylne and lands of Innerleithen and Kirno compysit be him from the laird of Pirne, quhilk being ane mater of sik moment as concernis the patrimonie of this burgh, they haif electit James Williamsone and Patrick Vaitche, clerk, to address thameselfis with the tounes writtis to Edinburgh to thair laweris and tak consultatioun, advyse, and directioun thairanent of thame. *Sept. 2*—To be advysit anent Pirnes lyf rent, as being at the horne thir mony yeris bigane." *1636—Aug. 1*—"The chartour of the corne mylne and millandis of Innerleithen grantit to my lord erle of Traquair is subscrivit be the counsell and ordanit to be deliverit to his lordship with ane discharge of all byganes." And thus terminated the dispute about the portion of the chapel property at Innerleithen which the Taitis had possessed. The feu-duty payable under the charter is not stated in the record.†

† By a crown charter, granted by King James II. on 18th July 1441, and still preserved, there is confirmed a charter by George Tayt, laird of the Pryne (Pirn), to the bailies and community of the burgh of an annual rent of £1, 6s. 8d. Scots out of his lands of Pryne, for the maintenance of divine service at the chapel of the blessed Virgin Mary at the west end of the town (*ville*) of Peebles. The bailies and community are designated patrons (*tutoribus*) of the chapel, and the annual rent is stated to have been given in excambion for part of the lands of Thomashalch belonging to it. Tayt's charter, as engrossed in the crown one, is dated 20th July 1401, but there is obviously a clerical slip here. It was executed at Edinburgh, and it and the confirming charter were probably written out about the same time, as Sir William Orechtoun, chancellor, witnesses both, and he did not hold that office previous to 1439. Amongst the witnesses to Tayt's charter are also Thomas Dekyson of Ormiston, Patrick of Lewis of Maner, and Sir Thomas of Peblis, vicar of Ennerleithane. The counterpart of the transaction with Tayt is referred to in a decree pronounced

As to the other portion, consisting of the lands of Hillhouses, and the waulk mill and lands connected with it, an arrangement was also come to. On 26th October 1635, a charter was granted by the town to John Horsbruk, in Hillhouses, and his spouse, in one half of the property, and a similar one to John Horsbruk and his son Robert in the other half. The feu-duty stipulated for in each charter was £4, 3s. 4d. Scots yearly; but they must also, on obtaining their charters, have paid something considerable, as on 28th March 1636 "the provest is ordained to deliver to my lord advocat 160 merkis of the money ressavit be him fra the Horsbrukis of Hillhouses;" and in the treasurer's accounts for 1638 £60 are got from the provost "of the moneyis ressavit be him fra the feuars of Hillhouses." On the day when the charter was signed, "the saidis John and John Horsbrukis, being present and becoming vassalis to the said toun of Peblis, ar creat, ressavit, and ordanit, burgessis, and friemen of the said burgh, and they acceptand the samyn hes gevin their ayth of fidelitie thairanent as use is."

Such are some outlines in the history of an endowment which its founders destined for the celebration of certain religious rites "for ever." The phrase is somewhat inapplicable to mundane arrangements, but in this instance, through all the vicissitudes of five centuries, the revenues of the royal gift have continuously reached the burgh in some form or other; and, coming as they now do into the common good fund, out of which contributions are made towards the upkeep of the Parish Church, it may be said that even yet they are not wholly diverted from the original purpose of maintaining religious services. Another interesting circumstance connected with the endowment is that King David's original deed of gift, written on durable parchment and legible as on the day it was penned, is still preserved. With the exception of the charter giving a site for the chapel (1362-3) it is believed to be the oldest piece of writing in the burgh's repositories.

by the court of session on 31st July 1624, in an action of "Improbation" by the town against sundry of its vassals. In this document it is stated that there was produced "ane chartour grantit be the baillies and communitie of the burgh of Peblis, and tutouris to the chaplainrie of the blissit Virgine Marie, situat on west end of the said toun, to George Tait of Pirne, of the twa pairt of the landis callit Thomashauch pertaining to the said chaplainrie, for the yeirly payment of 26s. 8d., furth of his landis of Pirne; of the date 22 Julij 1441; seillit with sex seillis."

## XVIII.

THE NEWARK OR EAST WARK OF PEEBLES —  
 TRAQUAIR AND YESTER—TRAQUAIR PAPERS—  
 SCOURGING AND BANISHMENT—LAWS ANENT  
 GREENWOOD—WOOD AT CHAPELHILL.

CORRESPONDING to the steeple at the West Port, the entrance to the town on the east was also guarded by a building adapted for defence. The New Wark, otherwise called the East Wark, is first noticed in the records as being in course of erection in 1488, when the building of the steeple was also in progress. On 8th May in that year, two burgesses, on their admission, are each required to supply four score "ladis of stannys to the byggin of the Newark \* at the est end of Pebelis." The place was ready for occupation in November 1494, at which time the lofts and vaults in it were set to three tenants for 7s., 6s. 8d., and 10s., respectively, of "mayl." From about this time and for a few years after the great catastrophe in 1549, when the town was destroyed by the English, the burgh records are almost a total blank, but it has been ascertained from another source that in this interval the East Wark had come into the possession of the chaplain of the Rood Altar in St Andrew's Kirk, and the farther fact is also disclosed that the building itself had shared in the general destruction. These particulars are ascertained from a Report on the Muniments at Traquair House, recently made by Sir William Fraser to the Royal Commission on Historical Manuscripts.† In this collection there are preserved several documents

\* "Wark," according to one of the definitions in Jamieson's *Scottish Dictionary*, signifies a fortification; and, in compound form, there are many exemplifications of its use in this sense—none perhaps occurring more frequently than the combination here adopted. The name was reached without imaginative effort, because at the start all fortifications were new; and in this way there arose many Newarks besides that one whose'

" . . . stately tower  
 Looks out from Yarrow's birchen bower."

† Appendix to ninth report to the Royal Commission, 1880, pp. 241-62.

relating to the East Werk, the first in the series being a tack or lease by "Sir James Davidsson, prebendare of the Rude Altare situat within the Colledge Kirk of St Andro in Pebliis," to John Stewart of Traquair, of the house and lodging belonging to the said James Davidsson, "callit New Werk." The lease was to subsist during Davidsson's lifetime, the rent to be the sum of four merks annually; and it is stated that the granter had leased the place because he was unable "to big and edify the samin, heand brint be our auld innemies of Yngland." The tack is dated 26th March 1550 and, though granted for his lifetime, Davidsson, on 3rd May 1563 (probably on account of changes occurring at the Reformation), grantit a similar lease for the period of four years, at the former rent of four merks annually. Between the Stewarts of Traquair and the Hays of Yester there were rivalries and feuds of old standing, and some jealousy seems to have been stirred up in consequence of Traquair's acquisition of the East Werk. Shortly before the granting of the second tack, the records (16th October 1562) bear that "John Stewart of Traquhair, knyocht, oblissis him to the baillies, counsals, and communitie, never to desyre to be provest, baillie, nor burges within the burgh of Pebliis, nor to haif no further pre-eminence nor intronissoun within the said burgh nor he hes presentlie." Having got this assurance, "the baillies, counsals, and communitie," declare their willingness "that the said Johne Stewart of Traquhair haif the Eist Werk in feu ferme, providing always that my lord provest (William, lord Hay of Yester's), vot be reservit to him self;" and then follows the important stipulation "that the ische and entre to the hous heid be reservit to the saidis provest, baillies, counsals, and communitie in tyme of neid." Lord Yester's decision is not recorded at this time, but after his re-election in the following year he vetoed the proposal, and "disassentis for his vot that nan haif titille of the Newerk, bot that the samyng be reperallit and beudit of the townes expenssis." Traquair had therefore to be content with his position as lessee in the meantime.

Under the reservation of the use of the building in time of need the council made it available for purposes of defence when necessary. Thus in 1572, when elaborate preparations were being made against some threatened incursions of Border "thevis and revaris" they resolved "to put ane gunner in the Eist Werk to furnis pulder (powder) to the gunnis. *May 28*—Ordanis the Eist Werk to be kept and the

artailerie to be schot be Adam Hog, and to be oursene be Patrik Newtown, quhill Patrik sall distribute the pulder as necessite occurris. Ordanis Johne Portus to be conduit to walk nychtlie on the Eist Werk, enterand at ix houris at evin quhill three houris in the mornyng quhill the nycht grow langer; and that the Eist Port be nocht opynnit quhill v houris in the mornyng, and steik the samin at ix houris at evin quhill the nycht grow langare."

Subsequent to 1572 there is another long hiatus in the records, but the Traquair papers again help to supply materials for tracing the history of the East Werk. Amongst these there is a holograph letter, dated at Neidpath, 22nd September 1579, from William, lord Hay of Yester, as provost, addressed to the bailies and council, narrating that John Stewart of Traquair, knight, had obtained an infeftment of the "lugeing of the Eist Port" from the deceased James Davidson, prebendary of the Rood Altar, and had been in possession, and the "werkis" (protocol books) of the late Sir William Newbie had been destroyed\* and an authentic extract could not be had; therefore consenting and commanding the bailies and council to meet and agree to a new infeftment. That a previous infeftment had deen recorded in Sir William Newbie's protocol may be doubted, as an obituary notice of that notary appears in the burgh register on 1st September 1551, only a year after Traquair got the first lease; and neither at the granting of the second one nor in 1562, when he applied for a feu, is there any indication that he had previously attained the position of proprietor. Now, however, since Lord Yester had relented in his opposition, the only obstacle to the accomplishment of that object was removed, and a copy minute of the town council, dated 5th October 1579, following on the letter, bears that they granted to Sir John Stewart of Traquair a new infeftment of "their Eist Werk of the Eist Port of the said burgh, merchand upon the eist and west partis with the Kingis Streit, the land of Patrick Govane on the south, and Johne Crawford land on the north partis . . . upon thir conditions, thai ar to say:—First, the port of Eist Werk to be frie, keipit be the town and thair successouris; secundlie, that the entres of the said Eist Werk be patent to tham, thair magistrates and officeris, at sic tymes as neid requiris, to pas up the

\* This had been an erroneous assumption, as Sir William Newbie's books, and those of other notaries, were produced to the council in 1624.—Printed Records, p. 364.

towrepyk or stair to the wark heid and vesie wark thair upoun at all tymes quhen the proveist, baillies, and counsall thinkis neid; and thridlie, that four merkis yeirlic be payit be the said laird." A memorandum added to the copy minute states that on the same day Sir John Stewart received infeftment in due form from the hands of John Pringle, baillie, in presence of Patrik Murray of Philiphaugh, sheriff of Selkirk, James Lawson, and Alexander Govane, one of the baillies.\*

The situation of the several ports determined to a considerable extent the line taken by the town wall when it came to be designed and commenced in 1569. Beginning at Patrik Govane's yardfoot at Tweed Green, the wall proceeded northwards and connected on either side with the East Work, which occupied, as the above description shows, the whole breadth of the street; and when the gate in its pend was closed and its ramparts were manned by gunners the

\* In the decree of Improbation, in 1624, it is stated that there had been produced in Court, on behalf of Sir James Stewart of Traquair, "ane tak of the hous and ludging in Peeblis callit the East Work, set be Sir James Davidsone, prebendare of the Rude Altar situat within the Colledge Kirk of St Androw in Peeblis, to John Stewart of Traquair, his airis, assigneis, and successouris, during all the dayes and termes of the said Sir James his lyf tyme, for payment to him of four merkis Scotis yeirlic at tua usual termes in the yeir, Witsunday and Mertimes; togidder with the said Sir James his consent that the said Jhone salhave the fewferme of the said hous in all tymes coming, he obtaining the consent of the patrone thairto; daitit Peiblis, 26th Marche 1550. Item, ane lettere from Williame, Lord Hay of Yester, proveist of Peiblis, to the baillies and counsall thair of, quhairby he consentis to the giveing of infeftment of the foirsaid hous to the said Sir Jhone Stewart, his airis, and assigneis, and ordanis the samyn to be givin; daitit Neidpath, 22nd September 1579. Item, ane chartour grantit be the proveist, baillies, counsall, and communitie of the burgh of Peiblis to the said Sir Jhone Stewart, his airis, and assigneis, quhatsumever, of the foirsaid hous, to be haldin of the King and his successouris in frie burgage; paying yearly to the prebendare of the altar of the Holy Cross situat in the church of St Androw of Peiblis 53s. 4d.; daitit Peiblis, 5th October 1579. Item, seising following thairupoun of same date." In the process of "Improbation," Andro Hay, writer to the signet, Edinburgh, also produced (1) sasine dated 15th February 1579, bearing that John Hay of Smeithfeild had conveyed to his uncle, John Hay, "the New Werk, twa voltis therof, and other pertinents," and (2) sasine to himself in these subjects, as heir to his father, "John Hay, scheref and toun clerk of Peiblis," dated 29th April 1607. But it is not clear whether or not these writs refer to the Eastgate property.

structure, with its mural extensions, must have presented an effective barrier against the approach of Border raiders or other unwelcome visitors. From its position athwart the roadway, the building was sometimes designated the Crosshouse. Amongst the Traquair papers are three receipts, dated 1584-7, by John Tuedy, "prebendare, and haifand the gift of the Rude and Halie Blude Altar, unitt and incorporatt in ane, situat within the parochie kirk," to Sir John Stewart for the rent of the tenement "callit the Crocehouse, quhilk is commonlie callit the Eist Weirk, buildit above the Eist Port."

With the advent of more peaceful times on the Border, the old fortification declined in strategical importance and fell into neglect. Probably it was then looked upon as an obstruction more to traffic than to assailants, and the council in 1652 are found appointing a deputation "to speak my Lord Lintoun (the earl's son) anent the Eist Wark, which is lyklike to fall." In the following year (30th December), "the counsell, finding the Eist Work very ruinous and dangerous, and lyklike to fall, for preventing any danger have resolved and ordeanes the samyn to be taken doune." The final episode in its history is noticed in the records three years afterwards:—*22nd September 1656*—"Produced be Alexander Williamson, proveist, ane dispositioun grantit and subscrivit be John, Lord Lintoun, in favoures of the toun, of the great ludging or Eist Work, for which the toun is to lay in and carie sex scoire loades lyme; my lord is to pay for the lyme, and the counsell to caus lay it in." The site thus acquired, in exchange for the cartage of so many loads of lime, had been cleared of the building in the beginning of the year, as the accounts show that on 13th March £4 had been paid "to the workmen that cast doune the Eist Work."

The space between the West and East Ports occasionally formed the parade ground of unhappy culprits:—*12th April 1637*—"The proveist and bailies ordanes Issobell Stensone, spous of James Brodderstanes, sumtyme burges of Peblis, [found guiltie of pyking and steiling of sex tailyeis salt muttoun, ane capfull beir, and ane capfull of peittis], to be tane presentlie to the joggis of this burgh, to be claspit, and stand tharintill during the spae of tua houris, and thairefter to be tane and sourgit fra the West Port of Peblis to the Eist Port, and to be banischit furth of the said burgh as ane malefactour perpetuallie, and never to be sene nor fund thairintill under

the pane of death, ather be drowning or utherwyis, at the plesour of the magistrattis thairof."

Used as the cover of the court book for the period 1636-8, is a summons dated April 1627, in the name of "John, lord Hay of Yester, sheref principall of the sherefdome of Peblis, and James Naesmyth of Posso, our deput." The summons was raised at the instance of Robert Pringill of Chapelhill, complainer, and sets forth that he has pertaining to him "the wood growand upon the saids lands of Chapelhill, perteing to him in heritage," that by act of parliament, dated 20th October 1579, it is ordained "that quhatsumevir persoun or persounes salbe convict at ony tym thairefter for cutting or steilling of greinwood sall pay to the owners for the first fault £10, [the second, £20, and the third and subsequent ones, £40], with the avall of the skaith done," but if the committer is unable to pay the penalties he is for the first fault to be put in the stocks or irones for eight days, on bread and water; second fault, 15 days; and third, a month, "and to be scourgit at the end of the said moneth through the heid brough of the schire." "Notwithstanding of the said act, Bessie Broderstanes, spous to Thomas Lockhart, merchant burges of Peblis, and the said Thomas for his entries, and John Greif, wricht thair, hes wrangualie, thifteouslie, and maliciouslie, in the moneth of Februar and remanent monethis in the yeiris 1624-7, . . . . cuttit and destroyit and away taine be thameself, thair servandis, complices, and utheris in thair names and be thair directionnes, furth of the saidis wood of Chapelhill the numer of thrie scoir aller tries, fourtie birk tries, — asche tries; pryce of the peice thairof ourheid four pundis money; and sua contravenit the said act of parliament, and thairfoir aucht and sould pay to the complainer the pryces thairof; quhilk thai refuissis to do without thai be compellit." What was the issue of the prosecution does not transpire, but a marking on the margin of the summons, dated 24th April 1627, bears that "John Grieff, present, sworne, declarit that John Horeburgh haifing licence of — Soot, mother to the persewar, and lyfrentar of the landis of Chapelhill, and dwelling thairupone, to cut sum cabers, the deponar, at his command, outtit sum threttene or fourtene caberis, quhilkis at command of the said John was intromettit with be Bessie Broderstanes."



## XIX.

BRIDGES — STONES FROM DUNSyre — EXPENDITURE  
 — CONTRIBUTION BY CONVENTION — BRIDGE  
 SWEEPINGS — OFFICERS MALIGNED — TOWN'S  
 LANDS AND PROPERTIES — MILLS — WEIGHTS  
 AND PRICES — SCHOOL AND SCHOOLMASTER —  
 WEDDERBURNE'S GRAMMAR — COMMISSIONERS  
 TO PARLIAMENT, &c. — CONSTABLES — INCOMERS  
 — ACCOUNTS, 1633-4 — KING DAVID'S SEAL.

IN the "Geology" chapter of Dr Chambers' *History of Peeblesshire* it is stated that practical masons had expressed the opinion that some blocks of sandstone used in building Tweed Bridge must have been excavated from quarries near Marfield on the North Esk. Materials for the bridge were gathered from a variety of places, and at different periods, and it is likely enough that this "testimony of the rocks," as interpreted by local tradesmen, may be perfectly accurate. It has been ascertained that at least on one occasion a supply of stones for the bridge was procured from Dunsyre on the Medwyn, which, though situated on a different watershed of the Pentlands, is not far distant from Marfield on the Esk, and the geological strata of both districts is somewhat similar. Possibly it may have been the Dunsyre stone that was mistaken for a Marfield product, though it is quite conceivable that both places were resorted to. In the year 1635, repairs of some magnitude becoming necessary, the council, on 16th March, resolved to make inquiries "anent ane mason in Cliddisdail for beiting (repairing) of Tued brig;" and on 25th May the treasurer was instructed, "with all expeditioun, to furnisch lyme, stanes, and all uther materiallis for beiting and repairing of the briggis, speciallie Tued Brig." The expenditure incurred is detailed in the accounts, and includes the following:—*1635—June 15*—"Deburait at Leith and Edinburgh for necessaries to the bridge work; and, first, for 12 dailis and 6 jeistis, £9, 18s.; 6 staine of iron, wanting 3 lb., at 33s. ilk staine, £9, 12s.; 5 staine of leid, wanting 12 unces, £9, 6s.; for a schod schulle, 12s.;

my waidge, 3 dayis, £4, 10s.; to saxe cariage men, £4, 16s.; to Tom Dewar, his carriage of yron and leade being wechtier, 20s.; for the custome and agrising with the cariage men, 5s. Payit to Robert and Sanderis Meinis, thair two sounes, and a nychtbour workman, being fyve in number, 1 merk ilk day of 11 dayes, and to thair barroman, 8s. daylie the said 11 dayes, whilk with some drynk geivin to thame at the payment was compted and set together be the two baillies to £41, 13s. 4d. To James Haddane conjuncte with thame in the bridge work, 10 dayis, £6, 13s. 4d.; his sounes, 10 dayis, £3, 6s. 8d. To Margret Newtown for thair morning and four hour drynkis, ilk day 16s. 8d., £8, 6s. 8d.; item, for thair denner upone a Sounday, 32s. To Thomas Deware for cairing of their worke loomes to Melros, 20s. Item, a borrowed pott was spent in melting of the leide, 40s.; four burdings of hedder for the melting of the leid, 10s. *July*—Lyme spent for the bridges at syndrie tymes, 37 loads, £14, 16s.; sand therto, £3, 14s. Item, James Haddane gave in a compte of some worke befor the two baillies, beiring his calsaing of Peiblis water staine bridge, his reparaing of the treye bridge, and calsaing therof, his goeing thryse to Dawikwood, his goeing one tyme to Dunsyre for frie staines, £25, 6s. 8d. To James Haddane for 33 dayis at Tueide Bridge, £22; for his drynks the said tyme, 1 pynt aill and ane breade ilk day, £4, 6s. 8d.; his sounes working with him, ane groat for ilk day, £6, 12s. To James Haddane, and otheris fyve, waiding in Tueid watter and carieing stoness to lay about the pillar of the bridge, their bread and drynk before and efter their said work, 21s. 4d. *September*—To James Nicoll for 63 peice of frie staine to the bridge, £9, 14s. To Flora for thrie great oake treyis to the bridge worke, £13, 13s. 4d. To the plewes of the Eschellis for carieing of these treyis, £6, 6s. 8d. For four burding of hedder to melt the leid in the second worke of the bridge, 10s. For yron and leide (by and attour that whilk was bocht in Edinburgh), yron fyve quarteris wecht at 37s. the staine, 56s. 4d.; a staine of leide, 37s. 6d. To fyve men for laying the great treye to the bridge, and to thame upoun the morne thairefter for turning about the great stone and laying to the back thair of, 18s."

The large outlay on the bridges proved a heavy strain on ordinary revenue, and an application, made to the convention of royal burghs in 1636, for assistance was complied with. The convention records

for this period are wanting and the only particulars in the council book regarding the grant are contained in a minute of the following year, dealing with the disposal of the money:—*1637—November 6*—“Anent the 700 merks restand of 800 merkis grantit be the borrowis in thair conventioun in July 1636, and deliverit be Patrick Vaitche, clerk, to John Mure, thesaurer, the counsell ordanes 600 merkis thair of of principall sowme, and £32 for ane yeiris annualrent, adebtit be the town to William Mure, merchant, burges of Edinburgh, conforme to thair bond, to be deliverit to him, and the remanent thair of, £32, 6s. 8d., to be gevin to the thesaurer. For the quhilk caus it is enactit that the provest, bailleis, and counsell sall provyde uther 800 merkis insted thair of for beiting and uphalding of the briggis, conforme to the act of conventioun maid thairanent; and in the meane tyme to be comptable for the annualrent thair of.”

An arrangement seems to have been at one time in operation whereby the refuse gathered off the bridges remunerated those who kept the causeways in repair:—*1634—November 17*—“William Lowis being demandit be the counsell quhidder he wald repair and uphold the calsayis of baith the stane briggis of Tued and Peblis water for the sweiping and muck thair of, as his predecessouris was oblist to do befor him, the said William declarit that he wald pretend na richt nor interest to the sweiping and mucking of the saidis briggis in all tyme herefter, and for him and his successouris renunceit all titill and possessioun thair of for ever. *Oct. 19*—Ordanes the calsay upone Peblis brig to be outred and the sweipings thair of and of Tued brig to be set.”

William Lowis who thus renounced his connection with the bridge was probably the individual of that name who, a few months previously, had been “wardit in the stepil” for not making payment of certain town’s dues, and for disobedience to the magistrates “and speitches uttered be him.” There is also notice of a complaint “maid be John Gilleis, officer, aganes William Lowis in saying: I compar the officeris of this toun to the hangman’s men!” but the utterance of the offensive expression was denied.

Of miscellaneous affairs mentioned in the records between the years 1630 and 1640 the following may be noticed:—

*Town’s Lands and Properties.*—*1632—Dec. 24*—Ordanis Thomas Tuedie to be summond to the nixt counsell day anent the spurring out of his lands of

Frankiscroft and Dalatho upone the tounes land nixt adjacent thairto, and for delving the fail upone the tounes land without licence of the toune. 1634—*May 12*—Ordanes the balk and passage betuixt the tounes land of Quhytstainhill and the Skynnerheuch pertaining to Thomas Young to be sichtit and castin doun. Ordanes the merches betuixt the tounes landis and Thomas Tuedies, baith in Dalatho and Frankisland, to be sichtit, and he to produce his faitheris infeftment of the mure aikeris this day xv dayis. Ordanes Thomas Tuedies guidis, all except tua sowmes, to be boundit and pyndit off the mure and Kaidmures. *June 23*—Ordanes all the guidis upone Hammildoun, Venlaw, and Kaidmures, except the tounes guidis, to be houndit; and all the guidis upone Kaidmure to be brocht to the Castelhill to be sichtit; and speciallie that the magistrattis command the toun *per vices* to hound Hammiltoun. Ordanes the tounes decretit aganes James Greive to be put to executioun for sitting of the cornes upoun Hammiltoun be the guidis of Over Kidstoun. 1635—*Feb. 2*—It is concludit that all these that had ony guidis pasturand upon Kaidmures and Venlaw thir four yeires bigane be convenit befor the proveist and bailyeis to gif and declair thair aythis quhat guidis they had pasturit thairupon, and mak payment conform thairto, under the pane of wairding of thair persoune. *May 11*—Appoyntis the proveist, bailyeis, and maist pairt of the counsell to visit Pilmure and cornes thairupon the morne. The counsell hes sett to Marioun Pringill the pece ground at the heid of the Auld Mylne dam for ane yeir for payment of four merkis, reservand the casting of fail thairupoun for beiting of the caull of the Auld Mylne. *June 22*—Anent the wrang and oppressioun done be John Scott of Hundillishope\* and his complices, in casting

\* In a document styled a "suspensioun of lawburrows," the council on 14th July 1635, represented to the lords of session that "in September 1625, John Scott of Hundillishoip, and his curatouris, and Beatrice Ker, relict of umquhill James Gledstaines of Coklaw, upoun sinister narration maid to the lordis of our counsell and sessioun, than purchest letters of lawborrowes againes the complineris (viz., the town council and community) and, lastlie, on July instant, haif causit charge them be vertew of saidis uther auld letteres to come and find sufficient caution and lawborrowes that they, thair wyffes, bairnes, men tenentes, and servandis salbe harmles and skaithles of the saidis complineris," notwithstanding that Provost Charles Pringill had become caution on 5th October 1625; "and farder the said John Scott, and the saidis complineris being

doun ane hous biggit be the toun upon thair proper landis of Kaidmure and that pairt thair of callit the Wester Qubawme, this last nicht about midnicht, all bodin in feir of weir, referrit to the hail counsell, to convene at the clerkis chalmer at ane hour efter none. *Dec. 28*—The proveist and bailyeis ar ordanit to send for the hird of Kaidmure to cleir the comptis of the guidis pasturit thairupone thir four yeiris bigane, and to set doun ane mair perfyte roll and ordour thairanent in tyme cuming. *1636—April 24*—Ordanes the proveist and bailyeis to visit that hauch callit the Commoun hauch betuixt Scheilgrene and Litill Ormistoun. *April 25*—Ordanes that dyk betuixt Litill Ormistoun and Swynhope, biggit be George Pretsell upone the commoun, to be presentlie castin doun, and the caull at the heid thair of also to be removit that the burne may rin in the auld water-gang as it was wont to do. *May 23*—James Williamsone declarit that except the toun of Peblis wald gif him that aiker of land lyand in Aikerfield [Rosetta] gratis, without ony kynd of compositioun, he wald not haif the samin nor be thair vassal nor acknowledge the toun to be his superiour. *1638—Jan. 22*—Anent the aiker of land in Aikerfield per-tening to the toun of Peblis, the counsell hes ordanit the said James Williamsone, for £40 of entres silver, and the bigane dewties of tua merk yeirlie, to tack ane new richt thair of of the toun of Peblis be ane chartour and sesing, payand yeirlie heirefter the foirsaid yeirlie dewties, . . . . . and incais of faillye the said James to put the toun in peccable possessioun and remove himself, his servand, son, and guidis thairfra. *1636—Nov. 24*—Appointis the proveist and tua bailyeis, with tua of everie quarter, to visit Kaidmure hillis anent ane new tilth thair of upon Thursday at morne nixt, being ane fair day,

upon 14 July instant hard in presence of the lordis of our Secrett Counsell for certane ryottis alleadgit committed be ather of thame againes utheris, and being discussit, the saidis lordis ordanit ather of thame to find caution for utheris under certane great panes; quihilk the saidis complineris hes obtemperit and obeyit. And sua the complineris haifing fund caution of befor, and the cautioner being yitt extant on lyf and in no wors cais nor he wes the tyme foiresaid, but rather in better estait, the saidis complineris ar maist wranguelle chargit of new agane to find the said caution and lawborrowes be vertew of the saidis auld letteres, and ought nawayes to find the samyn." Parties were appointed to appear before the lords at Edinburgh on 1st November, and interim suspension of the new letters and charge was granted.

and failyeing thair of the nixt fair day thairefter. *1637—June 12*—That the toun send, ilk day, ane to go about the hillis with the commoun hird and hound the forane guidis aff the samyn. *July 17*—The haill forane guidis pasturand upon Kaidmure to be brocht to the Castlehill, thair to remane till the owneris pay the bigane maillis thairfoir. The counsell has set to Alexander Mure ane thrie yeir tak of Dalatho for payment of 20 merkis yeirlie. *1638—Feb. 5*—Publicatioun and intimatioun to be maid, be the toucking of the drum throu the toun, that all thes that hes ony pairtis of Kaidmure caus teill the samyn betuixt and this day moneth, and gif they failye it salbe lesum to thair next nightbouris, or ony uther of that quarter, to teill and saw the samyn. *April 9*—Ordanes the officeris, with ane drummer, to go throu the toun commanding all these that hes nolt or scheip to put the samyn to the commoun hirdis within 24 houris, under pane of £5, and skayth done to owneris of cornes. *April 16*—Anent the answer maid of the suiting payment of the tennents of Mylntoun for the maillis of Kaidmure possess be thame, John Burnet and remanent tennentis anserit that they wald pay no maill nor dewtie for ony possessioun of the saidis landis this last yeir; quibilk being considerit be the counsell they haif concludit that thrie or four honest men, at the maist fyve, pas to the ground and apprehend the saidis persounes guidis thairupone, and thairefter to desyre the saidis persounes to mak payment of their saidis bigane maillis in presence of ane notar; and, gif they failye, to bring away thair guidis to the Castlehill, thair to remane quhill payment be maid. *April 23*—Comperit John Scheill, commoun hird to the toun, and being posit quhidder he wald abyde and remane thair hird for the year to cum, anserit that John Young in Milton and his sons, tennentis to the toun, honndit and daylie houndis his guidis, he wald not abyde thair hird ony langer nor Witsunday next. *June 18*—Ordanes the thesaurar to persew John Scott, his wyf, and servantis, for slaying of certane scheip, perteing to the toun, upon Kaidmure yesterday, being the Sabboth Day. Set to Malcolm Phillip thrie sowmes gers upon Kaidmure for four merkis the sowme.

*Mills.—1633—May 27*—Andro Diksone to await upon the corne mylnes and uplift the multures thair of, to be deliverit be him daylie to the thesaurer, and to mak ane noit in ane buik to be keipit and producit be him. *1636—June 13*—The counsell ordanit that all forane victuall to

be brocht to this toun salbe ground at the mylnes of this burgh for payment for everie boll peis, beins, and ry, two copfullis of the schilling cop to the miller, and ane fourt pairt of the quheit cop to James Halden, and to the keiparis of the mylnes at the direction of the awneris of the stuff, they alwyis doing sufficient and thankfull service thairfor; and gif ony wrangis be qualifeit the maister milleris and James Halden to be anauerable thairfoir, and to pay for ilk fault ten merkis. *June 30*—Ordanis the maister milleris to pay to the thesaurar ten merkis for contravening the last act maid anent the grinding of cornes at the mylnes, and speciallie Robert Corbettis stuff, and in the meane time to waird Andro Halden in the stepill, thairin to remane quhill he pay to the said Robert Corbet fyve merkis for his loisses.

*Weights and Prices.*—*1633—May 27*—Ordanes balkes and wechtis to be maid in everie baikhous for weying of the breid to be baiken thairat, and the quantite and qualitie thereof to be considerit be the proveist and bailyeis thairof or sum uther they sall appoint for that effect; and the magistrattis to punisch the contravenares of the formar actis maid thairanent. *1635—August 31*—John Tuedie, merchant, being censurit upon his awin confession for selling of tua pennie candilles for four pennies, and being fund culpable of sindrie uther puntis in wrangus selling of his merchandice be wechtis quhilkis ar unsufficient, the counsell has contineuit his punishment till the nixt counsell day; and in the meane tyme the counsell ordanes him to bring hame sufficient wairis and sell the samyn at ane competent rait, and to haif ane half pound brasin wecht of brasin wechtis markit with the *fleur de lus*,\* under the pane of ten pundis for ilk falt. *1638—Oct. 15*—Ordanis the hail aill to be proclamit to be sauld for sextene pennies the pynt. Ordanes the hail ait breid to be tryit and sauld for aucht pennies the loaf, and the loaf to be sextene uncis, and na loafis to be sauld at ony uther pryce.

*School and Schoolmaster.*—*1636—Aug. 1*—Ordanes the thesaurar to buy Wadderburnes grammar† and

\* The *fleur de lis* was the stamp or authoritative mark impressed on the standard *avoir du pois* pound or its aliquot parts.

† For particulars regarding this early educational work and its distinguished author, Mr David Wedderburne, master of the Grammar School of Aberdeen, see Grant's *History of Burgh Schools*.

deliver the samin to the scholmaister, conform to the act of the burrowis at thair general conventioun. *Nov. 14*—Compeirit Mr William Mairtene, lait scholmaister, and being posed anent his obedience in removing from the schole at Alhallowmes, conform to ane premonitioun maid to him in August last, and anent the observing of the hail injunctiounes subscrivit be him at his admissioun, grantit that he was dulle premonischit, and denyit that he had failyeit in ony of the saidis injunctiounes, and thairfor culd not remove; and the counsell being informit of the violatioun of the maist pairt of the saidis injunctiounes, ordanes him to be present the nixt counsell day to ansuer thairto. *1637—Feb. 6*—Compeirit Mr William Mairtene, scholmaister, and confest his error and oursicht in raising and executing ane edict for augmentatioun of his stipend to be imposed upon the hail parochin without thair consent, and thairfor cravit humblie thair pardoun; and for prosecuting of the said intentit edict humblie cravit thair concurrence, and promiseit, during his residence and service heir, he suld be content for the tounes pairt for his stipend contenit in the formar act at his admissioun; with the quhilk oursicht the counsell hes dispensit.

*Expenses of Commissioners to Parliament, &c.—1639—April 30*—It is statute and ordanit that in respect the commoun guidis ar exhaustit, and often employment of commissioneris in their present affairis, quhasaever salbe chosin commissioner, ather to parliament or uther meitingis at Edinburgh, or ony pairt of Louthiane, he sall haif the first day of his away going and the last day of his hame cuming, ilk day xl s., and the remanent dayis of his abaid and awaiting xxx s. alanerlie. John Lewis, provest, and James Williamsone ar chosin, conjunctlie and severallie, commissioneris to the ensewing parliament and all meittings sall happin to be befor the samyn. The instructiounes and letteres from the nobilitie and commissioneris of Edinburgh deliverit to them.

*Constables—1636—June 20*—Comperit John Greve, John Frank, William Paterson, and Robert Thomson, constables, and being sworne be the proveist, maid fayth for dew and thankfull service in the office of constabillischip within this burgh, ay and quhill they be dischargit and new constables establishit and put in thair rowmes.

*Incomers.—1633—July 1*—Ordaines all these that hes set housis to sick [such] persounis as ar thoct



unnecessar and not burgessis to be punischit conforme to the former actis maid thairanent. *July 15*—Comperit William Porteous, burges, and being conviot in the unlawis for not removing of sick persounes as he hes set houssis to, is ordanit to be wardit till he pay the formar unlawis and till he remove these persounes, viz., John Scott, James Smaill, Bessie Johnstoun, thair wyffis and hail famelie. *1638—April 2*—Ordanes the magistrattis to mak serch of the unlawfull and unnecessar persounes, incummeris in this burgh, and mak ane roll thairof, and report this day 8 dayis.

*Selections from Accounts, 1633-4.—1633—Oct. 23*—In companie with the proveist and baillies quhen Sir Jhone Hamiltones men\* was maid burges, pait for aill to Issbill Hecford, 47s. 6d.; mair to Mariane Horsbruik for aill, 10s. 8d.; mair to Mergrat Reid for wyne to Sir Johnes men, out of his sicht, in companie with the proveist and baillies and sundry of the counsell, being 4 pyntis, 2 breid, 50s. *Nov. 8*—To Issbill Paterson, quhen Thomas Moffat carit ane letter to Sir John, 11s. 8d. *12*—To Thomas Johnestoun to by ane furlat meill, the cornes being sua lang out, and to caus him keip the nowlt 15 dayis langer, 37s. To William Muire, burges in Edinburgh, for the anwellrent of 600 merkis, £40. *1634—Jan. 3*—To John Miller, sklaitter, for 38 fittis of glass and wyre to the schaippill, £11, 8s. 8d.; for glas bandis, 33s. 4d.; 200 naillis, 10s. To Robert Thomesone, for the bak hall door to the hall of the towne hous, £3, 6s. 8d. For thrie caissis to put round about the wyre, the timer being his awin, 24s. *Feb. 4*—To John Miller for mending of the glas windowis in the towne housis, 12 fitts of glas at 6s. 8d., £4. *13*—To ane passenger callit George Magumerie, 6s. Gevin William Melros for ganging with ane letter to Sir John Hamilton quihik he sowcht him in sundry paitis of Eist Lowdieane, 40s. *17*—To John Miller, glasingwright, for 18 fittis glas and 18 fittis wyre to the towbuith windo, £10, 16s. Gevin Bessie Tuedy, for her schalmer mail to the French woman and the bairns that span,

\* "James Lauder (and three others) servitouris to the right worshipful Sir John Hamiltoun of Skirling, knight, admittit burgesses and friemen of the burgh."—*MS. Court Book*. Sir John had at this time been appointed arbirer for the town in a submission entered into with Robert Burnet of Cringletie as to the boundaries between Hamilton Hill and Over and Nether Kidstons. As to Sir John's acquisition and disposal of Skirling estate see *History of Peebles-shire*, pp. 453-4.

for ane year, £20. *Mar. 14*—To Andro Bryddone for four staine tua pundis scheis, to give Mr Hairrie Gibsone, £10, 13s. Gevin Andro Diksone for 23 treis to sett in the kirkyaird, £3s. 6s. 8d. Gevin for the new actis of parliament, 29s. *Ap. 4*—For 5 furlatis aittis to saw in Hamilton, £6, 13s. 4d. *Ap. 12*.—Gevin quhen the clark writ the wairnings anent Pirne and thame of the Hillhousis, 12s.; gevin William Mellros to gang to Henderleithin kirk to reid thame and for wairning of thame, 12s. Gevin, in companie with the proveist, to Thomas Naismyth for thrie pyntis aill to desyre him to cairrie ane letter to my lord Yester anent the saiddill to the second hors, 4s. To James Haldane for tua ruidis calsay at the watter wicket, £8, 3s. *May 22*—To ane gentill woman, come from Ireland, callit Ker, 29s. Gevin to the thrie officeris quhen Alexander Hay [son of Sir John Hay, clerk register], was maid burges—he wald have given thame silver, but the baillie causit me geve thame 24s. To James Haldane, with utheris, for rowling up of grit staines to Queid brig, and for calsaing the pilleris, thrie dayis, £6; for four peisis of aik timer to Queid brig, 18s. To four men that past to the Eister Hill to meit the laird of Horsbruch anent the mairches that our men had castene turfs; we wrang, 13s. 4d. *June 27*—To ane John Muir, baillie in Northberwik, anent repairing of thair herberie quhilk the hail borowes had consentit and gevin him according to thair abillitie, £8, 14s.; item, payit thrie pyntis aill, 5s. *July*—Item, for ane bras cover to King David seall,\* 6s.; item, for ane ledder wallit [leather bag] to put in our writis, 3s. *August*—To crippill Johnstone to himself, 6s.; and for ane hors to the Kringilltie, 4s. *Sept.*—To Andro Haldine for biging up of the hous at the Quhame fitt, the wallis and the timer, him and his sone, 46s. To the guid man of Plora for tuelf kaiberis, 50s. Item, quhen I read [rode] downe to by thame he and I drank in the Pirne, quhilk it sall lowe for my waidge, payit four pyntis aill, 6s. 8d. To ane man callit Hapkirk, for tua cairige from Plorra to Pebills, 12s. *Oct. 10*—Gevin John Lang, pypper, agreit with the maist pairt of the counsell in Patrik Vaitchis, £10; item, hecht

\* The seal here referred to may have been that attached to one of the charters by King David II. to the chapel of the Virgin Mary. Or, "King David's Seal" may have been the designation by which the matrix of the old burgh seal was known. In 1636 a sum of 6s. is paid "for mending the tounes seall."

(promised) him ane pair schone, 20s.; item, for the thryss about the cowmaneis playing, 20s.; item, quhen guid William Tempill brak his pyppis, geve him to gang to Dekeith, 29s. To William Millros for ganging to the Bottanes with ane letter to my lord Yester, 24s. Item, for Patrik Thomsone and Alexander Muire, baillyes thair yeir fie, £4; item, for candill quhen thay past to the cowmane kist at sundry tymes this yeir bygane, 6s.; item, to myself to by pepper and ink, 6s. 8d.



## XX.

PRESBYTERY OR EPISCOPACY—ADMINISTRATION OF  
 THE BISHOPS—LAUD'S LITURGY—COMMOTION  
 IN CHURCH AFFAIRS—NATIONAL COVENANT—  
 KING'S COVENANT—GLASGOW GENERAL AS-  
 SEMBLY—ABOLITION OF EPISCOPACY—CIVIL  
 WAR.

THE hierarchical form of church government, it has been contended, was not altogether absent from the scheme set forth in the *First Book of Discipline*, prepared by Knox and his coadjutors at the Reformation, though on the other hand it is known that the provision for Superintendents, having charge of districts or dioceses, was only meant as a temporary expedient, necessitated by the dearth, at the start, of qualified preachers. But it was not long till even the discarded designation was restored. As the result of an intrigue between the Regent Morton and other lay lords for securing their own aggrandisement, by a method which writers on ecclesiastical history have exposed and made their readers familiar with, the names and titles of bishops and archbishops, with the bounds of their dioceses, again came into use, and their functions were to some extent discharged. This was in 1572, and from that time onward till 1610, when a general assembly of the church formally sanctioned the episcopal order, there was a continuous struggle between the champions of presbytery on the one hand and of prelacy on the other for supremacy, with intermittent successes and defeats on either side. With the triumph of prelacy in 1610 the power of ordaining and deposing ministers, excommunicating and absolving offenders, and generally supervising church affairs in their respective dioceses was now vested in the bishops, who were too often the pliable instruments in the king's hands for furthering his steadfast policy of establishing arbitrary power in the crown. The administration of many oppressive laws, imposed with these despotic aims, during King James' reign and the early years of that of his successor, brought the episcopal system into bad repute, and eventually a series of exception-

ally irritating incidents, culminating in the attempt to foist an obnoxious liturgy upon the nation, brought on an open revolt.

In Peebles, the ecclesiastical situation seems, so far as the records show, to have been acquiesced in without murmur. Dr Theodore Hay had been appointed minister in 1610, Bishop Spottiswoode being then in charge of the Glasgow diocese, in which Peebles was situated. At that time no one professing non-conformist views would be selected for the ministry, and it may therefore be assumed that Hay was a prelatist on principle. Indeed, he was a member of the court of High Commission, a judicatory which, superseding the functions of a general assembly, was specially disliked and complained of by presbyterians. Then the Glasgow bishops seem to have been lenient administrators. Spottiswoode was succeeded in 1615 by Archbishop Law, a man of learning and a bountiful benefactor to the cathedral and the library of the college. For the building of that library, and probably at the instigation of the bishop, contributions were in 1632 made by Dr Theodore Hay of 100 merks; Hew Ker, minister of Lyne, of 20 merks, and Alexander Spittall, minister of Manor, of £10. Law died in the end of 1632, and was succeeded by Patrick Lindsay, who held office till his deposition along with the other prelates in 1638. Of Lindsay, John M'Ure, the historian of Glasgow, remarks—“He exercised his episcopal function with great moderation and temper, and was indulgent in matters of discipline and ceremony, which he never urged with any vehemency; and was thought to be but cold in pressing these things about which so much of the heat of these times were spent. . . . In his own judgment he was much against the forming, and far more against the pressing the exercise of the liturgy and the canons.” In 1633, an entry in the burgh accounts mentions the payment of £8 “to James Williamone, being directed with the parson to the byschop of Glasgow whair he remained thrie dayes,” but the purport of the visit does not transpire. Other communications between the town and the bishop are also noticed:—“1634—April 27—Gevin, in company with the proveist and baillies, to Mergrat Reid quhen thay war advysing to send in to the bisschop, 4 pyntis wyne and 3 breid, 51s. To Mr Andro Watson, quhen he read [rode] to Glaskow, for his waidgis and for the silver he had depurait with Mr Hairrie and utheris, £20. Item, payit Mergrat Reid for tua pyntis wyne, 24s. May 12—Payit in

Mr Andro Watsones quhen he come out of Glaskow, in companie with the maist pairt of the counsell, quhen he tald thame quhat he had done, wyne, aill, and breid, 32s. 8d. *May 22*—To Mr Alexander Spittill, his man, to gang to Glaskow with sum letters anent the bisshop, 58s. *June 23*—To the persone, James Williamsonsone, and Mr Andro Watsone, to attend in Edinburgh fyve dayis with the bisshop, £20; item, to Mr Andro, £8. *July 10*—I was direct-it to Edinburgh to mak the exhaker compt and to attend with the persone and Mr Andro Watsone anent the eirll of Traquair, being in sindry meitingis with the persone and the erschbissiope men and Mr Hairie Gibsone at sindry times. Item, to Mr Hairrie Gibsone, as pairt of payment for his paines at Glaskow, his obteneing and rescaveing of a proteck-tioune at Traquaires instance and for his guid adveis to help the commissioners for the towne and promeis of conteinuowance, £5, 16s. Item, quhen we come bak fra consultatioune of our laweris quhair Andro Hay productit our new infetment for thair better informatione, 23s. 1636—*Jan. 28*—To Mr Andro Watsoun direct to Edinburgh to the bishop anent the commissariat, £3, 10s. *April 8*—To Mr Andro Watsoun, direct to the byschope the second tyme, remaining at Edinburgh 4 dayis, £6."

In May 1636, Bishop Lyndsay visited Peebles and partook of its hospitality. An entry in the court book, under date 27th May, bears that at a meeting of the council, held "in the foir chalmer of the proveist," there were also present "the most reverend father in God, Patrik, be the mercie of God, archibischope of Glasgou, primat of Scotland, ane of the most honorabill lordis of his Majestie's privie counsell and Commission, &c.; Mr James Lyndsay of Flemyngtoun, his sone; John Peter, commissar of Peblis; Mr Alexander Lyndsay and Thomas Ros, servitouris to the said reverend father; Bartilmo Layng and Robert Thomsonsone, servitouris to the said Mr James; Mr John Nemik, minister of Halywod; Mr Henry Peirsonsone, persone of Bedrewall; Charles Geddes, servitour to Michael Nasmyth, younger of Posso; Mr Hew Ker, persone of Lyne; William Williamsonsone, sone lafull to Jame Williamsonsone, provest of Peblis." The names appearing in this connection seem to indicate that the parties were made burgeses and freemen, but by a curious oversight the scribe has omitted to state the fact. The accounts refer to the reception given to the visitors:—"Payit at Lyne bridge, goeing ane

number together to meit the byschope, 24s.; compted with Mergret Reid, before the proveist and baillyes, when the byschop was heir and payit to her, £10, 12s.; item, tuo buistis of confeitis, 20s.; item, for aile and schortebread, at that tyme, to Christian Hay, 4ls."

About the beginning of the year 1637, even after prelacy had been the established form of church government in Scotland for thirty years, the great body of the people were still unreconciled to it, and the desire for a return to the simpler Presbyterian system, with its free general assemblies, was every day becoming more urgent. The nobility, too, were getting alarmed at the extent to which the king had been putting in practice his theories regarding the royal prerogative, and just at this juncture the blunder was committed of Charles and his adviser Laud attempting to introduce innovations of a more obnoxious nature than any that had preceded them. What was known as Knox's liturgy, being a collection of prayers which it is supposed was originally meant as a help to ministers and the officials known as readers, at a time when properly qualified clergymen were scarce, had been long in use, but fixed formularies when such could be avoided were generally regarded with disfavour; and accordingly when orders came down from London, requiring, under severe penalties, the reading in all the churches of a service book which the people were taught to regard as savouring of popish doctrine and superstition, the outcry against such innovations became so strong and universal as to sweep prelacy out of existence. The outbreak in St Giles' Church on the memorable occasion when (23rd July 1637) Jenny Geddes hurled her stool at the head of the officiating clergyman while attempting to read the liturgy for the first time in public, was followed by general commotion throughout the country; proclamations by the king were met by counter proclamations and protests on behalf of the people, while the capital was thronged with noblemen and gentlemen, commissioners from various places, with their retainers, supplicating the privy council for the suppression of the service book and redress of other grievances. The agitation was continued for several months and this explains the following communication addressed "to our honorabil and loving freinds and nightbours, the provest and baillies of Peiblis":—"The coppie of the commown advertisement sent from the commissioners unto al that ar weal affected, unto al

pairtis of the kingdome, for cuming to our meittings at Edinburgh the 22nd day of Februar 1638. The noblemen, commissioners of sheirs and borrowis, and uthers, conveined upon adverteisment for this commoun cawse, quhilk concernis the preservation of trew religion, the lawis and liberties of the kingdome, understanding how the prelatia, by misinformation of the King's Majestie, had, after thair accustomed maner, procured ane proclamation to be maid for establishing the service buik and discharging al meittings under the pain of treasonne, have (in Godis providence) legallie obviat the publication and ratification thair of by tymows protestation and declynatour of the commoune adversaries, the prelatia, at the crossis of Stirling, Lithkow, and Edinburgh, and ar resolved to do the like at al uther placis as neid shal be, quherthrough, in the judgement of suche as understand best, thair proclamation and proceedings ar maid of no legal force to hinder the absolut meiting of al having entresse in this commoun cawse and extraordinarie exegence; and seing maters ar now cum to ane height that ether we must forsake the way of trew religion, established by lawis, and betrey the lawful liberties of the kingdome, or els resolve upon suche ane solid course as may in ane right maner prevein this eminent and irrevocabil ruine of al quherunto our sinnis and the bishops treatcherie ar liklie to draw us, except by tymous humbling our selvis befor God and craving God's blessing upon our lawful consultations we prevein the samyn: Let al these thairfor quhom this cawse concernis, and quho tenderis God's glorie, his Majesties honour, and weilfair of the kingdome, addresse them selvis with al diligence to this soleme meiting now conveined at Edinburgh, quhair thair cuming is attendit for consultation how his Majestie may be yet better informed and this present perrel preventit, if so it shall please the Lord. In the meantyme let every ane quho shal heir heirof humbil them selvis befor God for deprecating of his fearful wrath, quherunto our Lord Jesus now of a long tyme, by disobedience of His word and despysing of his glorious gospel and the ordinances of his kingdome, is provoked. At thair cuming heir we ar persuaded to mak our loyaltie and lawful proceedings cleir to them as we have done to al suche quhom we have aquented thair of. From the commissioners of borrowis, met at Edinburgh, the 22nd of Februar 1638. Let no man doubt for the not subscribing heirof for the ressons shal be shawin at meiting."



Consequent on the call thus issued for combined action, a great and enthusiastic gathering took place in Edinburgh, and amongst other procedure there occurred the famous demonstration in Greyfriars' Church, on 1st March, when the National Covenant was renewed with great solemnity. The Covenant originally consisted of an abjuration of the Popish system and an engagement to defend the Reformed Church and the King's authority, but to meet the present conjuncture there was now added an obligation to resist all innovations already introduced, and "to labour by all means lawful to recover the purity and liberty of the gospel as it was professed and established before the foresaid innovations." Amongst the subscribers on this occasion was Lord Yester, who at that time and afterwards took an active part in support of the Covenanting cause. Copies of the Covenant were speedily distributed throughout the whole country, and it is said to have been, with few exceptions, subscribed by all classes with the greatest spontaneity and unanimity. As a counter move to the action of the Covenanters, and, according to their view, with the object of entrapping the unwary, the King, on 22nd September, issued a proclamation enjoining the renewal of the Covenant subscribed in 1580, in which, under the ambiguous phrase—"the religion presently professed," it seemed intended that prelacy should be screened. The Covenanters protested against the supposed stratagem, and it is to the document in question, sometimes called the King's Covenant, that the following entry in the council record refers:—"4th Oct. 1638—Anent the missive letter sent from the commissionaris of Edinburgh, and utheris burghis convenit at Edinburgh, to us, desyreing this burgh to protest aganes the proclamatioun of the generall covenant, the counsell hes concludit that protestatioun sall be maid quhensuever the samyn salbe proclamit, and to that effect ordanes tua of the counsell to attend the samyn daylie."

Confident in the justice of their cause, and encouraged by the increasing number and enthusiasm of their adherents, the Covenanters were now less than ever disposed to be misled, or to have their aims frustrated, by any temporising policy, and at last the King was constrained to give his sanction to the holding of a "free general assembly." To this convocation, the proceedings of which mark one of the great epochs in Scottish history, the town council sent a commissioner, but there was not complete unanimity in the appointment:—"1638—Oct. 16—

James Williamson, be vait of the maist pairt of the counsell, is creat commissioner to the general assemble to be at Glasgou the 21st of November nixt, with continuation of days." By this assembly, which commenced its proceedings on 21st November and continued till 20th December, prelacy was abolished, presbyterianism restored, and all measures obnoxious and oppressive to the latter form of church government annulled. On the return of the provost he communicated the result to the council—"1638—*Dec. 24*—Comperit James Williamson, commissioner at the generall assembly at Glasgou, and reportit his diligence and report of the principall thingis done thairintill, and product ane index of the maist pairt of the actis and constitutionis thair of." The covenant had not yet been subscribed by all the inhabitants, and some pressure was applied to secure that object:—"1639—*Jan. 21*—Ordanes to convene all these of this burgh that hes not subscrivit the first covenant to subscrive the samyn. *April 29*—Ordanes all these that hes not subscrivit the covenantis to be convenit this day at the clerkis buith to subscrive the samyn. *April 30*—The counsell ordanes the officeris to warne all these inhabitants of this burgh that hes not subscrivit the townes covenant to cum to the clerkis chalmers within 24 houris and subscrive the samyn, with certificatioun to thame quha failyeis they sall incur the panes contenit in the instructiounes sent to the proveist, bailyeis, and counsell be the noble men, barones, and ministrie thair-  
anent."

Throughout all these proceedings the Covenanters did not waver in their conspicuous loyalty to the crown, and they now took care to represent their true position at head quarters. All, however, was of no avail. Charles was indignant at the opposition to his schemes, and determined to punish the offenders. He and the English parliament happened at this time to be in antagonism, and no assistance could be got there. But with the aid of the English clergy and those favouring the Romish religion an army was raised for the invasion and subjugation of Scotland. Nor were the Covenanters remiss in taking prompt measures for the defence of their country. An army was levied without delay, every fourth man in the kingdom being called to arms and trained in the use of them; the veteran commander, General Leslie,\* was put at the head of military affairs, and

\* Alexander Leslie, afterwards first Earl of Leven, had earned in Continental wars a high reputation for skill and

when the time for action arrived he had upwards of 20,000 men in the field, filled with martial enthusiasm and faithful to the motto inscribed on every banner—"FOR CHRIST'S CROWN AND COVENANT." The plan of the campaign involved an attack from the English side both by land and sea, and in the end of April a fleet of twenty large ships of war and some smaller vessels reached the Firth of Forth, while the land section of the invading force entered the country by way of Berwick.

In these preparations for defence the town of Peebles took its due share:—"1639 Feb. 25—Ordanes ane wapounshawing to be upone Monday nixt, this day aucht dayis, and publicatioun to be maid heirof be the drummer; and quhosoever sall be fund nocht to be provydit in the armour enjoynit to him, conform to ane act maid thairanent upone the 18th of Februar instant, sall pay ten pundis but mitigation. 1st May—Anent my Lord Yesteris letter direct to the burgh of Peblis and gentrie of the schyre, daittit the last of Apryle last, beirand that his Majesties navie of tuentie-aucht weir schippis war cum within the Forth towards Leyth that thairfoir the fourt man of the kingdome behovit to ryse in airmes as was formarlie proclaimeit; lykwyis ordaning that the fourt man of the burgh suld repair to him and his cullouris at Leyth this nicht at anes, in such airmes and furnist as was appointit; the magistrattis and hail counsellouris of this burgh ordanes the first quarter of the inhabitantis disignit in the roll, with the magistrat appointit thairto, to performe the desyre and ordinance of his lordshipis foirsaid letter in sua far as may extend to the number and space of ten dayis and ten nichtis service alanerlie; at the expyryng quhairof the saidis magistrats and counsell ordanes the magistrat and men specifeit in the second rank to releive thame, and efter uther ten dayis these of the thrid rank to releive these of the second; and sicklyk these of the fourt rank to releive the thrid; and during the said service to beigin agane at the first rank." On 30th May the council undertake to relieve the fourth company then out, "at the expyryng of thair ten dayis awaiting upon the regiment under coronell Hay of Yester, at his armie now at Burmknawis in Lowthiane, aither thair or

bravery. He held the rank of Field Marshal in the army of Gustavus Adolphus and continued in the Swedish service till, loyally responding to the invitation of the Covenanters, he returned to Scotland to guide their warlike operations.

quhairsoever the army sall happin to be for the tyme, upone 24 houris wairning;" and on 11th June there is another company, in its rotation, "presentlie going to my lord coronell Hay of Yester his regiment now at Dunslaw."

The campaign proved a short one. The King found that he had grievously underestimated the strength of the forces he had set himself against, while all that the Covenanters desired was to be saved from farther molestation. A treaty of pacification was concluded on 18th June, whereby the army was disbanded, the King's castles were to be restored, the hostile fleet was to take its departure, and the understanding seems to have been that all ecclesiastical matters should be determined by a general assembly of the kirk and all civil matters by parliament. The following entry in the records refers to the collection of the arms after the return of the town's companies. "*Aug. 19*—Ordanes the provost and baillies to exact the pryces of the pikes and musketis deliverit to the inhabitantis of this burgh, and to serche quha ressavit these left at the camp, beginning first at Patrick Thomsone and his companie."

The treasurer's accounts contain several references to the proceedings of parliament and assemblies, the subscribing of the covenant, and the civil war:—"*1638—May 29*—To ane postman who brought ane letter from the commissioneris of Edinburgh, 6s. *June 18*—To James Lyntoun who came fra Edinburgh, sent be James Williamsone with protestatiounes befor the provest and baillies, 24s. *July 5*—To ane post who brought ane proclamatioun frae the lordis of secreit counsell quich was proclaimed be John Patersone, notar and messenger, quha gave his executioun therupoun, to the postman, 12s.; to the messenger, 6s. *Sept. 29*—Gevin to Thomas Crawford for doubling of the protestatioun against the last covenant, 12s. *Nov. 6*—To John Lowes, provest, being sent to Edinburgh to ressave information anent the subscribing of the last covenant, and remaining ther 5 dayes, £10. *Nov. 16*—Quhen the commissioun for Glasgow was sealed, for ane candell, 4d. *Nov. 17*—To James Williamsone, being commissioner elected to Glasgow, in pairt of payment of his wadges, £60. *Dec. 12*—To William Bennat and Thomas Dodis for bringing fra Leith 20 muskettes with thair necessaris, everie man 24s. To William Melrose, officer, for going to Edinburgh with ane letter to John Lowes, proveist, quich was delyvered be the provost to my lord Yester, 26s. 8d. To

William Melrose, officer, for going with ane letter to Sir Alexander Murray of Darnehall, to advertise him anent the subscriyving of the last covenant, 6s. 8d. 1639—*Jan. 19*—To William Low for doubling of instructions sent be the nobilitie of the schire of Tueddall, 6s. *Feb. 12*—For my awin wadges, being direct be the counsell to Edinburgh to reassave picke and musquet for my Lord Yester, 2 dayis, £3. *Feb. 15*—To 3 men for bringing fra Leith twa carriage of pickis and ane of ball and match, £3. To William Weichtman for bringing of 20 musquetis fra Neidpath, 4s. *Feb. 19*—To David Plenderleith, baillie, being elect be the counsell commissioner to attend at Edinburgh with the rest of the borrowes, 8 dayes, £12. *Feb. 25*—John Lowes, provest, was elected be the counsell to relive David Plenderleith, baillie, who was attending at Edinburgh the meetings with the rest of the borrowes, and remained thair 14 dayes, £28. *April 24*—To James Geddes, taylour, for sax quarteris of graye cloth quhich was given to Thomas Gibsone to be ane pair of breitches, 36s. To Thomas Gibsone, John Scott, John Stoddart, and Alexander Eumont, being four suddertis [soldiers] chosen to go to crowner Monro, everie ane, 12s. [Col. Munro had command of the detachment of the army which shortly after this dispersed a body of English troops at Kelso.] *April 27*—To ane post who brought instructiones fra the nobilitie, 12s. *May 31*—To David Penderleith, bailie, quhen he went with the fourt company to relieffe the thrid, to devyd amongst these of his companie quhom the other bailie and he esteemed had little spending, £4. *July*—To James Williamsons, provest, conform to warrand 20th May, for his attending the meittings with the noblemen, barrones and borrowes at Edinburgh, £19, 12s.”



## XXI.

## VICAR AND READER—WEEKLY AND DAILY SERVICES—VISIT TO CAMBRIDGE UNIVERSITY—PASSAGES FROM “SCOTICHRONICON,” ETC.—FOUNDING OF CROSS CHURCH — PARISH CHURCH.

MR ANDREW WATSON (the prefix at this time distinguishes the holder of a degree in arts), had been admitted vicar of Peebles in 1629, the ceremony having taken place in the Cross Kirk in presence of a great number of the parishioners (see *Chambers' History*, p. 155). Part of his duties seems to have been the conducting of weekly and daily services, and in the performance of these a question between him and the people came up for decision in the church courts in 1639, as narrated in the following extract from the presbytery records:—“At Peebles, the 27 of Februarie 1640.—The presbitrie having advysed anent the forme of the act grantit in favoris of the town and parochin of Peebles against Mr Andrew Watsone, vicar and reidar. of the date att Peebles, 18; July 1639, ordeining the said Mr Andrew Watsone to give them weiklie and dailie service conforme to their bill as is set down in the said act, notwithstanding quherof the said Mr Andrew did declyne the presbitrie and appealed to the generall assemblie inditted by his Majestie at Edinburgh the 12 of August 1639, quherupoun the toun askit instruments and required ane extract of his declinatour; and raising letters thairupoun, did cite the said Mr Andrew befor the generall assemblie, quha, compeirring befor them the 22 of August 1639, the generall assemblie did refer the samin back to the presbitrie of Peebles, and ordenit them to make a cleirer act; and now the presbitrie being therewith maturlie and ryplie advysit, and considering that they have only power in spirituall and ecclesiasticall affairs, and that the former act seemed not cleir to the generall assemblie, but partlie civill and partlie ecclesiasticall, doth refer the civill part to the judge ordinar and competent for such causes, and for the other part of the act as they have injoynd so be thir presents they doe injoyne and ordaine the said Mr

Andrew Watsone to give them dailie service, evening and morning prayeris, and reiding in the hous of prayer appoyntit for that effect; and the toun of Peebles being present, att least James Williamsons, proveist, accompanied with the bailies, clerk, and counsell, the said James, in his aune name and thairs, and in name of the toun and parochie, did accept and was content with the samen ordinance."

In the accounts there are references to the vicar being deputed on the town's affairs and also to the presbytery proceedings regarding him:—1639—*April 10.*—To William Weichtman for his horse wadge quherupon Mr Andrew Watsone did ryde to Edinburgh, 20s. To Mr Andro Watsone, being elected be the counsell to go to Edinburgh to advyse anent sum difficulties, and remaining thair thrie dayes £4, 10s. 3d. *July 24*—I being direct to go to Edinburgh to raise summondis upon the complaint against Mr Andro Watsone to cause him compeir befor the Synode at Edinburgh, 12 August, 2 dayis, £3. To Mr Archibald Johnstone, clerk to the provinciaal assemblie, and to James Murray, his servitour, for the summondis, 41s. *Nov. 12.*—Mr Andro Watsone, vicar, began to read prayers in the chappell, to John Tuedie for candill, the Sabboth dayis and sum other dayes quhairin he was absent excepted, to this xvi. day of December, thre nightlie and ane sum mornings, 25s." There had also been a payment "to Catherin Stewart, servand to Patrik Vaitch, clerk, for wyne that was druken that day Mr Andro Watsone was enjoyned to make morning and evening prayers," but the amount is not stated.

A journey which the vicar made to Cambridge in 1641 receives notice in consequence of his having brought home with him a document believed at the time to be an extract of the "Erection of the Cross Kirk of Peebles," and which was reported to have been found on his making "research in the records of North Britain," deposited in the library of St John's College, Cambridge. John Hay, eldest son of Dr Theodore Hay, whom he succeeded in the ministry, was then studying theology at Cambridge, where he eventually took the degree of Bachelor of Divinity, and he, along with other fellows of St John's College, authenticated the extract. Considerable value was evidently attached to the writing, as nearly forty years afterwards (7th June 1680) the council "allows the thesaurer to satisfy Mr John Frank, £41, 9s., quhich wes the money really givin out be him for renewing of a paper anent the antiquity of the burgh,

quish was recorded in the Scotch Register at Cambridge, and extracted be Mr John Hay, and severall utheris of the fellowes of the said colledge; and the counsell gives Mr John hearty thanks for his paines."

The original extract is, with Frank's translation (dedicated to the magistrates of Peebles), printed in full in Pennecuik's *Description of Tweeddale*. It consists simply, first, of a passage from Thomas Dempster's *Ecclesiastical History of Scotland*; and, secondly, of another passage from the *Scotichronicon* of John of Fordun. An edition of Dempster's History had been printed in 1627, but Fordun's great work was only as yet accessible in MS., one copy, illustrated with curious coloured representations, being preserved at Cambridge.

Dempster had apparently got the material for his version of the founding of the Cross Church from Fordun's work, so that really there is only one written source of information on the subject. The story is to the effect that on 9th May 1261,\* a stately and venerable cross was found at Peebles, that it was believed to have been hidden by some of the faithful, about A.D. 296, that not long afterwards a stone urn, containing mutilated remains, believed to be those of St Nicholas, were found near the same spot, that many a miracle had been wrought there by the cross, and the people poured thither in crowds, bringing offerings and vows to God; "wherefore the King, Alexander III., by the advice of the bishop of Glasgow, had a handsome church made there, to the honour of God and the Holy Cross."

Such is the account of the origin of the Cross Church given by the venerable chronicler. That the belief in the miracle-working power of the discovered cross long survived his time is strikingly illustrated by an entry in the burgh records, dated 18th July 1474 (*Printed Records*, p 172.) It is there stated that the owner of a property in the Briggait had granted to the Cross Church an annual donation of 12d. because his "house was kepyt fra byrning with felon [fierce] fyr fra the tym furth that the haly crois was schauyng," i.e., the devouring flames had miraculously subsided so soon as the relic was held up before them. Though not expressly sanctioned by Fordun's narrative, the belief came to be held that the cross found in 1261 was "ane pairt of the verray Croce

\* This is the date given in the *Historians of Scotland* edition of Fordun. Dr Pennecuik has 7th May 1262.



that our Salvatour was crucifyit on,"\* and as such was "honorit and kept," but in the furious outbreak against objects of idolatry at the Reformation the relic would likely disappear.

At the Reformation the burgesses and inhabitants of the town petitioned the lords of the secret council for the use of the Cross Church to be used as the parish one, in lieu of St Andrew's Kirk, which had been "brint and distroyit be Yngland xii. yeris syne or thairby." The request was complied with, and the church there was used till the site of the present one was secured in the end of last century. A special charter of the Cross Church does not seem to have been granted to the burgh, though something of the kind was evidently contemplated in 1597, as the following uncompleted document, being a "signature" or warrant for a charter under the great seal has been found amongst the town's papers:—

"Oure soverane lord ordainis ane chartour to be maid, under the greitt seill, in dew forme, makand mentiou that his hienes, efter his perfyte aige and all his revocatioune, for the zeill his Majestie beiris to the glorie and service of God and to the intertane-ment of policie and keiping of guid ordour amangis his hienes subjectis, specialie within his hienes brughe of Peibillis, quhair the parochie kirk of the said brughe was brynt of lang tyme bypast, in tyme of weir betuixt his hienes realme and Ingland, with avise and consent of the lordis of his hienes secreit counsall and chekker, hes gevin, grantit, and perpetualie confirmit, and be the tennour heirof gives, grantis, and perpetualie confirmes to the provest, bailleis, counsall, burgesses, communitie and inhabitantes of his hienes said brughe of Peibillis, and their successouris, heritable, all and hail the kirk callit the Cors Kirk of Peibillis, with the yairdis, place and clasure adjacent thereto and all thair pertinentis, lyand within the parochin and sherefdom of Peibillis, to the effect that the saides provest, bailleis, counsall, burgessis, communitie, and inhabitantis of the said brughe, and their successouris may sustene, big, and repair the said kirk, and use the samyn for the parochie kirk of the said brughe of Peibillis in all tyme cuming: Quhilk kirk, callit the Cors Kirk of Peibillis (&c., *ut supra*), sumtyme pertinent to the freiris of the

\* Grant by King James V., under his privy seal, to the Cross Kirk of the revenues of a house of religion in Dunbar, dated 1st July 1529.

said kirk callit the Cors Kirk of Peibillis and thair predicessouris, and now perteine to our said Soverane Lord, fallin and becum in his hienes handis and at his hienes gift and dispositioun be the actis of parliament and lawis of this realme throu the abolishing of the superstitionis of the saidis freiris. To be halden . . . of our said soverane lord and his hienes successouris, in fee and heritage for ever. . . . Gevand thairfor, yeirlie, the saidis provest, bailleis, counsall, burgessis, communitie and inhabitants . . . to our said soverane lord and his successouris, devoit orationes and prayeris allanerlie, for all uther burding, exactioun, etc. And that the said chartour be extendit in the best forme with all clausis necessar, and that preceptis be direct ordourlie heirupon. Subscryvit be our said soverane lord, the day of 1597 yeiris." The "signature" is not subscribed and it is not known that any similar one was issued. The burgh's right to the Cross Church, however, is confirmed by King James' charter of 1621.



## XXII.

ALIENATIONS OF CHURCH PROPERTY — DEAN'S  
 PARK — DEAN'S HOUSE — ARNOT'S HAUGH —  
 DECREE OF IMPROBATION — NORTH PORT —  
 GREENYARDS — SCHOOLMASTER AND DOCTOR  
 — DRUMMER — ACCOUNTS, 1634-5.

IN pre-Reformation times the diocese of Glasgow was divided into two arch-deaconries, one of which, Teviotdale, was sub-divided into four rural deaneries. Peebles being one of them. The successive deans of Peebles probably resided in the town, the names Dean's House, Dean's Wynd, Dean's Gutter, and Dean's Park, no doubt, deriving their designations from their connection with holders of that office. "Master John Colquhone, dean of the Christianity of Peblis," who was present at the induction of a chaplain to the altar of St Mary of Geddes Aisle in July 1559, is supposed to be the same as the person of that name who was chaplain of the altar of SS. Peter and Paul. This chaplain was the predecessor of Adam Colquhoun, who, in 1560, granted a feu right of the Dean's Park to the Dicksons of Winkston. At this time churchmen were disposing of their property in all directions, with the view of securing themselves against the impending confiscation of ecclesiastical benefices, and in Peebles many properties belonging to altarages changed hands. The Dean's Park, being the angularly shaped field situated between the Northgate and Venlaw Hill, seems to have been feued previously, but was now disposed of in consideration of payment of an augmented annual feu-duty. The titles of the park were produced in the Improbation process\* of 1624, and are thus de-

\* In the summons starting the action of Improbation the town council set forth that by virtue of their charters the community were vested in certain lands, that certain persons were then in possession of portions of them under "pretendit richtis, tyillis, and securities," which "ar all fals and fenziet [feigned], falslie inventit, forgit, fabricat, and divisit be the foirsaidis persounis, defenderis," and they were called upon to produce these titles in order that they might be improbated or disproved. Failure to answer the summons was held as confession, while those who pro-

scribed in the decree—"Item, ane chartour of few-ferme grantit be Adam Colquhoun, prebendar and future successour to the altar of Piter and Paul, with consent of his predecessour, Jhone Colquhoun, and of the toune of Peiblis, patrones thairof, to Jhone Dikisoun, younger of Winkstoun, and James Dickisone, his sone and appeirand air, the langest leiver of thame twa, and to the airis of the said James, quhilks failyeing to the airis and assignes of the said Jhone quhatsumever, of twa aiker and half of land callit Denis Park at the North Port\* of Peiblis; to be haldin of the said prebendar and his successouris; payand yeirlie to the toune of Peiblis ane penny, and thair multur to the mylnes of Peiblis,

duced valid titles were absolved from its conclusions. The titles founded on by the defenders are narrated in the decree, which thus contains a large mass of information bearing on the ownership of lands specified in the town's charters. The decree is written on a roll of paper, made up of sheets joined together, fifteen feet in length by one in breadth.

\* In the 17th century there were not many buildings exterior to the North Port at the head of Usher's Wynd. The piece of ground northward along the Peblis water was called the Greenyards, and belonged to the community. Thomas Willamsone, notary and burges, who owned a property on the south side of Usher's Wynd, got authority from the council in 1668, to build a malt kiln in the townes common ground in the Greenyards, for payment of a yearly feu duty of 2s. Scots; and he also got liberty to break a door through the town wall for access to it. £3 Scots was paid for this privilege, and it was to be built up at any time the council might order. Again, in 1672, James Nicoll, mason in Dunsyre, presented to the council a supplication "beirand that he intendes to come and reseid within the burgh, and follow his vocatioun and calling as he shall be employed, and shall endeavour to give everie man who employes him satisfioun according to his power and capacite, and also easilie and cheap as he may, provyding he get encouragment, and therfor humblie besseichand them to grant him licence to build, upon his awn expenssis, ane duelling hous and other office houssis as he shall find convenient, with ane yaird, upon their commoun ground callit the Greenyards, outwith the North Port." The request was agreed to, and Nicoll got a feu of "that piece of waist commoun ground called the Greenyards lyand betuixt Peblis water on the west, the tail and peece of land pertaining to Gavin Thomson on the north, the King's hea street (Northgait) on the east, and the common hea way or passage (to be 18 feet broad) leidung doune to Peebles Water on the south;" feu-duty, 40d. Scots. Did the building erected by Nicoll come to be that used as the county assembly room? The date on the gable, 1681, allowing time for building, coincides nearly with the date of the feu.—See *Chambers' History*, p. 286.

and giveand sute of court at Michaelmes yeirlie, and to the said prebendar and his successouris xxv s. as the auld few dewtie and 5s. in augmentatioun of the rental, the airis doubling the said few at thair entrie; daitit at Peiblis, 20 September 1560; subscrivit be William lord Hay, provest, and Rolland Scot, baillie, and also be the saidis prebendaries Adam and Jhone Colquhounes, with the toun and thair seilles appendit. Seising to John and James Dickesounes, 21 September 1560. Seising to Patrick Dikesone, burges, of said landis of Denis Park and barne thair of, conform to chartour to be maid be James Dickesoun, apperand of Winkstoun, 14 September 1578. Item, said charter, by James Dickesoun to Patrick Dickesoun; to be held for payment yearly to the toun of 1d. and to Adam Colquhoun and his successors, prebendaries, of 25s for Denis Park and 10s. for the barne, and also 5s. in augmentation of the rental; payand also to the said James Dickisone iiij li money; dated 24 December 1578. Item, seising to the said Patrick Dickiesoun of the Denis Park and barne with the yaird, be resignation be the said James Dickesoun of Winkstoun, payand to the saidis prebendarie, 40s.; daitit 2 November 1580."

The Dean's House, according to one traditionary account, occupied the site on which the Chambers Institution is now erected, but titles produced in the Improbation process point to the conclusion that it was situated on the opposite side of the street, and the probability is that the building abutted on the Dean's Wynd, a lane which still exists. The titles are thus described:—"Item, ane seising givin be the said Patrick Dikisoun of the tenement and ludging callit the Denis Houss, lyand in the burgh of Peiblis, be resignation of the samyn be James Dickisoun, appeirand of Winkstoun, in the baillies of Peiblis thair handis, conforme to ane chartour to have beine maid thairupoun, daitit 14 September 1578. Item, ane chartour of fewferme maid be the said James Dickisone to the said Patrick Dikisoun of the said tenement and ludging, lyand in Peiblis on the north syd of the Hie Streit thair of, boundit in the said chartour; to be haldin of the said James in fewferme and heritage; payand yeirlie to the toun of Peiblis ane penny in name of blensche ferme and to the said Adam Colquhoun, chaplain of the foirsaid altar of Piter and Paull, and his successouris, the soum of xl s., and to the prebendar of the altar of St Marteine, situat in the said Colledge Kirk, iiij lib.

money; reserving the occupation of the eister volt thair of to the said Adam Colquhoun during his lyf-tyme; 24 December 1578. Item, seising to the said Patrick Dickisoun of the foirsaid tenement be resignatioun be the said James Dickisoun, callit of Melvingsland; paying to the prebendar of the altar of Piter and Paull, 40s., and to the prebendar of St Martines altar, 40s.; daitit 2 November 1580."

Arnot's Haugh, stretching along the north bank of the Tweed from the town westwards to the Rae Burn and bounded on the north by the Kirklands, was also church property and did not escape the general disintegration. In the following list of titles, taken from the Improbation decree, the Crown confirmations are accounted for by the fact that under an act of parliament, passed in 1584, all feus of kirk lands prior to 8th March 1558-9 were to be held invalid unless ratified by the King:—*Four roods in Arnotshaugh, rood at Northgate, rood at Dalatho.*—Jhone Dickesoun, sumtyme proveist of Peiblis, Adam Dickesoun in Auld Toun of Peiblis, and Jonet Pringle, relict of umquhill James Tuedie, compeirand be Mr Johne Scrogie, thair procuratour, producit ane saising gevin to Patrick Dickisone, burges of Peiblis, of four ruidis of land lyand in Arnotshaugh, ane ruid lyand at the north end of Peiblis, and ane ruid lyand in Dalletho, be resignatioun of the samyn in the baillies of Peiblis thair handis, of thair awin consent, be Thomas Purves, prebendar of the altar of the Virgine Marie situat within the Colledge Kirk of St Andro in Peiblis, payand thairfor yeirlie to the prebendar 17s. 6d.; daitit 8 July 1560. *Half acre in Arnotshaugh.*—And siolyike the said Mr Johne Scrogie. . . for the part of the said Adam Dickisoun, producit ane instrument of seising givin to Adam Dickisoun of ane half aiker in Arnotshaugh, 24 January 1584. *Two acres in Arnotshaugh.*—Ane saising givin to Sir Johne Dickisoun, chaiplane, of the fyift part of twa aiker of land conform to charter be Patrik Stainhous, chaiplane of the chaiplainrie of the blissit Virgine, daitit 8 September 1519. Saising to Sir Jhone Dickisoun of twa aikeris of land callit Lawsonis aikeris, be verteu of precept of seising givin be Patrik Stanehous, chaiplane, daitit 12 May 1518. Seising to Sir Jhone Dickisoun, chaiplane, of a fifth of twa acres in Arnotishauch, "obscuring the dait" [i.e., the date is illegible], under the sign and subscriptioun of Patrik Stainhous, noter. *Four acres in Arnotshaugh.*—As also the said Jhone Scrogie, for the part of Jonet Pringle, relict of the said umquhile

James Tuedie, productit ane chartour maid be Sir Jhone Tuedie, chaipleine of the chaiplainrie of the holie Marie, &c., with consent of the baillies, counsall, and communitie, of the said burgh of Peiblis, to James Twedie his airis and assignais of all and hailt twa aikeris of land and ane peis gers lyand in Arnotis hauch, to be halden of him and his successors, chaplanes of the said chaiplainrie, for yeirlye payment of ane penny, etc., contenand divers utheris clauses and conditionis, daitit 31 August 1559. Seising, 2 September 1559. The King's confirmatioun under the great seill, 24 May 1587. Seising be the said Sir Jhone Tuedie, *proprie manibus*, to Jhone Wichtman of twa aikeris of land lyand in Arnotishauch (conform to ane chartour), 2 September 1559. Seising to James Tuedie be the resignatioun of James Tuedie, his father, in the handis of Gilbert Tuedie, chaipleine, &c., of tua aiker of land lyand in Arnothauch, 30 June 1592. Seising to James Pringill and Jonet Pringill, his future spous, of four aikeris on the resignatioun of the said James Tuedie and Jhone Wichtman, daitit 4 July 1593. *Five acres in Arnotishaugh.*—And siclyike the said Mr Robert Burnet, for the pairt of the said Williame Lewis, productit ane chartour of fewferme gevin be Gilbert Twedie, prebendar of the alterage of our Ladie callit Geddes Ile, situat in the Colledge Kirk of St Androis in Peiblis, to umquhile Williame Lewis, in feu and heritage, with consent of the proveist, baillies, counsall, and communitie, patrones thair of, of fyve aikeris of land, with the pertinentis, lyand in Arnotis Hauch, occupiet than be the said umquhill William, betuix the Kirklandis of the said Colledge Kirk on the north, the landis of the Virgine Marie pertaining to the chaiplane of Peiblis on the west, ane aiker of land pertaining to the altar of the Holie Croce on the eist, and the water of Tueid on the south. To be haldin of the said prebendaris in feu for payment to the provost and bailies of ld. yeirly, multures and service at heid court, and payand to the prebendar fiftie schillingis as the said auld dewtie and ten s. in augmentation of the rental; and the airis doubland the few dewtie at thair entry. This chartour is daitit at Peiblis, 29 July 1560 yeiris, subscrivit be the said prebendar, and be Jhone Dickson and Ronnald Soot, baillies for the tyme, and be Jhone Allan, noter publict, at the command of the counsall and communitie of Peiblis; allowit be the lordis commissioneris the penult of May 1565. Sesing to the said William Lewis . . . conformie to the fair-

said chartour than to have beene maid thairupoun; 3 July 1560. Charter of confirmation, under the great seill, 1st December 1586. Item, ane seising gevin upon ane precept direct furth of the chancellarie upon a retour of the said fyve aikeris of land to Ninian Lowes, son and air of said umquhill William Lowes, be the said Gilbert Tuedie, prebendar (to quhome the precept is direct), with consent of the provest and baillies. The precept is takkit to the seising, the seising is daitit 11th March 1586.

William Martin's tenure of office as schoolmaster, accompanied while it lasted by considerable friction between him and the council, came to an end in 1639, when (30th April) "Mr Alexander Dikesone, sone to Mr Williame Dikesone, minister of Glenquhome, being ressavit and admitted schoolmaister of the burgh for a year from 1st May for the sowme of £120," accepted office on conditions similar to those imposed on his predecessor (Gleanings, No. XII.), but there was one addition made which it may be surmised few of the pupils would be particularly grateful for. After their Saturday's task, "and befor thair ganging frome the schole," the schoolmaster was "to give the Scottis barnes [i.e., the children being taught lessons in Scots] ilk ane a portioune or catechisme, and gif ane compt thair of upon Sondag thairefter, efter the preiching efter-nune." Then there is a stipulation that the schoolmaster "sall have his schole lawis ordourlie set down upon ane large brod and hung in the schole for the scollaris thair informatioun; and for transgressing quhair of he sall punische thame conforme to the nature and qualitis of the law. Item, he sall not remove frome his charge nor go furth of the burgh without licence of ane of the magistrattis." A few days afterwards, and on the advice of the new schoolmaster, "James Wood, sone lawfull to umquhile George Wood, toun clerk of Selkirk, was admitted and ressavit doctour of the schole till Lambes nixt, for the lyk fie and dewtie as was given and payit to Thomas Dikesoun, sumtyme doctour of the said schole." At a meeting of the inhabitants, held on 16th April 1638, it had been agreed that the doctor should get 5s. quarterly "for ilk barne put to the schole, and that in full contentatioun baith of his meit about with the bairnes and of ony uther dewtie dew to him." On 11th November 1639 there is paid "to James Woode, schoole doctour, for the harvest vacantis, conforme to ane subscrivit petition, £3, 6s. 8d."



The appointment of the drummer was renewed on 26th February 1639:—"Comperit Charles Cleg, drummer, and being agreit for 17 li. money and ane pair new schoone, hes enactit himself thairfoir to do the towne service, morne and evin, and all uther tymes when provest and bailyies requyres him thairto, fra the first Marche 1639 till the first Marche 1640; and that he sall never absent himself (unless he be visite by seiknes or death) during the said space without the speciall advyse of the counsell of the said burgh, under the pane of deprivation and lossing of his fie; and that he sall keep the drume frie from skaith, and not to tak her furth of the tolbuith under the said penaltie."

Miscellaneous items from accounts: 1634-5—1634—*Dec. 16*—To John Rosse (the foole) at direction of Thomas Paterson, bailie, 6s. 1635—*Jan. 4*—On Souday, to one Peter Tailyeour, recommended be the archibyschop of Glasgow, £3. For nails to naill a peice boord in the loft of the chapell abone the clerkis saite, 8d. To a poor man, both deife and dumbe, callit be his testimoniall John Drummond, 4s. To the clark (as instrument silver) that the shireff suld not prejudge the toun and the fischaris, 2s. John Greive and otheris for leddering the steipill, climeing in at the heid when the key and lock was broken (in Marche), 29s. To Tom Johnston, his wyfe, supplicant, lyeing seik the tyme of the storme, 19s. To John Willisoun for bigging up a partitoun wall in the toun's houses, 4s. *March 25*—For a faddome of towes to eike the corde of the chaippell bell, 3s. For carieing the stockis fra the croce to the tolbuith, a quart of aill to John Plenderlaith and John Gilleis, 2s. 8d. *March 30*—To John Plenderlaith, smyth, for yron claspis and great naillis to the trie bridge, and for mending the stockis, and for four cleikis and four nails to the fleshe mereat, 18s. *April*—Gevin for a boll aittis sawin upon Hammiltonhill, £6. Item, at the returne fra the sawing of the saids aittis, syndrie being in companie with the provest and baillies, spent 24s. *21*—Gevin to Mr Andro Watsoun, directed to Selkirk to seik advyse anent the tounis parte of the kirk stent, gevin a dollour, 58s. *May 9*—To William Dickesoune, cowpar, for dressing of ane dry saitte in the steipill, 6s. *May 12*—For chairges to Robert Meine, maissoun, comeing to sicht the bridge and tak the worke, fra his cuming to his goeing, 57s. 4d. Gevin to him in money of drynk sylver, a dolour and a half, £4, 7s. On Witson Mononday, to James Haddane for taking

the frie stanis out of the water at the pillaris of Tweid bridge, 13s. 4d. To the pypar and drummar for thrie dayis goeing about the commounis, 40s. [Note on margin of foregoing entry—"Forbidden in tyme cuming."] At Beltan, to the drummar of Edinburgh, Manasses Hammiltoun, 58s. Debursit in building Kaidmoore hous\* as followes—First to Steine Greive, younger, 58s. 4d.; to Wat Homline and John Gibson, for casting of 3000 devattis, 33s.; to John Murray and Andro Brydane, for bringing of tymber fra Dawike wod, 16s.; to Katherine Govane for aill and bread at syndrie tymes when the hous was in building, 55s. 4d.; item, thrie barrellis of aill from Peiblis to the said work, £6, 8s.; for four dosoun bread to the workmen and utheris with thame, 48s.; item, for timber first and last, £17; for a lock coft fra the provest, 10s.; for bands, staipillis, cruikis, to durre and windo, 8s.; for four dayis ryding to the wod and meiting with the selleris, 54s. 4d.; gave sax quarts aill to the four men that sold the wod, 16s.; for a gang of harrow teith to be naillis, 5s.; to James Haddane for vij dayis at the said work, £3, 13s. 4d.; to his sone Sandie for vij dayis. *July*—To George Ker, messenger, for the charges of lawborroues contra John Scott and utheris, and for charging thame before the [privy] counsell, £5. To James Robesoune for casting and leiding fail to the floor of the chaippell, 32s. 8d. *August*—Debursit at Edinburgh in our pley contra John Scott, before the counsell, 13 dollouris, £37, 13s.; at said tyme debursit for a wallat for writtis, 4s. 6d.; some drynk with Alexander Aikinheid, 4s. To James Williamsoun, provest, for his voyage [to Perth] to the conventioun of borrowes, his making of the exchecker compt, and doing some other directiounis and effairis of the toun, £161, 18s. To the persoun of Peiblis travelling to Edinburgh in the tounis effairis before the counsell anent John Scotis pley, £11, 12s.; to Mr Andro Watsoun for his attendance thair, £3, 14s.; to two baillies for thair attendance, £18; to the clerk for his sax dayis attendance, £9; to the thesaurer for fyve dayis attendance, £7, 10s. Spent in 3 tryists anent Mr Andro Watsoun with thair trysteris in August, 55s.;

\* This is the house which John Scot of Hundlehope and his armed retainers and accomplices "kust doune to the ground with their picks and mattocks, and cuttit and destroyed the haill timber, with the doores and windowis, and left not sa much as ane stane standing, nor yet ane pece of timber of thrie foot length."—Chambers' *History of Peeblesshire*, pp. 158-60.

item, in the fourt tryist, payit to Isobell Heckfurd, 21s. To William Melrose for goeing to St Johnstoun [Perth], with the provost and some other eirands, £4. To John Layng, pypar, his feye, £13, 6s. 8d.; item, his bounteth schoes, 20s. [Written on margin—"Forbidden heirafter."] To Charles Cleg, drummer, his feye, £10. Item, his bounteth schoes, 12s.; forbidden heirafter. Summa of the charge, £881; disbursementis, £972, 2s. 6d.; super expedit, £91, 2s. 6d.



**XXIII.****BURNETS OF CRINGLETIE — HAMILTON HILL AND  
KIDSTON BOUNDARIES — GREEN AND WHITE  
MELDON — COMMONTY OF GLENTRESS — AC-  
COUNTS, 1635-7 — PROVOST'S WIFE SUING FOR  
A DEBT — KING'S ANNUITY FROM TEINDS.**

FOR a period of about thirty years previous to 1666 the Burnets of Cringletie,\* interposed between the Lauders and the present line of lairds, were in possession of that estate, and in their time the disputes as to encroachments on Hamilton Hill were still continuing. Amongst the town's papers there is the copy of a Submission, or deed of reference, dated 1st October 1633, entered into between the "counsall and communitie of Peblis, on the one part, and Mr Robert Burnet of Cringiltie, on the uther part, . . . anent the removing of all troubles, molestatiounes, and debaittes quhilk haif bein done and usit in former tymes be the said Mr Robert, his authoris, heritouris of Cringiltie, aganes the said brughe of Pebles, in their possession of the hill of Hamiltoune. . . . Provyding the submission sall not prejudice the said burghe their present possessioun of the said hill, bot that they shall scheare, collect, and away lead the cornes presentlie growand upon the said hill (as they haive usit of befoir) without any interruptioun or molestatioun."

Burnet must have acquired the lands very shortly before this, as in December 1632 the burgh treasurer had been sent to Edinburgh to attend to a law plea against Bryce Sempill of Cathcart, and he, having married Lauder of Haltoun's daughter, was presumably acting for that family. In April following the treasurer is again despatched to Edinburgh, this time "for staying of Mr Robert Burnetis signatour," indicating that application had been made by the latter for a Crown charter.

\* In the acts of parliament, Alexander Burnet, "tutour of Cringillie" (the proprietor was in minority), appears on the committee of war for Peeblesshire in 1644 and 1647, and William Burnet of Cringletie as a commissioner of excise in 1661.

In the submission of 1633 the spaces left for the insertion of the arbiters' names remain blank, but the acceptances of "Sir John Hamilton" and "T. Hay" are appended. Sir John Hamilton of Skirling, whose admission as a burgher is recorded about this time, was one of the arbiters, but the identification of the other one is not complete; nor has there been traced any evidence of immediate activity in proceeding with the reference. Indeed, it perhaps has to be gathered from the following items in the accounts that Sir John ceased to act for the town, and that his part devolved on Sir David Murray of Stanhope.\*—"1634—October 17—Gevin quhen the proveist and the tua baillyes and Patrick Vaitoh read [rode] to Sir David Morray to be the townes tryster anent Hamilton, payit to his norreis [nurse], 58s.; payit in the proveist hous and in Thomas Watsounis in Stoba, 23s. October 22—Payit to Mergreit Reid quhen Sir David come to melt with Mr Alexander Burnet and his men in company with the proveist and baillyes, first 21s.; item, in Cristiane Schisholme, ane pynt wyne, 13s. 4d.; item, in Mr Andro Watsones, 3 pynts and ane schappine wyne, 46s. 8d.; item, for aill and breid, 12s."

As in many others of the town's judicial and quasi-judicial enterprises it is not now known whether or not a final deliverance in the submission was reached,† but the claim for the town and their answers to that of William Burnet, who had succeeded his father, contain historical and topographical particulars of considerable interest. In the claim, which bears date 6th January 1635, "the brugh of Peibles craves that William Burnet, his mother and tutor, may be decernit to desist and ceas from trubling and molesting the guid toun in the peaceable possession of that parte of their proper landis callit the hill of Humildoun, quhairn thei stand infest *per expressum* be King James the fourte in anno 1506, with power to pasture, teile, and saw, quhilk is the maist express designatioun of ane propertie can be maid, and that thei suffer the said guid toun to bruk the said hill of Humildoun as their propertie within the meithes and merches as thei are yeirlic riddin and hes beine past all memorie

\* A grandson of Sir David acquired the Cringletie estates from his father, the laird of Blackbarony, who had purchased them in 1666.—*History of Peeblesshire*, p. 358

† Another submission on the same subject was entered into in 1658, thus indicating want of finality in the 1633 one.

of man; lyk as be verten of thaire said infeftment thei have beine in continuall possessioun by debarring all utheris from doing of all deidis ather of propertie or commontie within the saidis boundis, and namelle the lairdis of Haltone and tennendis of Kidstones, and hes beine in peaceable possessioun them selfes be pasturing, teileing, sawing, sheiring, leiding away, and casting fewall, feale, and divot, &c. Item, to this effect the towne craves that the said William, his mother and tutour, may ratifie the toun of Peibles thaire infeftment of the said hill of Humildoun and confess, under thair handis, that the said hill pertenis in propertie to the toun, and renunce all pretence of rycht, ather propertie or commontie, to the said hill and namelle the bounding, meithing, and merching contenit in his and his father's and the laird of Haltone's infeftmentis, so fare as the samin may comprehend the said hill of Humildoun."

What were the laird of Cringletie's averments may be gathered from the "Ansueris for the towne of Peibles to William Burnet his claim:—

"1. Quhair he craves that he may be suffered to bruik the landis of Over and Nether Kidstines within certaine meithes and merches contenit in his authouris the lairdis of Haltoun thaire instrumentis, it is ansuert that the guid toun is content that he bruik his saidis landis of Kidstines and myln therof, bot sua that under that pretext he acclaime no libertie nor richt within the landis pertaining to the said guid toun, and namelle, to the hill of Humildoune, quhairin the said towne is infest in anno 1506, be umquhile King James the fourte, *per expressum*, with power to pasture, teile, and saw the same; quhilk infeftment in anno 1506 is lang anterior to any infeftment granted to the lairdis of Haltoun conteining any sick meithes and merches that may seime to include the hill of Humildoune, in so far as the eldest infeftment that the lairdis of Haltoun hes is onlie the infeftment granted to umquhile Alexander, this laird of Haltone's father, quha could nether have validelie or lawfully purchessit ane infeftment from the King be arand new boundis and merches quhilkis wer nocht in his old infeftmentis, thairby comprehending and including unlawfullie the proper heretage of the guid toun, quhairin thei stuid infest be fore. Lykas, be the 136 act of King James 6, his 12 parliament, it is statute that no new boundand infeftmentis sall work in prejudice anent the boundis or merches, ather in propertie or commontie, to any uther persoun, and

that all questiones thairanent sall be determined be all judges in the same sorte and maner as if thaire wer no mentione of boundis and marches contenit in the saidis new infestmentis.

"2. And quhair the said William alledges that his outhouris, the lairdis of Haltoun, were infest be King James 4 in anno 1512, *per expressum*, in the hill callit Greine Meldoun (quhilk he alledges to be Humildoun) in propertie, it is ansuert that giveand, and nocht grantand, that Griene Meldoun wer Humildoun, yit the guid toun is infest in the hill of Humildoun as said is in the yeir of God 1506, lang before them, and hes [ever] beine in possessioun sensyne be bruiking and debarring of uthers, and namelie the lairdis of Haltoun.

"3. Item, quhair he craves that the toun will remove thaire marches set down upon the hill, it is ansuert that is not reassounable, bot be the contraire, be verteu af thair old infestment anterior to the claimers, they have beine ever past memorie in possessioun of the said hill within the marches now standing, quherby the hill of Humildoun and thaire propertie is distinguished fra the landis of Kidstounes; for if the marches wer removed then the claimer wald take advantage to incroche within thaire propertie, quhilk were nocht reassounable. And farder, it is altogidder denyed that Greine Meldoun and Humildoun is all one, bot be the contraire, Greine Meldoun *alias* Whyte Meldoun is ane hill within the boundis of Kidstoun quhilk the claimer bruikis and in possessioun quhair of the toun does nowayes truble him.

"4. Item, quhair he craves that his landis of Kidstounes may be merched be certane meithes mentionat in his claime, even to the tope of Humildoun, as the laird of Haltoun bruikit, and that all the tounes marches may be lifted quhilkis ar within theese boundis, and that he may have richt of comontie on the rest of the said hill, and that conforme to ane pretendit originall charter granted be the earle of Douglas and confirmed be Robert the secund, and conforme to ane decret of redunctioun of the determinatioun of ane inqueist, and conforme to the lordis interloquitour in June and July 1628 efter visitatioun:—It is ansuerit that the desire of the said article is altogidder unreasonnable, becaus the toun of Peibles is infest, as said is, in the hill of Humiltoun, *per expressum*, as thair propertie, and he can nocht claime any marches to be set down quhilk may include any parte of the said hill, bot thei ar

content that he bruik his landis of Kidstounes out-with the merches, quherby the hill of Humildoun is distinguished fra the landis of Kidstones, quhilkis ar the merches now standand and ever hes beine past memorie of man; lyk as the toun hes beine in perpetuall possessioun to debar the landis of Haltoun from inroaching within the saidis merches. And as to the Earle of Dowglas infestment and King Rcbertes confirmatioun the samin can availe the claimer nothing, nor carie him to ony rycht of Humildoun hill, becaus the claime itselff beares it to be onlie of the landis of Kidstoun, with use of the commoun pasturage perteing therto, quhilk commoun pasturage can nowyes be understuid to be within the townes propertie, bot to be allanerlie that commoun pasturage quherof the heretouris of Kidstoun wer and ar yet in possessioun, viz., the commountie of Glentress, quhilk is promiscuouslie possessit in commountie both be the towne of Peiblis and be the heritouris of Kidstoun. And as to the decreit of reductioun quherby the determinatioun of the inqueist wes fund to have beine superfluousely delyverit, that can nowayes evince the claimer or his awthoris to have richt to Humildoun hill, bot onlie to the commountie of Glentress, becaus the error of the said inqueist wes that thei fund the toun of Peiblis to have the sole rycht to the commountie of Glentress. And as to the pretendit interloquitouris in anno 1628 thaire wes never any sick interloquitour *in rerum natura*, bot be the contraire sindrie interloquitouris in favouris of the said towne of Peibles.

"5. Item, to the thrid article of the claime quherby he craves that the toun wald remove thaire merches aff his ancient and uncontraverted arable land of Over and Nether Kidstones, and that he may have the commountie of the rest of the hill of Humildoun, it is ansuerit that the toun hes no merches at all within his landis of Kidstones, bot be the contrar in may appeare that thare is arable landis withif the merches of Humildoun, theese ar the propert landis of the toun of Peibles as beand ane parte or thair said hill of Humildoun quhairin thei ar infest *per expressum* as thaire propertie. And albeit the lairdis of Haltoun or the tennentis of Kidstoun for the tyme hes now and then in teiling tyme spurred out upoun the said hill quher the same lyes contigue to the saidis landis of Kidstones, yet these wer bot wrongis done be the saidis lairdis of Haltoun and tennentis of Kidstounis quhilk the toun of Peibles



redressed *toties quoties* it occurred, ather be laying down of the same agane or be sawing, sheiring, or leiding away the same. And as to that pairte quhair he craves commountie to the rest of the hill ansueris as to the second article. Item, the claimer man *ante omnia* produce the wreatis quhairon his claime is foundit."

*Selections from Accounts 1635-6.*—The principal items of revenue for this year were "Corne mylnes (two), £636, 13s. 4d.; customs, £120; Walkmylne, £22; mail of Dalatha, £12; Whalmfoot, £46, 3s. 4d; tenants of Mylton, £21, 6s. 8d.; feu mails of moore, 16 ac. at 6s. 8d., £5, 6s. 8d; mail of the lodgeing [apparently the "grit hous" purchased from James Tuedie in 1631], £24, &c. Summa of the haill charge, £970, 3s. 8d." *Disbursements—1635*—"For helping of Tuedie Bridge, viz., for great naillis and bottis [bolts] to ane of the trie stowpis, 4s.; item, 4½ pund wecht leid, 15s.; item, for a burding hedder, 30d. To the pyper and drummer their bounteth schoone, 32s. 1636—*Jan.*—To ane old blind man callit Boyd, 6s. For 4 faddom towis to the great bell, 12s. To James Haddane and his son for four dayis work at Kaidmoore hous, £4. For a gang of harro teith to be naillis, 6s. To John Weir to cast the Hie Streit at the well, 8s. *Jan. 28*—To Mr Andro Watsoun direct to Edinburgh to the bishop anent the commissariat, £3, 10s.; item, to him for the hyre of ane naig, 26s. 8d. Item, at his returne, with the provest and ballyies, in his awin chamber, thrie quarts aill, 10s.; item, the said tyme, thrie choppines wyne and twa breid, 20s. To crepill Johnstoun, sax pence, with a groat to carie him to Menner Kirk, 10s. *Mar. 29*—To ane scholler, at command of the persoun and utheris of the counsell, 18s. *April 8*—To the setteris of merche stanis fra the Kist Porte to the well, in persens of the justices of peace, ane galloun of aill and two breid, 15s. 4d. For casting of four thousand failt to the Old Town bridge, 48s. To John Gilles for twyse goeing to visit the foldis biggit on the Eschellie commouns, 6s. To a crepill callit Wallace who in his youth had beine a braiker of lynt, 8s. *May*—To Cardronaes man bringing home the saidill [race prize], of drinksilver, 12s. On Beltane day to ane honest man, 40s. For the scaree to the efter schott, £12, 15s. For a load of aittis to the raice, £17. To the gentill man that wan the bell, a pynt of wyne, 12s. To a schip broken man, 6s. To the clerkis wyfe conforme to

her compt, £12.\* For carjising the lang ladder fra the kirk to the tollbuith a gallon aill, 13s. 4d. To the sklaitter for pointing the tollbuith, chaipell, and heid of the steipill, £13, 6s. 8d.; for 600 sklaittis to the said work, £4, 16s; for pinnes to the sklaittis, 10s. To ane merchant boy callit Williamsoun that had his pack stollin, 6s. *July 24*—To John Plenderlaith goeing to Edinburgh with the steiller of Sir John Sinklaris horse, 24s.; and for his breakfast, 6s. To John Robein for the wairderis enterteinment, 6s. To Margret Reid for peck and Frenche wyne at the commissioneris being heir, £8, 8s. To baillyie Moore directed to Edinburgh to my lord Traquair the 10 July, 5 days, £7, 10s. To a creppill woman sitting seik at the porte a groat to herself and 2s. to carrie her, 6s. Gevin for changeing of 14 dollouris of turneowris [turnover or turner, a copper coin equivalent to a bodle] in whyte moneyis when the commissioner went to Glasgow, 30s." Amount of disbursements £834, 16s. 4d.; swa charge exceidis discharge, £135, 8s. 6d.

*Disbursements 1636-7-1636*:—To bringing up of twa of the brig tries fra Tueid syd, 10s. *Dec. 31*—To James Haddane for mending the brigga, 8s. *1637—Feb. 29*—To Margret Rid quhen John Lawder was maid burges, £8, 2s. *Feb. 12*—To James Haldane for mending the liltill trie brig, 13s. 4d. To Andro Haldane for bering away of some stanes at the entrie of the West Port, 3s. 4d. *March*—To James Brotherstanes for threttie twa dayes he was in the stepill, 6s. a day, £9, 2s. To James Gibsone for Marion Govanes kist, 27s. For making twa new leddaris, to James Haldane, 26s. 8d. *April 26*—To ane deiffe man, 12s. *May 13*—To William Melros quhen he went to Edinburgh about the annuitie, 30s. To David Plenderleith for the touns pairt of the mending of the kirk, £8, 17s. *June 4*—To William Melros for going to Selkirk to speir newes about the plagus, 30s. *June 5*—To ane man callit Walter Harea, st command of the provest, 12s. To Patrik Valtche quhen he went to meit with the commissioneris about the going to Aberdene, thrie

\* The provost's wife also it would appear was a purveyor of refreshments and had her accounts to collect:—"1634—Jan. 15—Decernes and ordeines James Haldin, wricht, to content and pay to Issobell Lowes, spous to Johnne Lowes, provest, the sowme of nyne pundis fyve schillinges money and that for meet and drink and uthersis fuirnischment fuirnischit be hir to him at divers and sundrie tymes, quhairof he refusis to mak hir payment."

dayes, £4, 10s. To John Grieve and his son Stevin Greive for bigging of thrie rudes of dyke at the Eist Port, £8. To Patrik Tod for clay to it, 40s. To James Haldane for four dayes work at the Wynd of the North Port, to him self and his son, £4. *June 29*—To Patrik Thomsone, baillie, to go to Aberdein to the conventioun, 100 merks. *July*—To John Speir, sklaitter, for the first yelr for thair pairt of the repairing of the kirk, £44, 7s. *August 29*—To Thomas Dikisone, doctour, for his yeiris service to the toun, 20 merkis. *September 15*—To James Wemes, glaisin wright, 30s. *October*—To Patrik Tod for failling of the wall at the Eist Port, 12s. *October 31*—To Stevin Greife for casting of Edderstoun burne, 24s. To the provest, being direct to Edin-burgh to meit with my lord thesaurer about the charge gevin to the provest and baillies concerning the annuitie of the teyndis efter the persone had grantit the ressait of the teyndis and send his discharge thairof to the collectouris quhilk was refusit, thrie dayes wages, £6.\* Summa of the charge, £887, 13s. 4d.; discharge, £650, 16s. 4d.; sua the charge excedis the discharge, £236, 17s.

\* An act of parliament passed in 1638 ratified to the king an annual allowance or annuity out of teinds at rates varying from 8s. to 10s. for each teind boll of victual and of 6 p.c. on money, and authorised his Majesty's treasurer to sue for payment. The entry in the accounts above quoted indicates that though the parson had drawn the teinds the burgh was not relieved of liability.



## XXIV.

## RENEWAL OF THE CIVIL WAR—THE 1640-1 CAMPAIGN.

THE treaty concluded between the King and the Covenanters in 1639 did not prove a perfect success when it came to be put to practical application. In the interpretation of some of its more essential provisions variances arose and protracted discussions and negotiations ensued, but all efforts for conciliation were unavailing and at length Charles, backed by his English privy council and those influential sections of the people who were largely actuated by prelatial and Roman Catholic tendencies, but unsupported, nay, rather thwarted, by the constitutional authority of parliament, resolved on another appeal to arms. His fleet was ordered to be in readiness in April, the counties were to put the land forces in training and to assemble by the middle of May at Newcastle where was also to be placed a supply of artillery and ammunition, while stores of forage were to be forwarded timeously to Berwick. These schemes for the punishment of his non-compliant northern subjects were matured so far that by the month of July 1640 the King had an army of 19,000 foot and 2000 horse ready for the march. Meanwhile the Scottish people had not been caught napping. Knowing by recent experience the instability of royal promises and obligations, the leaders had, on the disbanding of the army in 1639, retained their veteran officers in pay and otherwise kept up the military organization. Now that war was again imminent preparations for a contest proceeded apace, persons of wealth contributed funds, merchants imported arms and ammunition,\* and

\* The factors in Campvere, the privileged centre of Scottish continental trade for many centuries, were of indispensable service in this emergency:—"30th Nov. 1640—Anent the missive lettere sent be the committie of estaittis to the magistrattis of this burgh, desyreing thame to geve warrant to thair commissioner to the burrowis for subecryving ane band of ane hundreth and fyftie thousand guylderis [equivalent to pounds Scots] to be borrowit be the hail burrowis of this realme addetit to the factouris in Campheir, the said counsell hes condiscendit that David

parliament which met in June gave instructions for the forces of the border shires being put in readiness and stationed in the best places for the defence of the country. General Leslie was put in command of all forces both by sea and land, and a committee of the estates was instructed to confer with him in declaring war or making peace. About the end of July regiments from each county were ordered to proceed to the general rendezvous with provisions for thirty or forty days, and in the beginning of August an army, consisting of 22,000 foot, 3000 horse, and a train of heavy artillery, took up the position occupied by the former one on Dunse Law. In this muster the part taken by Peebles will be gathered from the following extracts:—"1640—*March 16*—Ordanes the baillies to go throw the toun and sute payment of these that ressavit the pickis and muskettis with thair furnitour betuixt and this day aucht dayis, under the pane of warding. *April 20*—Ordanes the haill counsell to attend and be present with the provest and bailyeis at the meiting of the gentrie heir this day, ilk persone under the pane of fyve pundis unforgevin. *June 15*—Ordanes ane cullouris with tounes airmes to be bocht. *July 13*—The counsell hes ordanit all the fourt men to go away to tak thair awin airmes gif they haif thame, and the uther thrie to contribute with him and act thame for his relieff *pro rata*, and gif the fourt man haif na armour of his awin that he and his pertinoris furnish airmes to him, and he and they all actit to relieve utheris. *July 16*—The provest and bailyeis of Peblis, with avise and consent of the haill counsell of this burgh, hes actit thameselffis for relief of the haill cumpanie as fourt men now presentlie going furth of this toun to the airmie, to provyde als mony utheris men at the expyryng of the fourtie days prescryvit to thame as will relieff all these men now presentlie going away, and that under the pane of thair fredome at the fourtie dayes end. *August 10*—Ordanes the provest and baillies to intromet with the hors quhilk was James Dikesones, with his furnitour, and to send the samyn in service

Plenderlayth, thair commissioner, gif neid requyre, sall ather subscrivye the samyn or utherwayis do thairintill as the rest or maist part of the commissioneris of burrowis sall do thairintill." The convention agreed that the factors should be repaid their expenditure in the first place by the burghs, and it was intended that they should subsequently be recouped out of public dues. The money had been expended by the factors in the purchase of "armes and ammunition for defence of the countrie."

to the airmie. Comperit William Wichtman and offerit his naig and furnitour for the present service in the airmie, in the counsellis will, and declarit he coft his naig for sevintene pundis and some oddes. Comperit lykewyis John Dikesone and alleging the said naig pertening to James Dikesone to be deliverit to him be the said James for payment of sum moneyis addebtit be him to the said John, and referrit him in the counsellis will, and declairit the said naig was coft for xxv li. Quhilkis tua horssis, with thair saddillis and creillis being deliverit to the said James Dikesone and he accepted and promittand to go to the army thairwith and serve thairwith these men gone furth of this burgh alanerlie, he hes actit him to serve the samyn men deutifullie at all occasions requirit, upone this condition that gif it pleis God the airmie aryse and the men of this burgh cum hame agane within fourtie dayis nixt heirefter he sall cum in the counsellis will for his satisfaction; and gif the said airmie dissolve not within fourtie dayis bot that thair be ane encounter betuixt thame and the Inglis airmie, as God forbid, he bringing hame baith the saidis naigis haill and sound he sall haif his chois of thaim. *August 12*—Comperit John Buchannan, cordonar in Peblis, and become cautioner for Robert Buchannan, sojour of the cumpanie of the laird of Keir, captane at the airmie, that the said Robert sall repair agane to the said captane and his companie immediatlie after the dait heirof, and that he suld obtene ane testificat of his entrie agane to the said cumpanie at captane William Lyle of Bassenden subscryvit be him, testifeing the said Robert to be returnit to his awin cumpante and cullouris within aucht dayis heirefter." In the accounts also there are some references to the raising of the army:—"1640—*May 14*—Gevin to Patrik Trotter quhen the provest enterit him to Leivetenent Elphingstoun to be the townis sojour, ane dollour, 54s. *May 16*—Gevin to Alexander Ewmond and Alexander Sunderland quhen they went as the townis sojors away with Captane Home,  $\frac{1}{2}$  dollour each, 54s. *May 27*—Gevin to the provest quhilk he had gevin out to Patrik Trotter quhen he had feyit him for the town in erles, 27s. *August 12*—Gevin for half a laid lyme for James Dickisone quhair for I had his clok in poynd, and quhen he went away with the baggage hors at comand of the provest I was directit to give it him agane, 4s. *August 27*—Gave to the provest quhilk he had gevin to ane man quho had come with ane letter from the committee of estaittis to the toun, 6s.

*August 28*—Gevin to John Robene for furnishing Alexander Ewmond\* fyve dayis meit, at command of the provest, 16s. 8d."

The resources at the command of the Scottish forces would not admit of their remaining long in a state of inaction, and accordingly the resolution was taken that, in place of abiding an attack, they should assume the aggressive and march into England. The Dunse Law camp was broken up, and the Tweed crossed at Coldstream on 21st August. The repulse of an attack from the Berwick garrison in passing was the principal incident of the march, and on the 26th of the month they encamped on Newcastle Moor. A detachment of the English army was posted in the immediate neighbourhood, and in an engagement between the two forces which took place a couple of days after the arrival of the Scots, the royalists were completely routed. With the sanction of the authorities, the town of Newcastle was occupied by the victorious army, who thereby secured a plentiful supply of arms and provisions. Tynemouth and Shields, with the vessels there belonging to the King's fleet and their stores, shortly afterwards fell into their hands, and Durham was also surrendered to them. Charles, with the main body of his army, was now stationed at York, and thither the Scottish leaders sent commissioners to negotiate for peace. After various conferences, an armistice till the middle of December was agreed upon, the Scottish army which had been largely reinforced being secured in a suitable allowance for their maintenance in England pending the final adjustment of terms. Transferred to Westminster, negotiations with the king were continued, and a satisfactory treaty at length adjusted. By arrangement he visited Scotland in the following autumn, when the acts of parliament of 1640, which had not hitherto received his sanction, were proclaimed in his name, a number of other salutary laws were enacted by the legislature, and in effect

\* This is probably the Alexander Ewmond who went away as a "sojourn" on 16th May and was "borrowit" out of prison for the purpose:—*April 24* — "Comperit John Ewmond, sone laifull to Thomas Ewmond, wobster, burges of Peblis, quha haveing borrowit Alexander Ewmond, his brother, as being incarcerat and wairdit for certaine criminall matteris layed to his chairg, etc., and actit himself aither to re-enter againe the said Alexander in the waird and steiple of Peblis or els to enter himself thairin upon sex howris wairneing to undergoe sik censure as sall be imposit upon the said Alexander for his demerities, and that under the paine of ane hundereth pundis money."

there was conceded to the Covenanters practically everything they had contended for. The army, which all this time had remained on English soil, now (August 1641) returned after a twelvemonth's absence, and was disbanded.

The following extracts relate to the period when the army was in England, during which time there were also various military movements going on in this country:—"1640—Dec. 7—The provest, bailies, and counsell hes actit and oblest themselves that incaise payment be not had of iiij s. money for everie sodger in the day quartered in thair housis be the generall commissar, that they sall mak payment thair of to the inhabitants according as they are quartered. 1641—Jan. 14—Thomas Fotheringhame, appeirand of Dunone, and Alexander Udward, his lieutenant; James Sibbald, ensenye; James Quhyt, servitour to the said captane Thomas, John Wellis, serjant; Robert Wairdrope, sojour to the said captane; John Cleg, younger, and James Scott in Peblis, admitted burgessis and friemen of this burgh. Feb. 20—Archbald Campbell, lieutenant; Jhone Maxwell, ensenye; Robert Glen and Michael Lyndsay, serjandis; William Glen, captane at armes; and James Lennox, drummer under captane George Hall, of my lord erle of Argyle his cumpanie, now approaching and repairing from this to Dumbartane,\* and Walter Williamsons, one of the sojouris of the said cumpanie . . . admitted burgessis of this burgh. Feb. 15—David Plenderlaith is ordanit to ryde to Edinburgh to deill with the committie of estaittis anent the cumpanie of sojiris and payment of thair bygane intertenement, and thair removing from this burgh. Feb. 22—The counsell hes concludit that the naig brocht hame be James Dikesone be presentlie intromettit with be the officers and comprysit and deliverit to John Dikesone in payment, according to the worth of the naig furnischit be him of the baggage naigis sent to the camp, conforme to the former act of counsell beiring the said James to restoir one of the saidis naigis. Nov. 1—Ordanes the bailyeis to tak tryell of the airmour cum hame fra the camp. Dec. 8—Compt of the armes deliverit be the burgh of Pebles to the inhabitantes thereof in anno 1639 and for which they wer warnit and convenit befor the burrowis court: [here follows list, from which it appears that 41 "musquettes" and 41 "pickes" were

\* The fortress of Dumbarton had fallen into the possession of the Covenanters on the day of the Newcastle victory.



delivered to the persons named.] *Dec. 13*—Item, that all thes quha ressavit ony of the tounes muskettis and pickis pay for the samyn betuixt and the first day of Februar nixt, under the pane of doubling.”

Additional items from accounts:—*1641—Sep. 10*—To the provest that he gave to ane post that came with letteres fra Galascheillis, 13s.; to give a man that came to the toun with letteres from the committie of Edinburgh, 13s. *Sep. 29*—To John Robene for furnishing the twa sojores that lap the steipill, for four dayes meitt, 26s. 8d. To Gilbert Frissall for bringing of ane letter from the conventioune of borrowes to the provest, 6s. *Oct. 10*—To Thomas Paterson to go to Jedburgh with the sojores fugitives in our town, quha stayit away four dayes, £8. Item, I gave to the sojores be the way in meit and drink, at sindrie tymes, 30s. Item, quhen the said Thomas and I left them I gave the said sojouris in money uther 30s. *14*—Gevin to George Cunschell for bringing ane packet of letters from Kelso, 6s. *25*—Gevin to ane man that brocht letters to the provest, 6s. To James Tuedie to go to Sir David Murray with the sam letter, 8s. *Dec. 7*—Gevin to the provest quhilk he gave to Leivetennent-Colonell Kinnimonthis scriviner, 48s. To James Tuedie to go to the Pirne and to Stobo with letters, 12s. *8*—Gevin to sex cadgeris to cary from Peibillis to Stobo with Kinnimonthis sojouris pickes and muskettis and utheris thair furnitour, 36s. *23*—Gevin to John Forbes, ane post, that came with a packet of letteris to the provest, 8s. *28*—To Gilbert Fraser, post, quha came with ane letter fra the committee to the provest for the meiting at Edinburgh the 9th of Januar, 8s.”



## XXV.

CIVIL WAR IN ENGLAND — SOLEMN LEAGUE AND COVENANT BETWEEN THE TWO COUNTRIES—SCOTTISH ARMY IN ENGLAND—MARQUIS OF HAMILTON — CAREER OF MONTROSE — ORGANISATION FOR DEFENCE—BATTLE OF PHILIPHAUGH—RETREAT THROUGH PEEBLES—VISITATION OF PEST.

ENCOURAGED by the success which had crowned the efforts of the Scottish patriots, the predominant party in the English parliament became more exorbitant in their demands, and their enthusiastic antagonism to despotic authority led them to the adoption of measures, some of which can only be characterised as unconstitutional. They sought to deprive the King of authority in certain State affairs, which were undoubtedly within the royal prerogative, and otherwise retaliated with as much intolerance as ever had been manifested towards themselves. Resistance, or rule by sufferance of parliament, seemed the two alternatives on which Charles had to decide, and he was not the man to hesitate in the choice. Around his banner there rallied the main body of the nobility and gentry—the Cavaliers—while the great towns had chiefly to be depended on for supplying the forces of the parliament. Townsmen and the Puritanic section of squires and farmers—the Round-head army—were at first at a disadvantage when they met the splendid cavalry of the Cavaliers in the field; and, reduced to considerable straits, the English parliament, in August 1643, sent commissioners to their Scottish brethren soliciting assistance. Previous to this, the Scottish leaders, themselves now happily relieved from apprehension on their own account, had more than once offered to mediate between the King\* and his adversaries, but

\* The Marquis of Hamilton was about this time the trusted delegate of the King in his communications with the Scottish estates. This nobleman, who had been created a duke only a few days previously (the patent is dated 12th, but probably had not reached its destination), visited Peebles 21st April 1643, and received the usual attentions

their services had not been accepted. The negotiations between the two parliaments now resulted in the adoption of the Solemn League and Covenant, a document intended to be subscribed by all persons in both kingdoms, whereby they bound themselves by oath to mutual defence against all foes, to the extirpation of prelacy, popery, heresy, and profaneness, and to the maintenance of the rights of parliament along with royal authority.\* The league was ratified by the convention of estates on 17th August, and within a few days proclamation was made that all men between 16 and 60 years of age provide themselves with specified arms and forty days' provisions, and be in readiness to join the rendezvous on 48 hours' notice. For more speedily putting the country in a posture of defence, colonels were nominated, and committees of war were appointed in the different shires. For the shires of Edinburgh, Haddington, Peebles, and bailliary of Lauderdaill, there were seven colonels of foot named, Lord Yester being one of them, and the Earl of Haddington was appointed colonel of the horse. The committee of war for the sheriffdom of Peebles consisted of Sir Alexander Murray of Blakbaronie, Sir David Murray of Stanehope, Sir John Veitch of Dawick, James Nasmith of Posso, John Haldon of that ilk, James Geddes of Rachan, John Diksone of

bestowed on distinguished strangers:—"Ane noble and michtle lord, James, Marques of Hammiltoun, erle of Arran and Cambridge, lord of Aven, Innerdaill and Arbroth, maister of the horse to his Majestie, knight of the most honorable ordour of the garter, gentilman of his Majesties bedchamber, and ane of his Majesties most honorable counsellouris of baith his hienes kingdomes, &c., is creat burges and frie man of the burgh of Peblis; with power to his lordship to use and exerce all priviledges and liberties thairof; and his lordship being present and acceptand the samyn in and upone him hes promisit to be ane freind to the said burgh, assist and concur with thame in all thair lawfull effairs, quhairupone the said proveist and baillys with advyse of the said counsell, decernit actis." At same time there were also admitted burgesses "ane noble lord John, lord Barganie; Sir William Bailyle of Lamyngtoun, knight; Sir William Lockhart of Carstairs, knight; Major-General Bailye of Lethame; Sir James Weir of Sanbyres, knight; Gavin Hammliton of Raploch; William Hammliton of Dalserff; John Murheid of Lynbank; Alexander Bailye of Bagbie; James Weir of Kers;" and a number of "servitouris."

\* The solemn league and covenant was on 25th September 1643 confirmed by that assembly of divines at Westminster who in the same year compiled the Confession of Faith and the larger and shorter catechisms still in use.

Hartmyre, William Lyll, shereff depute, Andro Hay of Haystoun, William Govan of Cardrono, William Tueidie of Wrae, James Russell of King-syde, John Williamesone for Peiblis, Sir John Veitch, conveyner, or in his absence, Sir Alexander Murray.

Arrangements were forthwith set about for the equipment of an army to march into England and on 19th January 1644 the assembled forces, again under the comand of the Earl of Leven (Leslie), numbering 18,000 foot and 3500 horse, crossed the Tweed. Connected with the raising of this force there are a few notices in the records:—“1643—December 9—The hail counsell present to meit with the persone upone Weddinsday nixt betuixt ane and tua houris efternone anent the nominatioun of the fourt man. Ilk persone absent sall pay ten schillings. December 20—The counsell ordanes everie houshalder, maister or maistres of familie, and servant man, betuixt sextie and sextene yeris, to gif fourtie schillings for out-putting the fourt man within this burgh the morne at ten houris, under the pane of doubling. [Consideration to be had] anent the airmes to be gotten fra Captane Lyle and uther armes to be furnished to the sojouris. The proveist and tua bailyeis to spelk Mr John Hay anent the leavie moneyis and baggage horsis and to report upone Friday efter none nixt. December 26—Anent the fourt man of this burgh designit to go furth upone this present expeditioun, [the roll] now subscrivit be the provest, bailye, and ane grit pairt of the counsell, allowis ilkane of thame thrie dollouris for hail moneyis and furnishing by and attour the leavie moneyis, viz., tua dolouris, and to acquent thame the morne. 1645—Jan. 5—Comperit Andro Edzer, leivetennent; Johne Broune, sone to umquhile Andro Broune of Hairtrie, ensigne; James Hendersone and James Purdie, sergardis in ane of the companies going furth for the sherefdome of Peblis in this present expeditioun, and [were]. . . admittit burgessis and friemen of the burgh. January 5—The hail counsell hes ordanit Thomas Patersone, present, being thryse sent for be the proveist and bailyeis and refusand to cum to thame to be wairdit for the space of xlviij houris, and to remane in waird ay and quhill he redeliver to John Pringill ane pistolet borrowit be the said Thomas fra him. Ordanis also Alexander Forrester to be wairdit ay and quhill he redeliver to John Pringle ane musket upone the ressait of the said pistolet. January 8—The counsell ordanes James Chisholme,

quha is wairdit for not going furth to the present expedition, to be releivit upone sufficient cawtious that he salbe reddie to go furth quhensoever the provest and bailieis sall requyre him, under the pane of fourtie pundis and going furth of his said cawtioner for him incaice of failye."

Under the military genius of Cromwell the parliamentary forces were by this time rapidly regaining lost ground, and when the northern army went into co-operation with the invincible ironides the royal cause became a hopeless one. Prince Rupert's powerful army was shattered at Marston Moor in July, and in the same month of the following year the finishing great disaster befel the King at Naseby. Meanwhile in the north of Scotland the Marquis of Montrose, who had parted from the Covenanters, on grounds which he was always ready to justify, and become the staunchest of royalists,\* had been carrying out a series of brilliant successes culminating in the great victory of Kilayth (15th August 1645) which for the moment made him master of Scotland. Unfortunately for the success of his schemes, the bulk of the Highlanders, as was their wont, returned to their homes with the spoils of war, while he with an attenuated following marched southward in a futile attempt to unite his forces with what remained of those of the King. Attacked at Philiphaugh by David Leslie, who on receipt of the news of Kilayth, had marched northward from Hereford with the flower of the Scottish army, Montrose sustained a crushing defeat, and on the evening of the same day he was in Peebles vanquished and in flight. The records cease for some weeks about this time, a circumstance sufficiently accounted for by the troubles of war and prevalence of the pest, and consequently there is no allusion in that quarter to the illustrious fugitive. Passing westward and through Clydesdale Montrose reached the Highlands in personal safety but his power in the field never again obtained any prominent ascendancy. At the elections of the town council in the following year orders from the convention of estates were produced by the parson, forbidding the choice of any who had complied with the "rebels" and had not given satisfaction to the kirk. From anything which appears in the records it cannot be gathered that the marquis had sup-

\* Montrose got his commission as the King's lieutenant-general in Scotland on 1st February 1644, and on 16th May following he was created a marquis.

porters in Peebles, though it might have been different had he, while a victorious general on the march southwards, taken the Clyde and Tweed instead of the Gala route. The following extracts apply to the period between the date of the Scottish army entering England and the close of the 1645 campaign:—

*1644—Mar. 11*—The act of convention of estaittis anent the excise was proclamit at this kirk and haill kirkis within this sherefdome upone the Sondayis the thrid and tent dayis of Merche instant.\* Producit be the provest ane precept direct to him be Mr Alexander Foulis for ansuering these that furnischt Ballentynes trouperis of thrie score nyne pundis nyne schillingis and deliverit to Patrik Thomsons, bailie. *April 19*—Johne Williamsone, thesaurar, is ordanit to ryd to Edinburgh with ane band, subscrivit be the provest, bailieis, and counsell, for threttie airmes, half pick and half musket, togidder with thrie stane of ball and thrie stanes powder, and sicklyke to by dailis and tries for the briggis. Ordanes ane musture to be the morne upone Tweid Greine at ten houris. *April 25*—The counsell ordanes Johne Melros, couper, elder, to be wairdit, William Melros, couper, his wyff to be banischt and his hous and haill insicht thairin to be arreistit for the said William his fleing away and being fugitive fra his injunctiounes anent the outgoing to this present expeditioun, and the thesaurar to intromet with the said William his guidis to the use of the publick. *May 6*—The counsell hes ordanit Thomas Tuedie, quha was fugitive fra the expeditioun to Dumfries,† to be wairdit in the stepill, thairin to remane for the space of tuentie four-houris and farder ay and quhill he find sufficient cawtioun that he salbe reddie to go on quhensoever he salbe requyrit. Ordanes ane musture and wapounschawing to be upone Setterday nixt, and thes that hes muskettis ilkane to haif ane pund of powder and ane pund of ball, and the tounsall provyde and geve thame matche. *May 27*—[James Williamsone, provost, elected commissioner to Parliament by nine votes against two

\* On 31st January 1644 the convention of estates ordered proclamation at market crosses and in parish kirks of the imposition of excise duties on certain commodities, to help in meeting the expenses of the Scots armies in England and Ireland.

† Montrose had seized the town of Dumfries in April, but was attacked by the Covenanters with a superior force and had to retreat to Carlisle. Other instances of desertion from the army are noticed in the printed Records, pp. 377-8.

given for Patrik Thomsone ballie.] Oct. 7—The hail counsell to visit the hail toun wallis. Nov. 4—Appointis the magistrattis to convene anes this oulk and consider the rollis of these quha ar ordanit at the last wapounschawing to provyde thame selffis of armour, and to caus thame buy and tak the samyn and to pay thairfor. John Robene to give ane compt of the hail tonnes lockis and to caus lock the portis nichtlie thairwith. Dec. 2—Ordanes all these that wantis and refusit the pickis and musketis ather to accept the samyn from the thesaurar or ellis to be wairdit. Dec. 23—William Lowis chosin commissioner to the burrouis, parliament, and generall assemble. 1645—Feb. 17—The counsell appoyntis this day 8 days to meit anent the loane and tax gilderis money, and excyse first, and secund bandis for airmees. March 7—Deliverit to the proveist the warrandis gevin be umquhile raitmaister Ballenden, Sir Michael Nasmyth, and Major Hew Wallace, and Captane John Murray.\* March 10—Ordanes the hail three officeris to warne *vicissim* for the watch in the night, and to warne thame the night befor, and

\* Consequent on the dread inspired by the successes which were attending Montrose's army and the ravages committed by the victors, or as the convention of estates expressed it, "the great prejudice and danger which the kingdom and religion hath susteened by the late invasion of the Irish rebellis and our unnaturall countrymen," it was on 27th February 1645 ordered by parliament that for the greater security of the country, every shire and burgh should from 1st March to 31st August then ensuing entertain a proportion of horse and foot soldiers, according to the rolls set down in the act. The total number of foot soldiers to be raised from the counties was 9873 and from burghs 1879. Of these the shire of Peebles had to supply 182, and the burgh 10. One of the effects contemplated by the legislature in passing the act was that the country should be freed of quarterings, billetings, and plunderings, and that "the labourers and tradesmen may doe thair labour at home except upoun extreme necessitie." The entry quoted in the text probably refers to the new organisation. The recent exploits of Montrose which were causing alarm had been the defeat of the Covenanters at Tippermuir, and the occupation of Perth in September, the subsequent over-running of the Highlands with the ravaging of Argyle's country, and the total rout on 1st February of that nobleman's army at Inverlochy (scene of the development of the plot in *A Legend of Montrose*, including Dugald Dalgetty's knighthood); and these were followed by the storming of Dundee on 4th April, and other successes on to that of Kilsyth. It will be observed that the stout burghesses of Peebles set about strengthening thair defences, and had the marquis got as far south they might have given him a warm reception.

upone the morne to report to the magistrat appointit over thame and sie thame enter at fyve houris in the morning, and to await till nyne houris at even. And incaice ony officeries pas by ony to serve thame selffis, and sicklyk ordales thame to warne the haill auld toun *ut supra*. *April 7*—The proveist, bailyeis, and counsell hes condiscendit to visit the haill tounes wallis and to caus these that hes the heid rowmes thairof to big and repair the saming according the auld heicht. In presence of the proveist, bailyeis, and haill counsell, at the toun wall betuixt the tobuith on the west and the yaird and wall thairof of John Diksone on the eist, compeirit James Heckfurd [and several others] and acitit thame selffis to big and repair ilk ane of thame thair pairtis of the said toun wall of stane and mortour als heich and sufficient as, the said Johne Diksone and Johne Williamsone thair pairtis of the said toun wall; and that within ten dayis heirefter, ilk persone under the pane of ten pundis money; and that nane of thame mak or haif ony passage or way over the said wall to the water or otherwis, under the said pane. *July 18*—The persones undernamit ar appointit to go furth in the expeditioun to St Johnstoun [Perth], viz., Alexander Dikesone, William Melros, John Robesone, Thomas Greve, James Watsone; John Hunter, servitor to James Williamsone; John Mackulloch, servitor to Alexander Williamsone; John Carrail, servitor to John Williamsone; Richert Porteous, John Fell. *July 21*—The counsell hes ordanit James Williamsone, proveist, David Plenderlaith, bailye, and William Lowis to go to the airmie to Lyntoun with thair fute men to the randevowis thair. *Aug. 23*—Convenit in the tobuith of Peblis, the proveist, bailyeis, and haill counsell thairof (except Patrik Thomsone, bailye, and Alexander Lawder, absent), expecting the convening of the committee of war this day, hes undertane to await upone the proveist and bailyeis, and to geve thair best advyse quhat ansuer they sall geve to sick propositiounes as salbe proponit be the committee to thame. *August 27*—The proveist, bailyeis, and counsell of Peblis hes statute and ordanit that all and sundrie persones quhatsumever, residentes within this burgh, be warnit be oppin proclamatioun and tuk of drum, that they nor nane of thame, upone quhatsumever calls or pretence, pas furth of this burgh to ony ither partis, bot to abyde constantlie within this burgh, and await upone the proveist and bailyeis thairof, baith nicht and day, for thair counsell and advise anent the preservatioun



of this burgh during the tyme of thir present trubles, and that under the pane of death and confiscatioun of thair hail gudis and meanes. *October 18*—Item, [consideration to be had] anent the horssis and furnitour to these that went away at the last airmie. David Plenderlayth, bailye, is ordanit to accompanie John Lewis, proveist, to the meiting of the commissioneris at Paintland toun upone Monday nixt." The commisioners here alluded to may have been the committee of war. An entry in the accounts bears that on 18th October a sum of 11s. 10d. was "spent with Andro Hay to befriend the town in the committee to be holdin at Pentland."

Civil war was not the only evil with which the country was afflicted in 1645. That dreaded scourge, the pest, had for months been making ravages of exceptional severity throughout the land, and the town of Peebles shared the general fate. "*1645—November 7*—Convenit in the Croce Kirk yaird of Peblis, the proveist, bailyeis, and ane grit pairt of the counsell of Peblis; the persones, elder and younger;\* Sir Jas. Hay of Smeithfeild, Mr Johne Adamsone, advocat; Alexander Montgomrie, his sone in law; with sindrie utheris: Quha has ordanit that ane solemne fast and humiliatioun be intimat the morne, to be upone Sondag nixt, for the removing of the plaig now over our heidis, to be in the maist convenient plaise ewest and near the Croce Kirk of Peblis. Item, that howsone soever ony persone sall happin to deceis that thair nixt nichtbours or quartermaisters advertieis the magistrattis of this burgh immediatlie thairefter, and that the hail surveiving persounes of that hous salbe thairefter removit furth of that hous to reterit roume, and that ludges be biggit quhen occasioun sall offer at the eist end of the Skynnerheuch with ane kill besydis the saidis ludges. Item, that the eldaris and deacones haif ane cair of the necessaris for interteinment of the pure and seik folkis, ilk elder and deacone in thair awin quarteris, and that the thesaurar of the kirk supple thair wantis at the sight of the magistrattis and maisteris of the burgh. Item, that all and quhatsumevir inhabitantis of this burgh watch thair toure about, and to be reddie at the demand of the magistrattis to watche at quhatsumever place they salbe appointit be thame, ilk persone failyeing to pay £10 for help of the pure. As lykwyis these that ar absent and gone furth of the toun furnisch

\* John Hay had been conjoined with his father in the ministry of the parish in 1643.

thair awin toure about, with certificatioun thair houssis salbe brokin upe and thair gudis poindit for the said penaltie; and the hyre of these to be feyit to watch for ony persone to be sucht schillingis in the night tyme and sex schillingis in the day tyme. Item, that one of the quarter-maisteris quhairout of the seik persones ar put out sall go, toure about, with one of the officiaris and these of the freindis of the seik and sie thame ressave thair provisoun without ony hurt or prejudice of the burgh. Item, that quhatsumever persones ar or salbe incolosit sall keip thair awin houssis and places quhair they are comandit, and not to depairt thairfra, under the pane of death; and that one of the quartermaisteris of that quarter sie thame provydit in water and uther necessaris be thair narrest nichtbouris; and the nichtbour refussing the quartermaister to pay fourtie schillingis."



## XXVI.

KIRKLANDS—GLEBE—VICAR—SURGICAL PRACTICE—  
STREET DISTURBANCE—OUTRAGES ON VICAR—  
SERVANTS—COAL CARRIERS INJURING PLANTA-  
TIONS—PUNISHMENT OF LOUNS AND THIEVES.

IN Roman Catholic times the vicar of the parish church of Peebles had the patrimonial enjoyment of that considerable tract of land still known by the name of the Kirklands; and though, in consequence of the Reformation, church benefices were confiscated to a certain extent, the vicar of that period is found disposing of the lands for payment of an annual feuduty much in the same way as an ordinary proprietor would have done. By a charter, dated at Glasgow, 25th June 1569, master Thomas Archibald, designated as vicar of the parish church of Peebles, with consent of the commissioner of the archbishop, then absent in France, and of the dean and chapter of Glasgow, conveyed to John Wichtman, burghess of Peblis, and his heirs, "the church lands or glebe (*terras ecclesiasticas sive glebam*) of the said church, belonging to the said vicar, lying within the bounds and limits underwritten, viz., beginning [*i.e.*, the boundary line] at the way called the Lidgait where it passes from the Church of the Holy Cross,\* and from thence passing by the said parish church to the Grene Balk between the lands of Arnotshauch and the said church lands, and from thence going westward to the Raeburne, ascending the Raeburne northward to the Geddes Sykheid, and then descending from the Geddes Syke eastwards to the lands of Kingisland occupied by William Dikesoun, and from thence towards the south along the King's public road which leads from the hill of Hammiltoun to the town of Peebles till it comes to the said way called the Lidgait: Reserving to the said master Thomas and his successors the

\* The boundary commenced at the intersection of the Lidgate by the road from the Cross Kirk, the words in the original being—"Incipiendo ad viam *lie Lidgait* nuncupatam que transit ab Ecclesia Inventionis Sancte Crucis de Peblis," and proceeded westward along the line of the present St Andrew's Road. The remaining boundaries can still be identified in their principal features.

manse (*mansione*) of the said vicar, with houses and gardens of the same, together with three acres of the said church lands, according to the act of parliament."\*\* The yearly feu-duty payable to the vicar consisted of £26, 15s. Scots in money, and sixty-three poultry (or twelve pennies in lieu of each), as the old farm duties, with the farther duty of 26s. 8d. of new augmentation. For legalising the alienation the sanction of the crown was required, and this was obtained by a charter dated 14th October 1569. After some intermediate transmissions, and the disposal of small portions to individuals, the Kirklands came into the possession of James Williamson, burghess of Peebles, and William Vaitche, notary, from whom the property was acquired by the earl of Traquair. The earl got a confirmatory Crown charter on 26th July 1634, and this was ratified by the Scottish parliament in 1641. The feu-duties are by the charter made payable to the King as coming in place of the vicar and having right to the reversion of church benefices. The burgh of Peebles lodged a protest to the effect that the ratification should not be prejudicial to the interests of the community, but there was probably nothing more in this than a customary formality. The burgh does not seem to have had any right to these lands, which have remained private property since Wichtman acquired them in 1569.

The vicar of the 17th century had different duties to perform and different sources of revenue than had his predecessor, the "landowner" of the Reformation period. Andrew Watson, in addition to the functions more immediately pertaining to his office, practised at times as a surgeon. In these days patients sometimes disputed their doctors' bills, and it is in consequence of the occurrence of such an incident that in a bill of complaint, stitched up in the court book, information is obtained regarding the vicar's surgical qualifications:—"1643—Dec. 20—Complains Mr Andrew Watsone,

\* By act of parliament, dated 4th June 1563, it had been ordained that no parson, vicar, or other ecclesiastical person should set in feu or long tacks any of their manse or glebes without the Queen's consent, and also that those appointed to minister at any kirk should have the principal manse of the parson or vicar, or have suitable houses built for them. Further "sameikle land to be annexed to the saidis dwelling places of them that servis and ministeris at the kirk as sall be hereafter with gude advisement appoynted." There were subsequent acts of parliament dealing with glebes, but that of 1563 was the one in operation at the time when the Kirklands were feued.

vicar of Pebles, upone Jobne Haldea, dryster, and James Halden, milner, cawtioner, that quhair, about ane yeare since, the saidis Jobne and James employed me in cureing Jobne Halden of divers woundis and dislocatiounes which had than befallen him throch ane fall, and promittit me satisfacioun for my paines and debursementis, and true it is that for the space of — weikis I attendit the said Jobne at all sett dyettis, bothe nicht and daye, and debursed greate charges in his cure untill he was wholle and sounde. Nevertheless they refuse to give me thair promittit satisfacioun, which will extend to ane hundreth merkis." What was the result of the complaint is not recorded.

Farther work of a notable description was provided for the "surgeon" not long afterwards. "1644—May 15—Mr Williame Burnet, thesaurar clerk of Scotland, present, being accuisit for the barbarous and uncomelie cutting under cullour and silence of nicht to the mercate croce of Peblis and nicht watche thairof, and uttering of divers and sundrie aithes and imprecationes, and wisching that the toun of Peblis wer all burnt in ane fyre, and not onlie abusing and troubling the said watche and hail people out of thair bedis at that tyme, but alsua for the cruell hurting and wounding of Williame Hislope, wricht in Peblis, being ane of the said watche, upone the left hand, with ane drawin sword, and thairby mutilateing him to the effusioun of his bluid in great quantitie and dismembering bim of his said left hand; quhilk he cannot deny. The said Mr Williame Burnet grantit hail complaint and accusationes except mutilateing, and for obedience enterit in waird and actit himself for indempnitie of the pairtie heirefter, conforme to the act of parliament." The vicar accomplished the cure but again the pecuniary reward had to be sued for: "1644—Aug. 7—Anent the claime gevin in and persewit befor the saidis proveist and bailyeis of Peblis be Mr Andrew Watsone, viccar of Peblis, againes Williame Hislop, wricht, burges, thair, acclaimand from the said William the sowme of tua hundreth and fourtie punds money adebtit be him to the said Mr Andrew for cureing of the said William his left hand, and restoring of the tua foremost fingers thairof, which wer cut and mutilate be Mr William Burnet, and quhair of the said William promiseit him thankfull payment, . . . the said proveist and bailie ordeanes the said William Hislope, defender, to content and pay to the said Mr Andrew Watsone, per-

sewar, the sowme of 200 merks money alanerlie modified be them."

In the *History of Peeblesshire* (p. 161) an account is given of a complaint made by the vicar to the privy council against James Williamsons, younger, of having in May 1641 vowed to "tirle the said minister's hous above his head, came airlie in the morning before daylight to his said dwelling-hous, clam up to the top thereof, and with a graip kuist down a great part of the thack and divetts of the said hous," and subsequently committed other outrages, endangering the complainer's life. The court book contains notice of a similar complaint against another assailant on 6th May 1640:—"Comperit Mr. Andro Watsone, vicar of Peblis, and representit be way of regrat, being the cryme of hamesuckin, that yesternicht, being the fyft of May, betuixt nyne and ten houris under nicht thair was first ane pistoll schot at the north syde of his chalmer, and immediatlie thairefter ane uther schot at the eister gavill thair of, he being in the foir stair of the samyn, quhilk he recommendit to the provest and bailyeis all present and desyrit thame to tak notice and tryell thair of."

Regulations regarding the employment and conduct of servants, engaged the attention of the council from time to time:—"1640—July 6—Findis Thomas Cornwell, servitour to James Halden, to haif done wrang in conducing with Edward Jonkesone without his maisteris licence for going to the service, and dischargis him to go thairupone as all uther servantis to go without thair maisteris licence. Ordanes ane officer, with the drummer, to go throw the toun discharging all persones quhatsumever within this burgh to fie thame selfis for ony caus out of the burgh with ony persone quhatsumever, under the pane of tuentie pund unforgevin, tinsell of thair fredome, and banischment perpetuallie; and gif they be fund thairefter within this burgh at ony tyme they salbe brunt and markit with the tounes merk. Aug. 3.—Ordanes the provest and baillies to go throw the toun and to tak upe ane particular roll of the names of all the colttaris and mean housholderis, and to inhibit and discharge thame personally that they on nawayis go furth of this toun in the harvest tyde approaching, under the panes content in all the actis maid thairanent of befoir; and sicklyke ordanes publict intimatioun to be maid be touk of the drum upone the morne being the mercat day. Aug. 17.—Ordanes William Lowis, baillye, with concurs of John Williamsons [and 5 others],

to waird all these that hes feit thameselfis out of this toun the harvest tyme this yeir. 1641—*May 10*—Ordanes na houssis within this burgh to be set to na persounes without consent of the magistrattis except to persounes of qualitie. And ordanes all these quha ar burdenable to the toun to be removit presentlie. 1642—*April 25*—Item, that ilk counsellour gif upe in writ ane noit of these in thair quarteris that ar burdenable to the toun and idle men and wemen that will not go to service. *Oct. 18*—Publication to be maid be touk of drum anent idle and able women out of service and keiping houssis; to be dischargit keiping of houssis, and these quha settis thame houssis to be punischit.”

Complaint had been made by the laird of Clerkington against the carters of Peebles for damaging his plantations on the occasions of their journeys to his coal pits:—“1641—*Feb. 8*—The counsell haifing considerit the complaint gevin in be Mr William Scott of Clerkington aganes the caryaris of coillis frome his coilpot to this burgh, quha he allegis cuttis down and destroyis his grene wood and planting be the waysydis, hes statute and ordanit that quhasoever within thair boundis and jurisdiction salbe tryit to cut down or destroy any of his saidis grene wood, planting, or growand tries, or ony pairt thairof, sall be censurit conforme to the act of parliament maid anent cutting of greinwod, utherways as effeiris conforme to the skayth.”

That the way of transgressors is hard and that the wicked do not always go unpunished the records frequently exemplify:—“1642—*Jan. 17*—James Dikesoun, callit Lernend, being tryit to be ane notorious loun and theif is ordanit to be tane throw the toun fra the — port to the — port, and banischit this toun for ever; and gif he be fund at any tyme heirefter within this toun he to be scurgit and brunt on the cheik, and gif he cum agane to stand publictie in the joggis in the mercat day with ane paper upone his heid declairing his lyff and conversation, and not to returne agane under the pane of death, and quhasoever ressettis him salbe estemit airt and pairt and punischit conforme and pay the sowme of twentie pundis. 1643—*Jan. 30*—Comperit John Steinsone, wobster, and Jonet Patersone, his spon, and accusit for steilling of cornes furth of ane stack of aittis and beir pertaining to Patrik Dikesone, baith beir and aittis, at sindrie tymes sen harvest last, the said John Steinsone denyit he knew ony thing of the steilling thairof till his wyff declairit to him that scho had

done ane evill turne and that scho had stollin out of Patrik Dikesones stack foure scheaves aittis and tua scheaves beir; the said Jonet, present, grantit the steilling thairof; quhilkis being considerit be the counsell they find thame baith guyltie and thairfore ordanes thame baith to be wairdit in the stepill of Peblis, thairin to remane till the morne at ellevin houris befor none and than to be brocht doun the toun to the mercat croce quhair thair dittayis sall be red and publischt, and thairefter the said Johne to be put in the stockis and the said Jonet in the joggis, with paperie upone thair foirheidis, thairin to remane fra ellevin houris till ane hour efter none with the stollin cornes besyde thame; and thairefter to returne to the said waird till the counsell be farder advysit. *Feb. 6*—Comperit agane John Stevinsone and Jonet Patersone, his spous, and of thair awin consent, actit thameselffis that gif ever at ony tyme heirefter they or ony of thame salbe fund guyltie of ony thift quhatsumever they salbe scurgit throw the toun and banischit the samyn for ever."





## XXVII.

SELECTIONS FROM ACCOUNTS, 1638-9—CRIPPLES—  
SCHOOLMASTER—BRIDGES—CHAPEL—TOL-  
BOOTH—MINISTER AND COLLEAGUE—VICAR-  
AGE TEINDS—PRESBYTERY OF BIGGAR—  
WITCHES AND WITCHCRAFT—SALE OF EGGS.

JOHN MUIR, town treasurer, died while in office, and on 30th April 1638 William Lewis was appointed in his stead. The new treasurer was debited in his account with the intromissions of his predecessor, and there were also placed under his care the "Materialis belonging to the town," amongst which there are "thrie drumes, with twa collers and twa pair sticks; item, twa ledders, ane mortar barrow and tobbe [tub]; item, aucht dailles in umquhile John Mure his house." The disbursements, which are for the period from 1st May to 31st December 1638, embrace the following amongst other entries:—*May 5*—To John Lawson, drummer, for ane new drum with sticks and collar, £8, 2s. To James Johnston, son to William Johnston in Jedburghfield, for two bollis of eatts to the horse race, £12. *Creeples and Passengers: May 7*—To Alexander Williamsone, burrow officer, to give two creeples, the one he called Hebron and the utheris name he said he knew not, 8s. *May 28*—To ane dumbe man callit Douglas, 6s. *June 8*—To Issobell Dunbar and Catharein Gibsone for carying of ane creuple las called Brekingryge to Huichingfield, 4s. *July 31*—To ane hieland man called Denneis Lyne, 4s. *September 17*—To Thomas Bennat for carying of ane creepell woman called Barbara Lawder to Neidpeth, 3s. 4d. *December 20* To ane young man called Alexander Falconer, who wanted one of his hands, 6s. *Schoolmaister and Schole Doctor:* To Mr William Martine, schoolemaister, for thrie quarters dewtie, viz., for the symmer, harvest, and winter quarters, £75; mair, for his chalmer mail, £9. Item, to the schools doctor, 21 May, the day James Forrest was admitted, for his breakfast, 6s. 8d. *July 24*—To James Forrest, schoole doctor, for his first quarters fee fra May to September, he meatting himselfe, dednoeand 40s., as his compt bearing the

names of the parentis fra quhom he ressaved the samyne declares, £11, 6s. 8d. *Depurmentis upon the reparatioun of Tueid and Peibles Brigges and Tolbuith.\* 1638—May 28*—To James Nicoll, meason, when he visited Tueid brig and they agried with him for tuentie frie stane to repair the samyn, 5s. [There are also payments for lime, sand, and other material and workmanship.] *July 19*—To James Haldane, younger, for casting, leading, and laying on of twa thousand fail upon the west side of Peiblis brig, 30s. *May 30*—To James Haldane for repairing of the West Port, 54s. *July 20*—For daylie drinkis of the four workmen, being all togedder working at Tueid brig aucht dayis, the drink consisting of ane quart of aill and tua breid, 42s. 8d. *July 27*—Quhen the aik stoup was fixed befor the second pillar and the great stane being downe was set up befor the samyn, 24s. *August 15*—To William Thomsons, sklaitt quarior, for 500 sklaitt to the tolbuith, £3, 10s. *August 25*—To Robert Haldane for mending the calsay at the south end of Tueid brig, 10s. Item, George Thomsons, sklaitter, for mending and repairing of the tolbuith he hath promised to poynt the next spring, 1639, £11. *September 17*—To Gilbert Maillison and his neighbours for nyne load of lyme quich were layed downe at the tolbuith, £3, 13s. Item, to Robert Haldane for furnishing of sand to eleven load of lyme quherof 9 were in the tolbuith and 2 in the chappell, 22s. To Robert Haldane for carrying of the lyme and sand quich was laying in the Briggate up to the tolbuith, 4s. *October 29*—To James Haldane and Patrik Patersons for drawing of ane aik jest out of Tueid in tyme of flood and laying of it in Patrik Patersons yaird, 8s. 4d. To John Greve, younger, for building of ane tree brig over Sownehop burn, 8s. *October 17*—To John Bell for fyftie single garrons to naill downe dealles quich were blawing up in the tree briggs, 8s. 4d."

"Disbursements promiscouslie" contained in accounts for year 1638-9:—"1639—*Jan. 17*—To John Grieve, elder, for propping of the townes back hall, 4s. *Feb. 19*—My awin expenssis quhen I went to the Greestone to ressave sklaittis, 13s. 4d. To David Makkinyeane and Andro Hallowday for 1700 solaitt quich repaired the tolbuith and chappell, £2, 6s. 8d. To George Thomsons, sclaitter, as earles to reparaire the chappell, 5s. 4d.; to him to repair the chappell quich was blawing out upon Hallow even, 1638, £9. *Mar. 1*—To John Bell, smyth, for the number of fyve hundreth and ane half of yron sclaitt naillis to

the sclaitt work of the chappell and tolbuith, £3, 6s. *Mar. 12*—Quhen I went to Plora wood to bye sparres to the townes back hall, my expenssis, 13s. 4d. *18*—To George Thomson, sclaitter, for repairing of the back house of the steeple, 18s. To Edward Jonckisone for the number of seven ridging stones to the chappell, 46s. 8d. To George Thomsonsone, sclaitter, who humblie meaned himselfe to the proveiat that he did take the tolbuith sclaitt work too cheap, as supplie to further the work, 24s. *April*—To Gilbert Maithsone [and 5 others] for bringing of thrie scoir and threaten loads of lyme at diverse tymes to repair Tueid brig, Peblis Water stane and tree briga, the chappell, the crose, the tolbuith and staire thair-of (and quhairof aucht loadis are laying in the townes back hall), at £8 the scoir, togidder with 16d. as drink money, £29, 5s. 4d. *July 15*—To Andro Ewmont, travellour, for tuentie-ane draucht of stanes fra Thomas Heislopes walles to Tueid brig, 7s. *29th*—To the provest, baillyes, and utheres of the counsell quhen they went to the charter kist to trye out for writtis concerning the commontie of Glentrese, for all, candell, paper, and tobaccco, 6s. *Aug. 2*—To John Bell, smyth, for the number of tuentie yron cleikis and the nailles thairto to the flesch mercat, 13s. 4d. *9th*—To John Hay, sclaitter, at Neidpath in drink-money, 53s. 4d. *Oct. 18*—To Thomas Patersonsone, baillye, being elected be the counsell to ryde to Edinburgh to declare unto my lord Traquair anent the thrie prisoners in our jawell for the murther and adulterie committed in Oardrono, £5, 2s. *31st*—Walter Schiell, officer to my lord Traquair, ressaved the adulteres fra the baillies; as instrument silver taken in John Symmervell, notar, his handis, 4d. *Nov. 8*—To John Grive, elder, for making of two timber channers and ane caise to ane of the schoole windowes, 20s. *9th*—To William Barrone, carter, for the hamebringing of the two new mylne stanes, £30."

John Hay, B.D., eldest son of Theodore Hay, had studied and taken the degree of A.M. at the University of Edinburgh, and had also held a fellowship at Cambridge, where he obtained his higher degree. He was admitted colleague to his father on 7th June 1643, but for this the presbytery acknowledged their

\* "Chappell" had been written but afterwards deleted and "tolbuith" substituted. The tolbooth at this time appears to have been situated in the group of buildings at the west end of the High Street, of which the chapel and "steeple" were also component parts.

disobedience to the acts of the assembly. The town council had not consented to the collegiate arrangement:—"1643—Jan. 16—Anent the supplicatioun gevin in befor the presbiterie of Peblis and subscrivit be the saidis bailyeis and maist pairt of the counsell of this burgh desyring Mr John Hay, sone to the persone of Peblis, in respect of his said fatheris auld aige and waiknes to be joynt as ane helper to him and admittit colleg with him, the counsell haifing considerit and advysit the samyn they declair that thair intentioun and subscription thairof was alanerlie that the said Mr Johne suld onlie be ane helper in preiching to his said father during his lyfytyme and not to be admittit colleg with him as the samyn was desyrit be Mr Andro Watsone, presentar of the said supplicatioun to thame, and as was concludit in the kirk sessioun of Peblis befor the subscription thairof; and protestis that gif the presbiterie of Peblis proceed ony forder thairintill nor this thair declaratioun they dissasent thairunto till they be forder advysit; desyring this thair declaratioun and protestatioun may be actit and registrat in thair presbiterie buikis, thairin to remane with the rest of thair actis of presbiterie *ad futuram rei memoriam*."

Some disputes as to the commutable value of the "teynd" of sheep stock led to the parson and vicar being offered their tithe dues in kind in place of money. "1642—April 25—Item, to mak ane offer *debite tempore* of the teynd lambis upone Kaidmuir to the persone, in respect he upliftis the teynd scheiff thairof, and sua can not seik xl s. for the teynd lamb and woll. May 26—Ordanes the present proveist and bailyeis, the auld proveist and bailye, the auld and present thesaurares, William Vaitche, and all these that hes ony scheip pasturand upone the tonnes landis, with the hail remanent counsell to pas to the personall presence of the persone and vicar and mak offer to thame of thair vicarage teyndis conforme to the formar act. 1644—May 27—Ordanes intimatioun to be maid to the persone and vicar to reassave thair teyndis *ipsa corpora*, be the provest and sick as he can convenientlie haif at meiting with the persone. July 29—The magistrattis and counsell ar ordanit to concur with the inhabitantis of this burgh in defence of the persones, gif ony be, to be persewit be the persone or vicar of Peblis aganes thame; and the expensis to be debursit in defence thairof to be gevin furth be the defenderis ilk ane *pro rata*. Aug. 19—Appoyntes

the proveist and the tua ballyeis to speik the persone anent the vicarage teyndis, and William Lewis with the clerk to assist thame. 1645—*April 28*—It is statute and ordanit that all that hes ony guidis subject in teynd to the persone and vicar to intimat thame for teynding thair of betuixt and the fyftene day of May nixtocum.”

The erection of the presbytery of Biggar had been proposed by the general assembly in 1681, but was not then carried into effect. The subject again came up for discussion in 1643, resulting in the disjunction of certain parishes from the presbyteries of Lanark and Peebles and the formation of that of Biggar conform to acts of the general assembly, dated 12th August of that year and 3rd June following. “1643—*April 3*—The council appointis the proveist and Williame Lewis to ryde to Bigger the morne aucht dayis to await upone the meiting anent the intendit division of the presbyteries of Peblis and Lanark. *Aug. 21*—The procedure of the generall assemblee anent the presbyterie socht be Bigger, with the hail informatiounes of all thair meittings producelt be Patrik Thomsons, bailye, ar re-deliverit to him to be kept till the nixt generall assemblee.”

About this time the machinations of witches were receiving the vigilant attention of the privy council and kirk sessions throughout the country, and occasionally an incidental reference to the subject occurs in the records:—“1641—*April 21*—In presence of David Plenderlaith, bailye, comperit James Robsone in Logane and become cautione for Gilbert Robsone in Logane his father, as being incarcerat in the wairdhous of Peblis for alleadgit crymes of witehecraft, that he sall enter the said Gilbert Robsone in the said wairdhous of Peblis quhensoever he salbe requyred thairto upoun xlvijj houris advertisement, and that under the paine and penaltie of tua hundreth merkis money. 1644—*Jan 8*—Alexander Lauder is ordanit to go to Edinburgh or Mussilburgh, to fetch ane executionar to the impanelit witches, upone Thursday nixt the ellevint of Januar instant, and gif he refus the proveist and bailyes to caus ane uther upone the said Alexander his expenssis to go to that effect.”

“Among the mony abuses whilk the iniquity of the time and private respect of filthy lucre and gain has produced within the commonwealth, there is of late discoverit a most unlawful and pernicious tred of transporting of eggs furth of the kingdom, . . . and certain avaritious and godless persons, void of

modesty and discretion, preferring their awin private commodity to the commonweal, goes athort the country and buys the hail eggs that they can get, barrels the same and transports the same at their pleasure," thereby causing a dearth and threatening the utter extermination in the country of both eggs and poultry. So ran the preamble of an act of the privy council passed in the year 1615, whereby the farther exportation of eggs was prohibited under heavy penalties. The town council of Peebles seem to have had somewhat similar prognostications some years afterwards, or perhaps the privy council had again taken alarm and issued instructions to the provincial authorities:—"1644 — Feb. 26—Ordanes that na eggis be transportit furth of this burgh, and lykwyis na eggis salbe sauld within this burgh be na inhabitantis within this burgh, under the pane of . . . . and wairding of thair persones during the magistrattis will; and quha salbe tryit to export or sell ony eggis furth of this burgh salbe banischit."



## XXVIII.

## SELECTIONS FROM ACCOUNTS, 1639-40 AND 1645-6.

FOR the period between 1639 and 1649 there are only two of the yearly accounts which have kept their places in the town's repositories. From these the following selections are taken:— From accounts, 1639-40:—“*1640—March 24*—To John Tuedie for thrie faddome of towes to the steipill bell, 6s. To John Robens for ringing the bellis to the prayeris, £3. *May 26*—Gevin to the scholleris to by paper for rinning fra Gillis burne to the Auld Toun, 6s. *July 4*—For a plack candill to lay up some writtis in the townis charter kist, 4d. *9th*—To John Newton for carying of four laidis stanes fra the Croce Kirk to Tuedie brig, 4s. *14th*—Gevin to James Tuedie for keiping Bonynnton scheip on the Castellhill, 8s. *21st*—Gevin to Stevin Grieve for going down to Plora wode to snedde the tries, 1 merk. *22nd*—To Thomas Johnston, nolt hird, for sex ferlettis meill, £7, 10s. *August 11*—Gevin to Thomas Anderson in Kailyeo, upon his petition, subscribit for helping of Charles Oleg's twa bairnes, £3. Gevin to James and Robert Haldanes for goeing to the Birniebank to win the stanes to the auld milne, for their meitt for ane day, 13s. 4d. *18th*—Gevin to James Haldane for his twa hors to leid fail to lay in Tuedie oall, ane dayis wark with everie naig, 26s. 8d. *September 10*—Gevin to Patrik Vaitche his wife to compleit her compt the town was awing her (quhilk amounted to £46, 10s.), £4. *Memorandum*: The toun payit her the rest of the said compt be allowing her imposts, quhilk imposts the toun hes to pay to the checker for her, and also to remember of the said compt the clerk gat £12, being the taxation for his ten-penny rent, so that the toun has to pay for her £30, 10s. *20th*—Gevin to William Lowes, baillie, for his waiges aucht dayes as commissioner at Irving, everie day v merks, with 6s. to the doore keiper thair, £26, 19s. 4d. Gevin to him for his baillie fie, 40s. *November 2*—To Thomas Pringill for sewing on of four peices of parchment on the drum, 3s. *18th*—To Patrik Thomsone, baillie, quhen he went to Edinburgh to the parliament, £22. *December 1*—To John Kaitchen

for carying the drum in to Edinburgh to mend, 6s. *December 21*—To Andro Haldane for casting of faill fyve dayes to Tueid caull and the auld mill caull, 83s. 4d. *October 15*—Gevin for ane aller trie to be awes to the auld milne, to the laird of Cardrona, v merkis. Item, gevin for ten hors wages for carying the said trie and the wattellis thairof fra the Kirkburne to Pebles, £3. To James Haldane for cutting of the said trie and snedding and dressing thairof, being ane dayes wark, 13s. 4d. *25th*—To James Haldane for ane day wark of his men to leid faill to the failling of the wallis of the auld milne, and for ane uther day to leid faill for failling of the hirst and laying in of the dame, being two dayes, 26s. 8d. *27th*—To John Tuedie, merchand, for 50 naillis to naill a fals clous to the auld milne, 6s. 8d. *28th*—For 25 naillis to mak the troche and to naill on ane buird without the quheill, 3s. 4d.; for twa faddom towes to beir up the rocking-trie of the auld milne, 3s. 4d. *November 3*—To James Haldane for his men to leid the thack out of the townes houses for the auld milne, two dayes, 2 merkis. *December 5*—To James Haldane for building and repairing of the auld milne, conforme to ane petition allowit be the counsell, £36, 13s. 4d.” The cripples and poor folk receive the customary relief, and amonget them “ane blind man callit William Dawsons, 4s.; and for leiding him to the Smeithfeld, 4d.; ane crippell man callit James Maxwell, 4s.; gevin for horsing him to Suynehope milne, 2s.; to Marion Scott and Jennet Gillespie for beiring Braikingrig to Neidpath, 4s.”

Accounts, 1645-6: “*1645—October 6*—The day of my [*i.e.*, the treasurer’s] entrie for ane candill to the steepill to tak out moneyis for Captain Hay, 4d. *18th*—Spent with Andro Hay to befriend the town in the committee to be holden at Pentland, 11s. 10d. *November 1*—To William Heislope and others for cutting timber in the Croce Kirk and for building the first twa luidges for thes who wer put furth in the visitatioun, 13s. 4d. *November 12*—To the workmen forsaid quhen they cutt and caryed the groynes for making the kill for the infected cloths, 3 pyntis aill and breid, 4s. 10d. *November 13*—To Leiveten-nent Karr, provest and baillies present, quhen they appoynted him to come fra Jedburgh to reassave the tua monethis maintenance for Cowperis regiment, ane quart aill, 32d. For ane mekill barrow for the clengers to cary away the fuilyie out of houses, 10s. To William Heislope, and three others, for biggin the kill for the infected cloths clenging, £3. *14th*—For



nyne quarteris hardin to be a multure poke at 5s. 8d. the elne, 15s.; for threid and sewing thairof, 12d. For thrie quartis aill ressavd be John Gilleis to the clengeris in Thomas Hopes wyfes hous, 8s. *17th*—Spent with Andro Hay in James Williamsons hous to speik for the burgh quhen they wer cited to be at Dalkeyth (on the 18 of November), ane gallon aill, 10s. 8d. *19th*—To John Plenderlaith, and three utheris, to convoy Mr William Morlay, prisoner, fra Peblis to Berwick, £24. To John Kaitcheoun for his hors and boy to cary the said Mr Morlay to Berwick, 5 merks. *Nov. 28*—To William Wilsons quhilk he had given out to tua clengeris that came out of Edinburgh to seik employment, and were send back, 12s. *30th*—For a candill to the steepil to tak out moneyes to help to pay the tua monethis mentenance, 4d. *Dec. 18*—To William Wilsons, baillie of Galascheillis, for convoying Andro Patersone, clenger, to reclenge the infected housis in the brugh, ane rex dollour, 58s. Item, to the said baillie Andro, alias David (our baillies and utheris present), at agreing with him and for aill after dinner and for his supper, 28s. *27th*—To David Patersone to mak up his compt of ten dayes wages at £3 a-day, by his meat, £12, 4s. Item, spent be the baillies and utheris of the counsell at David Patersones bonvale quhen he wes payit of his wages, fyve quartis aill, 13s. 4d. *1646—Jan. 27*—For ane laid of peitis to clenge the schoole, 8s. *Feb. 3*—To Marion Vaitche for her pairt of convoying the umquhile schoole doctouris barne to Sunderland to his guidsochir, 24s. *Feb.*—Item, on ane Sunday at night, in a great thaw, quhen the water wes a flude, to Thomas Smyth, and two others, for wadeing and harling the stoup out of the water, three pyntis aill, 4s. *March 7*—To John Plenderlaith, smyth, to go to Drumfries with tua letteres fra leivetennent Eliot, then quarterit in Pebles with his troupe, to ruitmaisteris Killoche and Connighame, £4. *31st*—To John Baird, quartermaister in my lord Baccarais regiment, for sex troupers quarterit in Pebles the night befor, and that be direction of young Haytoun, £5, 8s. *April 15*—Quhen the £400 was ressavd fra the clerkis wyfe (on bond), and the taxt and loane was payit to Mr John Hay, thair was spent that tyme four chapines wyne, 26s. 8d. For a candill to the stepill to tak out the rest of the tounes money to help to pay the taxt and loane, 4d. *24th*—Quhen my lord Buccleuch, his brother, and thair defenderis and servandis wer maid burgeassis, spent in the clerkis

and at the croce thrie pyntis of sack and ane bread, £4, 0s. 12d. *29th*—To William Braidie for his naig to the provest to ryd to Pentland, cited to the committie thair, 24s. *May 16*—To Andro Haldane for fixing the stoupe quhairon the sune dyal is mounted on the Castellhill and for nailling in thairof, 4s. *18th*—To William Bullo for his naig to hors John Layng, pyper, being taken with the goot and unable to walk, for playing about Kaidmure, 6s.; to John Layng for his awin wages that day, 6s. 8d. *18th, 19th*—To William and John Willisones for casting fail about the merches of Kaidmure and Hammiltoun, 32s. To William Williamsone first, Thomas Williamsone, his brother, second, and James Andersone third, for a race of paper run fra Gileis burne to John Patersones hous end, proportionallie according to thair places, 4s. To William Melros and Patrik Williamsone to go to Lowthiane to seek out Edward Will, runaway, to enter to captane Murray of Romanno (the toun being manassed with quartering of trouperis upon them quhil they fand out the said runaway Will), £3. *26th*—For  $3\frac{1}{2}$  elnes gray to the provestis wyfe to be clothes to runaway Edward Will, £4, 4s. *June 4*—To fyftein men and sextein horssis to cary captanes Ker and Whyt thair baggage fra Peblis to Selkirk, £12, 16s. For ane pair of schoes to Edward Will, 18s.; to by him ane schirt and for to beir his charges in pairt, 32s. *June 10*—To ane post quha came to proclame the King's letter anent disbanding of forces, 12s. *19th*—To Jok Blak, servant to James Steill, as ane sojour for the toun to go out with captain Romanno, for fyfteine dayes intertainment in the steipill, £3; to him for ane new bonnet, 16s. For sex quarteris gray to be ane four-tailed coatt to John Kaitcheon, ane of the tounes sojouris, 40s.; for ane sword bocht to him, 58s.; ane uther sword bocht to John Newton, ane rex doller, 58s. *22nd*—To two town officeris to go seik in the forest and uther places Hector Dickisone, cowper, to be ane sojour, and Richard Porteous, quha could not be found, ane quairt aill and twa merks, 29s. 4d. *July 2*—For ane sark to Adam Newtoun, sojour, 24s.; for sewing therof, 16d.; for his shoes, 18s.; for ane bonnet to him, 16s. *Memor.*: Jok Blak gat doctour Keris sword. *3rd*—To the laird of Cardrona for carying up be his hors and men ane aller trie to be awes to the milnes, fra Kirkburne to the rude milne, 24s.; for ane quart aill to his men, 32d. To William Melros for seiking of Douglas and Tom Tuedie, callit of Wrae, to be sojouris, 18s. To Patrik Williamsone to

go with William Melros, to Traquair for Hectour Dikisone, who could not be had, 20s. *9th*—For a candill to the steipill to seill the commissioun for William Lowes for the conventioun of borrowes at Perth, 4d. *6th*—To David Robesone in Eschellis for bringing up ane trie that wes takin away be the flude, 6s. *8th*—For ane quart of sack drunk be the baillies and great pairt of the counsell at Mr John Hay and his brother and — Horsbrugh bonvales boun for Newcastle, drunk without the Rist Port of Pebles and Quhytstane, 4 merkis; item, for ane quart aill at the said bonvale, 32d. Item, the said day, be the baillies, the clerk, and utheris, at the making of Alexander Gibsone, younger of Durie, Mr John Paterson of Haltrie, and John Fairfoull, their man, burgesses, ane pynt of sack, twa bread, twa pypes, and tobacco, 30s. *Memo.*: The said day gevin to John Robene the uther thrie faddomes of the towes (that had bene bocht for balding the trie brigges untane away at the breaking of the storme), to be a cord for the steipill bell. *16th*—To Adam Newton, sojour (quhen our sojouris wes to merche with captain Robert Murray), by that quihich he had gotten befor, £5, 10s.; to John Kaitcheon, by that quihich he had gotten befor, £6; to Robert Grahame, sojour for the town, £5, 11s.; for a sword belt to him, 6s.; to Adame Newtoun to buy ane belt, 6s.; to Robert Grahame for furnishing his awin sword, 40s.; for sex pyntis aill in baillie Thomsons at the sojouris ressavng of thair money, 8s.; to John Kaitcheon, sojour (by the shirt he gat befor), ane of the sarkis that wes ordained for evill hangit Jok Blak and the uther is yett to the fore quhill runaway Blak come bak a man-sworne burges. Quhen the sojouris went away, be the baillies with captain Robert Murray and his leivetennent, Ambrose Johnston, ane pynt of sak, ane pynt aill, ane babies worth tobacco and thrie pypes, 29s.; therefter ane uther chapine seek to them, 13s. 4d. *27th*—To William Lowes, commissioner for Perth, for his wages and debursmentis there, £43, 5s. *31st*—To John Gilleis to go with Yesteris men to turne James Youngis scheip, 16d. *Aug. 1*—To James Haldane for furnishing for thrie flight of startis to the milnes wheellis, and 20s. that he had gevin to Lealies trowpouris for yron naillis and for aik to be naillis at sindrie tymes, £3, 15s. *3rd*—To John Gillies and Alexander Williamsone for caryng the stoekis fra the croce to Thomas Greves smiddie, 32d. To Alex-

ander Williamsons, officer, and his dowchter for  
 elenging and sueiping the tolbuith, altogidder filthie  
 with sojouris having lyne there, 2s. *4th*—Gevin to  
 William Melros, cowper, to go to Newcastell for  
 captaine Murray of Romannois company, being fecht  
 with some sojouris, 56s. To James Steill for his  
 naig to hors to Selkirk ane Robert Hall, ane officer in  
 captaine Buchanans company, 18s. To James Scott  
 and John Horsbrugh for carying twa pallioun kistis  
 and horsing of ane ensigne to Selkirk in Kenmures  
 regiment, 36s. *18th*—For ane galloun aill in the  
 provestis quhen he agreit for the brigge work, 11s. 8d.  
 To the officeris and utheris for carying the meikill  
 ledder to Tueid brigge, thrie pyntis aill, 4s. To  
 Andro Haldane and John Gray quhen they began to  
 riddell the lyme and sand, ane quart aill, 32d. To  
 James Niccol and the workmen at the beginning of  
 the work, thrie pyntis aill, 4s. Tuelff faddome towes  
 to latt down the lyme to the workmen in ane mekill  
 panne, 20s. *20th*—To the workmen for rowing out  
 of the water ane mekill stane to the bak of ane of  
 the midde pilleris, ane galloun aill, tobacco, and  
 pypes, 12s. For sex naillis to fastin the scaffold at  
 the brigge, 12d. Item, quhen my lord Kenmure  
 came to Pebles gevin to John Gilleis, younger, to  
 ryd to Selkirk in haist with a letter to fetche Ken-  
 mures officeris to Peibles, 24s. *22nd*—To Jennat  
 Frank for ane burdene hedder to melt the leid for  
 sum of the boltis of Tueid brigge, 3s. To the sex  
 workmen at Tueid brigge for thair morning drinkis  
 and four houris Weddensday efter noone, Thursday,  
 Friday, Saterdag, 19, 20, 21, 22 of August, thre  
 gallons aill and half gallon, and tuentie-ane breid, by  
 the thrie pyntis they gatt in the provestis at thair  
 entrie Weddensday at morne, 58s. 4d. *22nd*—To  
 James Niccoll and John Gray, his man, for the  
 brigge wark as follows:—To James Niccoll for fyve  
 dayes work (and mair than he wrocht quhilk he  
 wald have), £5; for ten frie staines to the brigge, 5  
 merkis; 2½ pundis leid, 6s. 8d.; to John Gray for  
 fyve dayes work, 40s.; mair to him in drinksilver,  
 40d.; to Stevin Greive for thrie dayes work, 40s.;  
 to William Heislope and John Grieve, younger, for  
 sewyn dayes werk, 8 merkis; at the paying of the  
 workmen, gevin to them ane galloun aill, 10s. 8d.;  
 to Andro Haldane for his work at the brigge, thre  
 dayes, 24s; for sand furnished thairto, 28s.; to  
 William Heislope for mending of the barrow and  
 putting twa barres thairin, 32d.; for twa faddome  
 small towes to wowpe the barrow, 12d. For 50

naillis to the ark of the auld milne, 6s. 8d. *24th*—To Andro Haldane for drawing the geistis and daillis out of the water, lyke to rys, 16d. *31st*—To John Kaitcheon to by ane stane ane pond leid for putting in the boltis of Tueid brigge, 49s. *Sept. 7*—For thrie pondis of mair leid to finishe the bolting of Tueid brigge, to Issobell Horsbruch (deare wairis), 12s.; to William Heislope for melting the leid and putting in of the boltis, 13s. 4d.; to Thomas Grieve for helping him, 10s.; for thair morning drink and four houris,  $\frac{1}{2}$  galloun aill and twa breid, 7s. 4d.; to the provestis wyfe for sex quartis aill that scho had gevin to the Haddanes and Willisones in casting the wreithis of snaw (a neidles wark), the tyme of storme, at the back of Tueid caall, 16s. To the baillies for thair baillie fees and burges compositiouns, ilk ane 8 merkis. To John Smyth for 2 $\frac{3}{4}$  stanes 1 pond 13 unces yron, at 44s. the stane, to the boltis for the brigge, £6. *19th*—Comptit with Thomas Greive, smyth, for making said new yron and ane staine of auld yron in boltis for Tueid brigge and poynting James Niccollis maissoun yrons for hewing, &c., 5 merkis; to him and the sojour that helpit him to stryk out the boltis at severall tymes, for thair drink ane galloun aill, 10s. 8d. To Andro Haldane for carying the multure pockis, Halames, Beltane, and Lammes quarteris, v merkis. To John Baptie, schoolemaister, for his yeiris fie the saidis four quarters, £120. *30th*—Gevin to the clerk ryding for Edinburgh being cited befor the committee of Estates to lend moneyis to speik with James Murray for continuatioun of the gilderis, 30s. *Oct. 5*—After the election of the counsell and magistrattis gevin to the maister of Yester with sindrie of the counsell, ane pynt of sack and ane pynt aill, 28s. To William Rouno, dempster, for his yeiris fie, £4. *6th*—To him for making the grave to John Ker, doctour, and his wyfe, dying of the visitatioun, about Halames, 1645, 12s. To Andro Haldane for carying the lyme fra Tueid brigge end to the chappell, and 15 daillis for the milne tymer and beiring up the lyme foir-against the schoole up to the tolbuith, and the stockis fra Thomas Greves smiddie to Brokshole, 20s. *20th*—To James Hope, for ane hors furnished be him for the toum in ane expeditioun, £40. To John Horsbrugh [and four others] for twa horssis, Thomas Dods [and five others] for carying Kenmures muskettis fra Leith to Pebles for Kennures sojouris (four quhairof gat no armes but had waited on twa dayes and out of pitie be the magistratis direction gat payment),

to ilk ane of the tuelf caryeris, 24s.; *inde*, £14, 8s. To Thomas Dikisone, schoole doctour, for Lammes and Halames quarteris wages and the barvest vaccance, 25 merkis. In the morrow after Hallow-day quhen thair was nether wyne nor sack in Pebles, spent quhen ane note wes gottin fra captane Alexander Spittell, quartermaister, quhen Leslie's armie came along anent the quarterings, that tyme sex pyntis aill, 8s. *Nov. 7*—To James Scott [and three others] for carying everie ane of them 25 pickis, and to Thomas Tueddell and Andro Ewmond twa laid of muskettis, being the rest of Kenmures regimentis armes fra Edinburgh to Pebles, £7, 4s. *April 11*—To John Gilleis to cary on horsback ane Marioun Lawder, crippill, to Myrehouis, 32d.; to thrie Inglish boys that came along with Leslie's armie going bak to Ingland, 12s."



## XXIX.

PROGRESS OF THE CIVIL WAR, 1645-50—LEVYING OF SOLDIERS — QUARTERING — FUGITIVES — GALLOWS ON CALFKNOW—EXECUTIONER APPOINTED—REPAIRS AND ALTERATIONS ON PARISH CHURCH—REMOVAL OF WAULK MILL—CLAIM FOR A DEBT.

THE overthrow of Montrose at Philiphaugh extinguished the hopes of the Royalists in the northern kingdom, and previous to that event the King's supporters in England had been irretrievably crushed. After a winter's retreat in Oxford, occupied in scheming and negotiating for some sort of rehabilitation of his affairs, during which he had some experience of the distrust in which he was held by the English parliament, Charles, on the 5th May 1646, brought things to a crisis by entering the camp of the Scottish army, then stationed at Newark, near Nottingham, and placing himself under the protection of his countrymen. The English parliament, on receiving the intelligence, passed resolutions that His Majesty's person should be at their disposal, and required the Scots to conduct the King to Warwick Castle; and thus were commenced the disputes and contentions between the two independent legislative authorities, which continued with a greater or less virulence till the English one collapsed under the Cromwellian supremacy. The Scots refused to comply with the English demand for giving up their sovereign, and, accompanied by him, marched northward to Newcastle, where they remained till the following January. On the 23rd of that month, the King, by an arrangement of which he approved, departed southward in company with commissioners from the English parliament, and the Scottish army evacuated Newcastle and returned to their own country.\* The quarrel between the English

\* The fact of the settlement of arrears due to the Scottish auxiliaries having been arranged while negotiations for the return of Charles to London were pending, has led unscrupulous partisans to cast on the Scots the aspersion that they "sold their king." The calumny has often been

parliament and the army, the seizure of the King's person by the latter on 3rd June, his escape from Hampden Court to the Isle of Wight on 11th November, the declaration of war made by the Scottish parliament on 2nd March 1648, the levying of an army for the relief of the King, the despatch of the Scottish contingent to England (17,000 foot and 1000 horse) to co-operate with the Royalists, and their complete overthrow by Cromwell at Preston on 17th August, when the Duke of Hamilton, their leader, was taken prisoner, were some of the principal events bearing on Scottish history which followed in rapid succession. With the defeat of the Royalists at Preston the Covenanted party, headed by Argyll, now obtained the ascendancy in Scotland, but the execution of the King in the following January produced a violent reaction in favour of royalty, his son was forthwith proclaimed King, and preparations made for defending the royal cause. The young King arrived in Scotland on 23rd June 1650, and within a few weeks Cromwell, at the head of an army of 16,000 veteran troops, approached Edinburgh, but, foiled by the tactics of David Leslie, who commanded the Scots, he was forced, in the end of August, to retreat in the direction of Dunbar.

With the foregoing brief outline of public events kept in view, the selections from accounts already given and those from the records which follow, will be better understood:—“1646—January 14—Decernis the persones following to pay to William Porteous, merchant, as assignsy constitut be Alexander Porteous, his now souldier at Newcastle, in England, be his missive letters sent be him to the said William, his father, the sowmes of money underwritten for the maillis and dewties of certane houssis pertaining to the said Alexander:—William Tempill, flesher, 5 merks (£3, 6s. 8d.); Robert Watson, 50s.; Issobell Kobeine, widow, 36s. 8d.; Elspeth Scott, widow, 33s. 4d. [all for half-year to Martinmas, 1644], qubilkis sowmes they refus to pay without compulsion.

effectually refuted, and it is disappointing, in these days of accurate historical research, to find, in a school book recently published by Blackie & Son, the old slander, not indeed boldly expressed, but evidently insinuated in such a passage as this:—“By the Scotch the King was taken to Newcastle, and after tedious negotiations was surrendered to the English parliament in January 1647, on receipt of the sum of £400,000.” The author is designated on the title page “Late Scholar of Clare College, Cambridge,” and this announcement is followed by the publishers' motto—“*Lucem libris disseminamus.*”



1648 — *May 15* — The counsell hes continewit the nominatioun of these to be sent furth to this present expeditioun till the morne at seven houris in the morning, and to meit at the proveistis hous incaice he be not able to cum heir." *17th* — For providing 20 days' provision and arms to the persons to be sent out "everie inhabitant, of quhatsumever sex or degrie, sall pay the sowme of fyftie schillingis. *May 26* — The names of these of the burgh of Peblis nominat to be sojouris to go furth in this present expeditioun: [here follows list containing 45 names], or ony tuentie of thame. Item, to remember that at the Croce Kirk of Peblis the tuelf of Junij instant Archibald Tuedie and Robert Grahame war ordanit ane of thame to geve to the uther ten dolaris or ellis to go furth thame selffis baith; and John Tuedie, brother to the said Archibald was to enter him. Item, gif James Douglas be refusit to bring him bak agane to waird, thairin to remain ay and quhill he satisfie the toun." *June 19 to September 22* — Quarter maisters appointed; billeting sojeris; desertion of sojeris; contributions to be gathered; fugitives; picks and muskets; inhabitants not to leave town; inhabitants to be convened; men to advise with council; General Leslie's expeditioun; contribution for munitions. — See *Printed Records*, pp. 382-5. "*June 14* — The counsell hes appointit the quarter-maisteris efternemit to concur with the magistrattes in the quarteringis of fute and horssis, viz., James Horsbruik [and four others]. Item, that quhasoever sall geve moneysis to ony sojor or chift the billet upone ane nichtbour sall pay to the thesaurer of this burgh fyve pundis; and quhasoever sall absent or put awny thair horssis fra the tounes service, they being wairnit the nicht befoir, sall also pay the said fyne of fyve pundis. Ordanes Bessie Edmond, mother to James Gibsone, and Jonet Robesone, mother to John Melros, quha did deliver tua sojoris in name of thair sones, quibilk sojouris hes now desertit frome thair cullouris, to present thair sones to the major; and the counsell to tak consideratioun anent the repayment to the saidis Bessie and Jonet of the moneysis gevin furth be thame to the saidis sojouris. *Sep. 22* — In presence of David Plenderlayth and William Lewis, bailie, comperit Thomas Murdie and Johne Wood, and become actit that they sall go furth in generall Leslie or David Leslie thair airmie within thrie houris next efter they be warnit personallie or at thair dwelling-houssis, ilk ane of thame under the pane of perjurie and banishment of

the town, and the said Johne Wood the foirfaltung of his berne at Peblis Brigend. William Temple, elder, actit himself for William Temple, his sone, to goe out *ut infra*. Comperit John Gilleis, younger, and enactis himself to goe out for the townes service within said space, and that under the pane of perjurie and banishment furth of this burgh and foirfaltre of his whole cornes growand about this burgh, the counsell takeing cours for interteaning of his sone. *Nov. 6*—[Two persons for each quarter and two for Auld Toun appointed] collectouris of muskettis and pickis, to use diligence and report agane this day xv dayis. *27th*—Comperit James Watson, traveller in Peblis, Richard Porteous, ther, and John Tueddell, tailyeur, their, and actit themselves that whensoever the burgh of Peblis sall happie to have adoe to pute furth souldieres to any expeditioun heirefter that they sall be readie at the command of the magistrates therof, upoun fourtie-eight houres warning, ether personallie or at ther dwelling-houssis, ilk persone under the pane of ane hundreth pundis Scottis money. *1649—April 16*—All these that hes ony pickis or muskettis to mak payment of the pryces thair of of these in thair awin possessioun and not gevin out to sojouris *May 11*—It is condescendit that ilk man, alsweill maister as servant, sall pay xij. s. for outreiking of the tua fute men to this present expedition, conforme to the former rollis; to be collectit be the former collectouris with all expedition. *1650—July 8*—Ordanes that na persones go out of town at this present tyme, or in tyme cuming, for fear of going in in the levie present or to come, under the pane of banishment. *18th*—It is overtured be the counsellouris, all present and sworne, that the persones gevin up in ane roll, first that the fugitives thair names be taken and given to thes who sould go on; nixt that these who fies themselves with utheris without the burgh be called back to go on for the town; thridlie, that thes who hes no guidis and fies themselves be banished the town and never have the benefite of the town. They have nominat thir persones to go out:—[here follow thirteen names]. The counsellers and quartermaisters statutes that incaice the town be urged with another levie heirefter that the persones after specificit be listed and stand in roll to mak choyse of them as eferis, viz., [35 names], and that nane of the saidis persones tak on or absent themselves. Itew, that na personis, maisteris nor servandis, quhatsumevir within town absent themselves or tak on with

utheris under the pane of confiscatioun of thair guddis and present hanging, conforme to the act of estates; and that nane sell any armes to outland men bot to the magistrattis for furnishing thair men, under all hiest pane. Item, ordanes that the nyne men to go out on service in this second levie be furnished with armes, viz., sex muskettis, thrie pickis, nyne swordis; and that everie persone of the said nyne have in money the sowme of tuelf pundis by armes, and that it be brokin throu the toun, and everie persone in the towne, except magistrattes, pay 24s. Scotts. *July 20*—Ordanes presentlie this day that ane gallows be sett up in the Calkknow, and the thesaurer to caws expedie the same instantlie, and that for punishing all persones fugitives or run-aways in this present expeditioun against Cromwell. *August 23*—Ordanes to send presentlie for the town's sojouris to supplie thair present necessitie ilk ane xl s., *inde* £12. Robert Thomsone, baillie, takis on hand to provyd this £12 and send it by the hand of the first occasioun."

The quartering of soldiers and the collection of assessments for maintenance of the army were burdensome to the community:—*1646—Oct. 12*—Ordanes all these appointit to tak notice anent the quarteringis efter Philliphauch to report thair diligence to the counsell this day 8 dayes. *Nov. 9*—The proveist, bailyeis, and counsell of Peblis, convenit in the chapell thair of, . . . hes appointit the provest and bailyeis to meit this day efternone, and the morne in the morning, to convene the hail inhabitantis of this burgh anent the quarteringis sen Philliphauch and to tak thair aythis thairanent and proceed thairintill quhill the samyn be all ordourit. *Dec. 21*—The counsell hes enactit that the quarteringis baith of fute and trouperis salbe payit as follows, viz., the twa pairtis thair of be the inhabitantis of the burgh, and the thrid pairt thair of be the thesaurar thair of; and for breking of the inhabitantis pairt of the saidis quarteringis they half nominat [two persons for each of the four quarters and two for the Auld Toun]. The proveist and bailyeis ar ordanit to speik and desyre of the officeris billettis for the transient quarteringis of these that went to Selkirk, togidder with the quarteringis of the sojouris for the five dayes the hail sojouris remanit in this toun. *1647—Jan. 18*—The counsell hes grantit ane new monethis mentenance for the horsis and fute sojouris to be collectit conforme to the formar monethis mentenance immediatlie of befoir,

and the thesaurar also to pay *ut antea*; and intimation beirof to be maid with all diligence and payment to be maid within xlvij houris. *Feb. 22*—The counsell appoyntis [two persons for each of the quarters and Auld Toun] to tak ane noit of my lord Sinclairis quarteris upon the aithis of the upgevaris, to the effect the samyn may be sent to William Lowis, commissioner at Parliament. *March 1*—William Lowis, bailye, commissioner, productit ane discharge be Mr Andro Hay for ane monethis mentenance. *June 8*—James Williamsone chosin commissioner to ryde to Edinburgh for the loissis and quarteringis. *July 17*—Ordanes the officiaris to intimat of new agane to the brousteris, fleschouris, and all utheris subject in payment of the excyse, to mak payment thairof to the collectouris betuixt and Thursday nixt, under the pane of warding, and the brekaris of the said excyse to concur with the magistrattis for ingathering thairof under the pane of doubling of thair partis of the said excyse. The magistrattis to visit the roll of the mentenance that these that hes landis in tenementis and not brokin of befoir, and free now of the burdene of the quarteringis, may be considerit and pay thair monethlie mentenance alsweil for byganes as in tyme cuming. *1648—Nov. 2*—Anent the claime intendit and persewit at the instance of John Williamsone [and three other] burgessis of Pebles, against William Patersone, burges thair, bering that wher upon 8th October last, Alexander Vaitche of Menner, having by ane ordour of the committee of estaittes quarterit upon his lands the number of — horsmen of the Inglis armie, did the same day come doune to the burgh of Pebles, and desyred the saids persones to quarter the said number of men upone his charges and expenssis, and then faithfullie promittit not onlie to pay and satisfie for thair interteanment but also to repay and satisfie all lossis and skaith that any in the toun should susteane in their cornes or utherways be the saids Englishmen and their horassis; and treu it is that the foirnamet persones had eatten and destroyit to them be the said Englishmen the said night and day, viz., [one of the complainers 9½ firlots oats; another, half a boll beir; another, 3 firlots oats; and the fourth a boll oats, all with the fodder. Patersone being addebted to Vaitch in £71, the amount was arrested in his hands, and he was now called upon to make it forthcoming.] *1649—March 20*—The proveist, bailyeis, and counsell, present, hes ordanit als mekle silver as ane monethis

mentenance of befoir to be collectit aff the inhabi-  
antia, viz., ane hundreth and tua pundis conforme  
to the formar rollis. *May 11*—The counsell hes con-  
cludit to go to my lord Yester, and schaw to his  
lordship the wrangis done be Sir James Hay to the  
toun, and in speciall anent the quarteringis of the  
sojories and trouperis.”

A public official, whose services seem to have been  
required, but for whose post competitors were scarce,  
had to be appointed:—“*1650--Jan. 14*—In presence  
of James Horsbrugh and Robert Thomsone, baillies,  
John Bell and the twa officeris, Andro Maxwell,  
sometyme a chopman, being apprehended for pyking  
and steilling of some beir in a pock out of Mausland,  
and incarcerat within thair jewle, undertakis to be  
for the toun of Pebles thair executioner and lockman,  
and to continew in that thair service during the  
townis pleasour; for the quhilkis the baillies in name  
of the counsell sall [be liable] for his fie and wage  
and hous, and the baillies sall undergo that nane  
within thair brugh sall rail or abuse the said Andro  
his name for using the said calling, and gif he eskap  
and runne away he is content to be hanged im-  
mediatellie thairafter without assyse.—(Signed) THO.  
CRAWFORD, notar, at command of the said Andro  
Maxwell.”

The parish church, now the Cross Church in ruins,  
is sometimes noticed in connection with repairs and  
fitting in of pews:—“*1643 -Feb. 5*—The counsell hes  
gevin warrand to the proveist and tua bailyeis to  
subscryve ane procuratorie presentit be Mr John  
Hay, youngar of Haystoun, in name and behalf of  
my lord Yester and remanent heritours of the  
parochin of Peblis for putting the letteres of horn-  
ing to executioun raisit aganes the persone and  
vicar of Peblis for repeiting the charges and sowmes  
deburisit alreddie upone the reparatioun of the Croce  
Kirk of Peblis and upholding of [the same] in tyme  
cuming. *1649 -April 2*—Thair is offerit be William  
Lows for reforming the tounes seat in the Croce  
Kirk lofting thair of, and making of pews beneth  
the samyn, ane hundreth merkis for half ane yeir  
annuelrent frie, and at the completing thair of ather  
to haif his awin hundreth merkis or ellis to haif  
power to dispone upon the pewis be the advyse of  
the counsell efter the repairing thair of. *1649 -Aug.  
6*—The merchants ar content and enactis themselvis  
to build ane seat in the kirk directlie fra the new  
wester left till the new seat of the magistrats and  
counsell, and the passage to be upon the clerkis

seat. 1650—*Jan. 14*—The counsell gives licence to the merchandis to build their loft and to go on as the town's loft, and after the building thair of the merchands to have thair choyce whidder they tak the back pairt of the town's loft or thair awin, they allwayes booting quha has the better. *March 15*—The counsell grantis licence to James Williamsone, lait provest, to have ane pew in the middle rank, and eist end of the kirk, upon condition of payment as he can agrie with William Lowes be advyse of the counsell. Ordanes the thesaurer and deane-of-guyld to compleit their loft under and above within fyftene dayis, and thairefter to give in the comptis. *July 20*—John, Alexander, Thomas, and James Williamsones, and thair aires after them, ordained to have ane pew in the kirk in the mid rank, and the middle pew nearest James Williamsone, elder, to be thair pew upon payment to William Lowis." There are also similar arrangements with others as to pews. "1651—*Dec. 29*—Appoyntes and authorizes John Lowes [and three others] to reasone and voite with or against the Kirk Session of Pebles anent the reparation of the kirk." On considering the proposals made for reparation, the council "ar most willing (according to the old former custome) to repair the two westmost windowes and the fabrik of the said church; item, they are willing to repare and uphold thair pairt of the church according as the burgh of Selkirk, which is ane mair able burgh than this; item, they find it is incumbent to the titular [of the teinds] to repare ane pairt of the church as his predecessores wer wont to doe, and if they were takismen [of the teinds] as otheres ar they ar most willing to undergoe thair proportione conforme. 1652—*Jan. 8*—Appointes the provest [and six others] to meit this day with my lord Yester and remanent heritouris within Pebles paroch and confer with them anent the reparatioun of the church."

The original waulk mill,\* which was situated on

\* The mill had in 1482 been leased to Sir Gilbert Jameson and his brother, John Jameson, during their lifetimes, for payment of three merks yearly to St John's altar, and in 1488 it and an adjoining site for a house were formally given possession of to John Jameson. In an old register it is narrated that on 15th April of that year, the baillies, with consent of the "hail communitie, passyt with certane of nychtburris to the walk mylne standand at the south syd of the burgh, at the held yairdis, at the est end of Tued Grene, upon the north syd the dame," and gave

Tweed Green, appears to have been superseded by one erected on the site of the "auld mill on Peblis water" about the year 1649:—"1646—April 7—Ordanes the hail horsis in the toun to be warnit everie ane of thame to lay four laidis stanes to the bigging of the waulk mylne, ane quarter thair of ilk day, beginnand the first quarter upone Thursday nixt in the morning, and the secund quarter the said day efternone; the thrid quarter upone Fryday in the morning, and the fourt quarter upone Friday efternone. 1647—Aug. 11—Bidden be Alexander Forrest, tailyeor, for ane thrie-yeir tak of the waulk milne, 84 merks. 1649—April 13—The counsell to think upone ane way anent the transporting of the waulk mylne in the place quhair the auld mylne standis. 15th—Item, bidden be William Lewis for sua mony yeiris tack as the counsell and he can aggrie yeirlie, ane thousand merkis, upoun condition that the toun transport the auld milne and set the samyn agane quhair the walk mylne standis; provyding he haif the putting in of skilfull servantis, milleris, and warkmen thairintill, quhilkis salbe humble and obedient servants and serve the toun at all occasiounes bayth day and night; lyk as the saidis hail inhabitantis present hes offerit thair contribution and help for transporting of the said mylne and dressing of hir upe; and quha refusis ar con-

Jameson "heritabill saisen of the said walk mylne, with all rychtwis pertinents, and of twenty-sex futtis of lenth of the said ground, to byg ane hous on the said walk myln, and als of thretty futtis of lenth of the samyn land to byg ane other hous upon, togeder with the breid pertening thairto befor the said walk mylne, . . . with leif and power frely to set and plant treis on the south syd the myln dame, up and doune, to the profit and uphald of the said walk myln, the treis beand the said James and his airis, the ground and gars commoun to the toun. . . And als with fre isch and entra of the water to cum fra the corne myln frely doune to the said walk myln; . . . and gif the water cumand fra the corn myln doune to the said walk myln be stoppit or lattin furth wrangulys be ony persons, than the balyeis and the communitie sall caus and gar the said John and his airis to be ramedit and amendit thair of insafer as thai ar scaithit thairthrow." After the removal of the mill the "dam" was disused and the ground occupied by and adjoining it, now known as the Gytes, let for grazing. *Gyte*, *gott*, or *golt*, is a well-known Scottish word signifying a ditch or water cut. The town wall is described as proceeding northward from the "golt fut." At the point indicated the mill dam (Scotticism for mill lade) had nearly reached the mill, and that part of it was accordingly described as its "fut" (foot), or termination.

tent to be punischit thairfoir.\* *Sep. 3*—It is aggreit betuixt the proveist, bailyeis, and counsell, and Thomas Moyzes, walker, viz., the said Thomas to redd the ground of the north mylne, now the walk myln, to the balk of the corneland ewest thairto, and the toun to extend the samin be ane new cuple and put ane new cupill thairto, the said Thomas payand thairfoir yeirlic fyve merkis, and at the ische of the tack thairof to leave the samyn sufficient in wallis, tymmer, and thack.”

The principle of *litera scripta manet* is a safe one in financial transactions, the memories of debtors especially having sometimes a treacherous tendency. Recollection had been sadly at fault on one side or the other in the following instance:—“*1652—February 16*—Anent the supplicatioun gevin in befoir the proveist, baillies, and counsell be Jennet Watsons, spous to John Hay, eldest lawfull sone to Sir James Hay of Smeithfield, knicht, and the said John Hay for his interes, against John Mure, burges of Pebles, beirand forasmuch as the said John Mure come to the said John Hay in his chamber upon the tenth of December, and thair confessit himself to be adebitit (underseyred) the sowme of ellevin score pundes Scottes money, in remembrance and token of which sowme ther was a difference of the hail compt, for the said John Hayes spous affirmed in face of the said John Mure that he was addebitit of reall lent money the sowme of thretteine scoire pundes, wherupon he anserit *verbatim*: Yow know my comptes will not lie, for I will ather bring my comptes to you, or if ye will be pleased to go to my hous and I will let yow sie them. At which the said John Hay, being overtaken with his many fair promissies [and professions] of love, as John Mure said to him: Sir, by the grace of God you shall not [have cause] to feare it, for I shall be ane faithfull paymaster to yow. Wherupon the said John Hay desyred him to take one day of payment, at which he answered: I have money awchtand me in the countrie by sundrie hands, but I cannot get in payment therof, but if I should borrow it I shall not fail to pay yow at St Mungoisday; and thairafter I have payit yow, for the kyndnes that I have receavit from your wyfe, so long as I have tuo pennies yow shall command the half of it,

\* This looks like a proposal to have the Auld Mill re-erected at Tweed Green or Walkers' Haugh, but the records do not show that such a scheme was carried out. Subsequent to this there were two grain mills adjacent to each other at the Castlehill.



always because ther was non that ever knew of it but sho and I, therfor I will desyre yow to keepe it quyete from my wyfe and friends, for I had rather pay ten tymes the sowme befor they knew of it; upon which the said John Hay gave him his hand he should never divulge it to any body. Then he said to the said John Hay: I know ye ar neidfull of money at this tyme, and I have a little wie thing lying besyde me. Then John Hay askit him how much was of it, and he said twelve punds Scotts. Withall he desyred the said John Hay to his hous to drink a pynt of aill, all which the said John Hay doing, the said John Mure called him to the dure and went to the stable and thair did give him the said twelve pund Scottes money in pairt of payment; which upon conscience the said John Mure cannot deny." On the matter being referred to Mure's oath he deponed that he never owed the complainers anything except £26 Scots, which had been paid, and he was accordingly absolved from liability.



## XXX.

PROVOSTS OF THE BURGH—LORD YESTER—SERVITOR  
 TO KEEP WITHIN CERTAIN BOUNDS — TOWN  
 CLERK—DEAN-OF-GUILD AND GUILD COUNCIL  
 —HORSE RACE AT BELTANE.

JOHN, the fourth Lord of Yester, who took part in public affairs in Queen Mary's time, is the first provost of the burgh noticed in the records. He died while in office, and the guardians of his son William, the fifth lord, but then a minor, endeavoured to secure for him a continuance of the influence which the position afforded, by obtaining a gift of the provostry under the Queen's privy seal. This the community objected to as an infringement of the burgh's privileges, and as a compromise it was agreed (30th January 1555) that the gift should be renounced, the town promising that so soon as the young lord should attain majority, and be "of knowledge to gif thame ane gud counsale," to accept him "in the provestrie of the burgh, yerelie, afore ony utheris, as thai fynd him geving for commoun weill." The formality of annual elections of the successive Lords Yester, varied apparently by their relative Lord Newbottle being in office for a time (Gleanings, IV.), was probably kept up till 1609, when, on the recurrence of another minority in the reigning family the council ventured on the innovation of promoting one of their own number to the civic chair, and the former system was not subsequently reverted to.\* The municipal connection, however, between the com-

\* John Dickson was chosen provost in 1609, 1610, and 1614. For want of the burgh court book in which elections are recorded it may be difficult to make up a complete list of provosts previous to 1624. Between that year and 1650 the following were chosen, the election being from Michaelmas in one year till the Michaelmas ensuing:—1624, James Williamson; 1625, Charles Pringill; 1626-8, James Williamson; 1629-33, John Lewis; 1634-5, James Williamsone; 1636-8, John Lewis; 1639, James Williamsone; 1640, John Lewis; 1641-4, James Williamsone; 1645, John Lewis; 1646-7, Patrik Thomsone; 1649, John Lewis; 1650, James Williamsone. This proved to be Provost Williamsone's last appointment, as he died before the municipal year closed. He was again succeeded by John Lewis.

munity and their noble neighbour was not entirely severed. Lord Yester, the minor of 1609, and afterwards the first Earl of Tweeddale, during the intervals in which he was not occupied with national concerns, acted as a member of the town council, to which he was for a long time annually elected from the year 1628. Dr Theodore Hay, "persone of Peblis," was also then elected, and annually thereafter till 1637, after which his name drops off. In 1643, "Johne, maister of Yester," who had been admitted a burges in 1638, is also put on the council. The two are continued annually for some years, and in 1647 their names are thus entered on the list—"John, now earl of Tueddel; John, now lord Yester." The father had, on 1st December preceding, been raised to the dignity of an earl while in attendance on the King, then with the Scottish army at Newcastle.

Lord Yester was hereditary sheriff of the county, and it was perhaps as much in connection with the exercise of his judicial functions as in the capacity of a baron and landowner that he was entitled to wield such a control over a culprit's movements as is indicated by the following entry in the court book:—"1648—May 22—In presence of William Lowes, baillie in Peblis, compeirit personallie William Weir, servitor to Robert Murray in Brig of Lyne, and enactit himself that he shall remaine\* within and upon the lands pertaining to my lord Yester, and shall be readie to imbrace any service the said noble lord shall employ him, or any other censure his lordship shall injoyne him, and gif it shall happin the said William Weir to flit or remove outwith the bounds of the said noble lord's lands, in that caice the said William enactes himself (except it be by my lord's permission) to suffer deathe in respect of the falt committit be him againes—Haliday, the said noble lord's gardiner."

Patrick Vaitch, who had filled the office of town clerk for a period of about thirty years, also held the appointment of clerk to the sheriff,† and his zeal for Lord Yester's interests on an occasion when these were somewhat opposed to those of the town brought him into collision with the council, and caused the severance

\* The words "in service with his said present master," which had been originally written here, are deleted.

† On 12th April 1704, the council, for avoiding the "grate inconveniences" caused by the combination of the town and sheriff clerkships, resolved that in future such double appointments should be incompetent.

of his connection with them. "1645—May 12—It is fund be the counsell that the dispositiouns of all borrow landis sould be written be the clerk, and gif any persone sall fail to go to the clerk to any uther notar that then it salbe leisum to the clerk to exact ane lawfull price for the compositioun at the geving of the seising, and that in tyme coming the price be awchtene schillings. 1647—Oct. 25—Anent the complaint aganes the clerk for not giving advertisement to the magistrates of the seising givin to my lord Yester of the Vainlaw, ordanes the clerk to answer thairto the nixt day. 1649—May 11—The former act, writtene be umquhile Patrik Thomsone, proveist, concerning our clerk his giving of seasing to my lord Yester of Vainlaw upon Sant Peter's day, 1648,\* be the nixt counsell day considered. Dec. 3—The counsell of Pebles, convenit, *una voce* suspendis Patrik Vaitche, thair clerk, fra his charge, and continewis his censure till farder advysment, and that for the ressonis writtin in the actis above writtin, and ordanes the said Patrik to produce the hail registeris and writtis of the towne betuix and this day awcht dayes. The said day Thomas Crawford is creat town clerk during the counsellis pleasour; and gave his aith *de fidei administratione*, and ressavit the counsell buikis in custodie till that tyme. Comperit the said Patrik Vaitche and denyit that he had done any wrang anent the geving of my lord Yester seising and not acquainting the town therof, quhilk gif he had done he wald have not bene honest to my lord Yester, quha employes him. Dec. 24—Patrik Vaitche, lait clerk, takis on hand to produce the townis hail registeris and writtis upon 9th January nixt, under the pane of warding. 1650—Jan. 14—Patrik Vaitche, lait clerk, produced befor the counsell the townis seising buikis of umquhile John Tuedie and himself in ane buik, of umquhile Sir William Newbie, Sir John Allane, and a pairt of John Dickesone, all thrie in ane buik, togidder with the counsell buikis in his tyme. And to remember he hes yet some actis and instrumentis about Verlaw; Homildoun, and Kaidmure, to register, and thair-after to deliver the samyn, togidder with all instrumentis and uther buikis undelyverit. Item, the said clerk deliverit the hail thesaurer comptis, equies; and charges, quilkis were delyverit to James Williamsone, present thesaurer, to be layed up in the

\* The festival of St Peter was celebrated on 29th Juna. The date here given appears to be written 1648 in place of 1647.

townis commoun kist. The counsell delyverit the auld registers of Newbie, Allane, and Dickisone, in ane buik, and John Tuedie's seising buik, contelning a pairt of Patrik Vaitche seising in ane uther bund buik, togidder with the hail counsell buika, bund togidder in Patrik Vaitches tyme, to Thomas Crawford, notar, thair present clerk, to be furth-cuming to the counsell upon demand. (Signed) THO. CRAWFURD. *Feb. 11*—The counsell assignes to Patrik Vaitche, lait clerk, the tent of Appryll to have all bookis, actis, instrumentis, and writtis reddie to produce; the said Patrik Vaitche being personallie present promeissit to do the samyn. *April 26*—Patrik Vaitche, lait clerk, product ane buik of seisingis in his awin writt sen the 1632 till the 1647 yeiris, togidder with certaine actis and statutis concerning the town. It is regraittit that umquhile David Orichtownes, and John Hayes, and Adame Dickisones, sometime clerkis of this brought, their registeris, are wanting, and sould be in the handis of James Williamsoun, and thairfore he to be cited for that effect. James Williamsone, present, confessit he hes some of them. *1650*—*July 17*—Thomas Crawford, present clerk, delyverit the registeris committit to him, viz., Newbies, Allanes, and Dikisones prothogallis in ane buik, and umquhile John Tuedies and Patrik Vaitches in ane uther buik, togidder with some instrumentis and notes, and all the counsell buikis except this last yeiris resaved up, with the court buik in his tyme; qubilkis wer layed in the common kist. As also Patrik Vaitche his last buik of seasingis was layed in. *July 26*—Product be Alexander Lauder all discharges and papers quhilks wer in his hands the tymes he was thesaurer and delivered to James Williamsone, present thesaurer, togidder with ane counsell buik in his hands to be instantlie delyverit be him to be layed up in the common kist; and also ane instrument anent the merches of the passage to Hamiltoun, under William Vaitche, notar, hand." Entries in the council register abruptly stop in the beginning of November 1650, about which time the town was entered by Cromwell's troops. When they are resumed in May following the appointment of another clerk is chronicled:—"1651—*May 29*—James Williamsone, proveist, [the bailies and councillors], conveanit in the said proveist his hall and dwelling-hous at Peblis, hes creat and receavit Thomas Smyth, notar, clerk of the said burgh of Pebles, dureing the proveist, bailies, and counsell

their pleasure; the said Thomas being present and acceptand hes gevin his oath *de fidei administratione*.  
*June 6*—Ordeanes Patrik Vaitche, shereff clerk, to be wairnit to the next counsell day anent the filling up of the townes register of sesings conforme to ane former act. *June 20*—The baillies reportes they have deliverit to Patrik Vaitche the tounes sesing book to be filled up be him;” and there are also subsequent notices regarding the completion of his work and settlement of his dues. “*November 24*—Ordeanes Patrik Vaitch, clerk, and James Brisbane, wyne selleris, to be warned to the counsell and answer for thair contravening of the act of counsell anent the price of wyne.” This refers to the business carried on by the clerk as a vintner; but the heinousness of the offence of giving “sesine to my Lord Yester of the Venlaw without acquainting the tounes,” could not be forgiven, and so far after the event as 26th July 1652 the “hail counsell, for his farther censure, discharges him of his fredome, and declares he hes no power to exerce ane fredome as a burges of this burgh.”

In modern times the jurisdiction of the dean-of-guild in burghs has been chiefly connected with the construction of buildings, their stability, their erection within the owners' boundaries, and their conformity to law in other respects; but originally the functions he discharged in commercial affairs were those to which Scottish legislators attached most importance. An act of parliament, passed in 1593, approved of the power and jurisdiction of the dean and his council within burghs as then used in Edinburgh, “quhilk is to the great furtherance of justice to our Soverane Lord's lieges in all actions and maters concerning merchands, betuixt merchand and merchand, and betuixt merchand and mariner.” The convention of burghs also, both before and after 1593, frequently urged deans of guild, in burghs where such had been appointed, to see to the enforcement of the laws relating to merchandice and punishment of unfree traders; and in 1600 they ordained that “na brugh elect or obeis ony persoun to be thair deyne-of-gild without he be ane merchand traffioquand and habill to discuss upon merchand billis and merchand causis.” In some burghs where a dean had not already been appointed the convention enjoined that this should be done, and the protection of merchant burghesses be thereby better secured. Though by the charter of 1621 the burgh of Peebles was authorised to possess “gaild courts,

council, members, and jurisdiction thereto belonging," there does not seem to have been a dean and his council elected prior to 1647. On 5th October 1640, amongst "particulars thocht upone and to be concludit the nixt counsell day" there appears—"6. The creatting of ane dean-of-gild;" but nothing farther is noticed on the subject till at the annual election on 4th October 1647, when the town council from a'lect of three names (all members of that body), elected John Tuedy, younger, to be "dean-of-guild." Tuedy received eight votes, another candidate four, and the third none. The election of a dean seems to have taken place annually thereafter, and there are notices in the records indicating some of the duties to be performed by him and his council:—"1647—October 11—Ordanes John Tuedie, dean-of-gild, of his awin consent, to produce the dean-of-gildis lawis and practique of the burgh of Edinburgh the nixt counsell day. December 20—The dean-of-gildis counsell ar chosin be the counsell:—John Andro, John Plenderlaith, William Jonkesone, youngar; Alexander Lauder, John Stoddert, and Thomas Wallace. Continewis thair aithis and admissioun till the nixt counsell day; and in the meare tyme ordanes the dean-of-gild to tak diligent tryell of all measouris, viz., merchantis measouris, as elwand, trone, and troce wechtis, also the peckis, fir-lottis, wobsteris wechtis, pyntis, chopenis, mutch-kynis, and all uthers measouris, and to report the nixt counsell day. Yule Day, 25 December 1648—The counsell ordanes John Tuedie, dean-of-gild, to produce his ordouris anent the dean-of-gildschip, to be considerit be the counsell or ane committie therof, and in the meane meane tyme to use his diligence aganes the delinquentis, and to caus summond all these that hes raillit upone him and his associattis in executioun of thair office, and that betuixt and Friday nixt. 1649—February 9—Anent the dean-of-gild of the said burgh and the articles gevin in be John Tuedie, dean-of-gild, the counsell hes desyrit Williame Lewis to tak ane vew thairof and report to thame his advyse thairanent, and in the meane tyme to procure of the proveist and ballyeis of Lythgow, or their clerk, the extract of the actis and ordouris maid be thame and thair counsell thairanent, quhilkis ordouris and indentures ar presentlie deliverit to the said William Lewis. And ordanes the said John Tuedie, with ane letter frome the magistrattis of this burgh, to ryde to

Lythgow for purchasing the extract of thair deane-of-gildis indentures, upone the charges and unlawis alreddie reassavit or to be reassavit be the said John or ony utheris. *May 11*—The deane-of-gild to produce his comptis of his haill intromissioun sen his entrie. *Aug. 27*—Ordanes the deane-of-gild to tak ordour with the wechtis and speciallie the trois wechtis, and that the merchantissall haif trone pund and trone half-pund and trone quarter-pund, and that nane sell ony wairis bot be the trone wecht except ane unce wecht; and the deane-of-gild to report the nixt counsell day. *1650—Feb. 22*—Ordanes a counsell to be choysin to the deane-of-gild on Monday nixt, and the dean-of-gild to give in a list against that day. *Feb. 25*—The counsell electis as counsellouris to the deane-of-gyld: —John Andro [and six others] quha are to be sworne be the magistrattis *de fidei administratione*. *April 12*—The deane-of-guyld to visite the weights and to caws helpe the stones gif they be deficient. *Aug. 16* —James Richie, merchand, admittit burges be the counsell upon aith, and ordained to pay to the thesaurer for his composition twenty merkis, nawyis prejudging the gildrie and thair libertie and lawes." *Sep. 30*—John Plenderlaith elected dean-of-guild. "The deane-of-gild to have ane burges composition, and all the fynes to be upliftit be him, and he to be comptable for the samyn to the counsell. *1651—Oct. 6*—The counsell haveing this day choisin John Andro, baillie, [and six others] counselleres of the deane-of-gild court, have remittit their oathes to be taken be the deane-of-gild the first court day. It is enactit that the merchantes, baksteris, and flesheores be warnit to compeir befor the magistrattes and deane-of-gild to-morrow, betuixt sevine and eight houris in the morning, in the tolbooth, be whom the merchantes ar to be exhortit to keepe conscience in selling of merchandice and to tak reasonable profit; the flesheores not to blow flesh, and the baksteres to bake twelve pennie bread at ane ordinar rate and weight, according to the pryce of the quheit bocht be them proportionallie, and the venteres of wyne and strong watares to be also warnit and exhortit to tak reasonable profit upon the wynes ventit be them, and after exhortation to be gevin as said is, if any of the forsaides merchandes, venteres, baksteres, and flesheores, failyea therin, to be punisht conforme to the actis of parliament and former acts of counsell, and als to underly the censure of the present magistrattis and counsell. *Oct. 27*—Recomends the censuring and punishing of the



merchantes and flesheores anent the profeit to be taken be them of their merchandice and fleshes to the deane-of-gild and his counsell. 1652—Jan. 12—Ordanes Alexander Lauder, deane-of-gild, to keepe his deane-of-gild court to-morrow, for censuring James Scott and his mother for the wrong done be them, and if the deane gild failyea to be censurait himself be the counsell."

The troubles and commotions existing in the country during the time of civil war did not apparently interrupt the annual celebration of the sports to which the inhabitants had long been accustomed. The race course was at one time between "the nether toun of Horsbrughe and the east port of the burgh" (Gleanings, No. X.), but in the year 1644 mention is made of "the new cours of Quhythauch," which, except on occasions when the "auld way" was preferred, was thereafter yearly rented for the race till about 1766, when, in consequence of enclosures and agricultural improvements, the ground became unsuitable for the purpose (*History of Peeblesshire*, p. 264.) On the approach of the festival a proclamation was usually issued in these terms:—"Ordanes the hail counsell and hail remanent honest men of the toun to attend the proveist and bailyeis, with ane sword at thair belt and ane staff in thair hand, the morne efter Beltane day, the hail tyme of the hors races, ilk persone under the pane of fourtie schillingis, and ordanes the officiaris to warne the hail toun for that effect." The winner of the race got delivery of the bell, to be retained in his custody for a year on undertaking to return it previous to the next contest, and when this was done the trophy had usually increased in weight by the addition of another "pendicle." "1641—May 4—Comperit Robert Vaitche, brother germane to Sir John Vaitche of Dawik, knight, quha upon this present day haifing be his hors, designed ane roane hors, wane the bell of Peblis at the accustomed raice thairof, weyand ane pund, wanting nyne droppe, guld and sufficient silver, with thrie bellis and fyve appendicles; and having reseaved the samyn hes actit him for redelyerie thairof betuixt and the fourt day of May nixtocum 1642 yeiris, and for that effect William Vaitche, burges of Peblis, is become cautionne under the paine of fyve hundrethe merkis money. 1644—May 5—Comperit Walter Scott in the Cruik, quha on 4th May haifing be his hors, designat ane brown hors, wyn the bell, the samyn with tua uther litill silver bellis and sex uther pendicles, also of silver,

weyand ane pund wanting tua drope," delivered to him on obligation to redeliver them at "nixt Beltane race" in 1643. "1644—April 8—The counsell, be commoun consent, hes ordanit the ordinar race at Beltane on the fourt day of May next to be run that day upone the new cours of Quhythauch, thirye about the samyn the first race and twyse at the efter schott thairof; and publicatioun to be maid heirof at the mercat croce of this burgh; and letteres to be sent to the burghis of Selkirk, Lanark, Lauder, and Bigger. 1645—May 5—Comperit the richt honora-bill Sir Alexander Murray of Blakbaronie, knight, quha this present day haifing ane mirk gray stanit hors [wyn the bell of Peblis] at the acustomit race of the burgh of Peblis, fra Eister Horsbruik to the East Port thairof, the samyn bell haifing appendit thairto tua litill silver bellis and uther aucht pendioles of silver thairto, all weyand ane pund and tuelf drope wecht of silver, and haifing ressavit the samyn acitit him to half the samyn in reddines and present the samyn at the nixt Beltane race heir with his augmentatioun thairto. May 6—William Moffet, merchant, burges of Edinburgh, Robert Williamsone, merchant, burges, thair, and William Saltoun in Bonyntoun, all present, and accusit for ryottes done and committit be thame upone utheris, troubling of Beltane fayre last, and injureing of the magistrattes of this burgh upone the said Beltane day at night, being the third day of May instant. 1646—May 5—To John Tod, drummer to captain John Murray, for tuiking the drume at the croce for the race run about the stowps, 24s. To Blakbarrony for the saiddill not set down be Yester for the race run in the mure, £10. Item, for ane laid aittis gotten fra the customer and gevin to ane James Frissell, in name of Blakbarrony, wha wan the aittis also, £8. 1646—May 5—Comperit John Stewart, servitor to my lord erle of Traquair, quha this present day, with ane black gelding horse, having win the silver bell of Pebles be running thrice about the stowpes of the Quhythauche, hes reseavit the said bell, haveing appendit therto tua litle silver belles and uther eight pendioles of silver thairto, all weyand ane pund and tuelf drope wecht of silver," all of which were redelivered into the provost's custody. "1647—April 20—John Stewart, servitor to my lord erle of Traquair, receavit the silver bell with the tua litle bells and 8 pendioles. Caution found for their return on 3 May next. May 4—Comperit person-allie ane noble and potent lord, George, lord Ramsay,

quha this day, with ane bay soare hors sneipit upon the face, haveing win the silver bell by runing thryce about the stowpes of Quhythauche, received the same and 2 litle bells and eight pendicles, weyand ane pund and ten dropes of silver." 1648—*May 4*—Lord Ramsay again victor "with ane gray stoned young hors," received bell with 3 litle bells and 8 pendicles, "all weyand 1 pound 2 ounces and 11 drops." 1649—*Jan. 30*—Item, to be advysit quhither they will renounce the hors race in Quhythauch and to be frie of the yeirlie payment thairfoir. *Feb. 5*—The proveist and bailyeis ar ordanit to mak intimatioun to the airis and relict of umquhile Thomas Tuedie and others haifand entres aent the ourgeving of the hors race upon Quhythauch, and to report the nixt counsell day. 1650—*April 12*—The race to be proclamit upon Tysday nixt to rin the auld way, and my lord Tueddall and Yester to be written to for sadill and scarse, and the bell to be gottin fra Mr Alexander Barnett. *April 26*—Alexander Williamsone, offieer, reportis from the erle of Tueddell that he promeisit the saidill and skarse sould be provyded for the race, and that he spak these wordis out of his awne mouth. *June 28*—The silver bell win be the laird of Blakbaryny at Beltane last wes receavit back be the said laird be James Williamsone, thesaurer, with eight pendicles and thrie litle bellis thairat. Ordained to be layed up in the common kist."



**XXXI.**

**BATTLE OF DUNBAR—OCCUPATION OF THE COUNTRY  
BY CROMWELL'S TROOPS — DETACHMENTS IN  
PEEBLES—DUMB MAN OF PEEBLES—COMMONS  
—CAIDMUIR — EASTER COMMON — WINKSTON  
COMMON—TWEED GREEN AND SKINNERSHEUGH  
—GYTES—VENLAW AND PASSAGE TO IT.**

“ We are upon an engagement very difficult. The enemy hath blocked up our way at the Pass at Copperspath, through which we cannot get without almost a miracle. He lieth so upon the hills that we know not how to come that way without great difficulty; and our lying here daily consumeth our men, who fall sick beyond imagination.” Thus dejectedly wrote Cromwell on the day before the battle of Dunbar, and truly his chased army, numbering only half of that of the pursuing Scots, hemmed in and cornered with consummate strategic skill, appeared to be in circumstances forlorn enough. But on the morrow all was changed. An unfortunate movement of Lesley's troops towards a new position gave the ever-watchful general an opportunity of making an advantageous attack. The Scots at first fought well, but were eventually thrown into irretrievable confusion and rout. About 3000 slain and 10,000 prisoners was the loss to Scotland as given in figures, and woeful stories are told of the sufferings and privations of those in the latter category. Part of the army effectuated a retreat, and rallied at Stirling and the north, Charles II. was crowned at Scone on 1st January, and an army in defence of King and Covenant kept in the field, till, on the march southward, the final contest took place at Worcester; but there, on the anniversary of Dunbar, Cromwell attained his culminating triumph. Meanwhile, the whole of the south of Scotland had succumbed to the victorious general, and the soldiers of the Commonwealth occupied every castle or town where their presence was considered necessary for ensuring the loyalty or at least acquiescence of the people. The town of Peebles and Neidpath Castle, as the printed

records show, were each from time to time frequented by detachments of English soldiers, and they seem to have begun to arrive shortly after the catastrophe of Dunbar. Previous to that event a nightly watch had been organised:—"1650—July 26—Ordanes a watche to be kept ilk nicht, and that tuelf men be sett thairon ordourlie and continew during thir troubles; and that the portis be closit in the nicht and the toun wallis be repairit be all the heritouris effeirand to thair pairtis, under the panes contained in the auld actis. August 30—Alexander Duncane confessit being on the watche he gaife Arche Tuedie ane cussit; comes in will thairfore, and declares Arche Tuedie straik him. To be cited to the court nixt court day. The counsell fynes Alexander Duncane for the ryot in thrie pondis." After the disaster of 3rd September, and when the invaders began to spread over the country, considerable alarm appears to have been entertained by the inhabitants at their approach:—"1650—October 7—The proveist, baillies, counsell, and a great pairt of the burgessis of Pebles conventit in the tolbuith: Ordanes to keep nichtlie a scout watche, sex at the North Port and the remanent at the uther portis proportionallie, with armes, to advertise the town of the enemies' approache. Ane of the town counsell nichtlie to be on the watche." 14th—Meeting of council but no business noted. "24th—The provest, baillies, counsell and a great number of the burgessis and inhabitants of the said burgh conventit: Ordanes a scowt watche to be kept nichtlie, and that twa horsemen be sent owt, and that everie ane of the tua watches sall have nightlie xx s. Scottis money, quhilk is to be brokin throwch the inhabitantis proportionallie, and that ane of the scowtis ryd to David Heislope hows, the uther scowt to ryd to Gladhowsmilne dailie, and report newes anent the motioun of theemie, utherweyes no payment for them; and gif the scowtis sall neglect that ordour that they be punished at the magistrattis discretioun with advyce of the counsell. Nominattis for the scowt to ryd, *per vices*, tua of them nichtlie, thes persons—William Patersone, [and eight others]. The magistrattis and utheris to mak a compt of the rest of tua schillings sterling that wes collectit be them for putting out the feild levie that the superplus thair of may be disposed of be the counsell."

There is a break in the records between 1st November and 1st May, a clear indication of the town's affairs having been put into a state of disorganisation,

caused no doubt by the arrival of Cromwell's troops.\* It is gathered from a letter of Cromwell, dated 4th December, that Major-General Lambert had been in command of the detachment, an imposing cavalcade numbering about 3000 horse, which had first taken possession of the town,† but these forces were speedily withdrawn to encounter the "Remonstrants" in the West.

Of proceedings relating to the town's properties and commons between 1640 and 1653 a selection may be given:—

*Caidmair*—"1642—March 7—It is concludit that ane hous be biggit upone the south syde of Kaidmure at the crone buchtis, that the samyn, with ane certane number of sowmes gres, may be set to ane tennent betuixt and Witsunday nixt. April 4—Ordanes the thesaurer to furnisch thrie cupillis and remanent furnitour to the hous of Kaidmure. 1643—April 3—The counsell appointis Fryday nixtocum the chartour kist in the stepill to be serohit for informing the toun anent the landis of Kaidmure. May 8—The counsell ordanes William Lowes and Patrik Vaitche to meit the lordis of sessioun appointit for visiting of Kaidmure and examyn witnessis thair-upon upone Monday nixtocum, and to convoy thame heir upon Tysday nixt thairefter. 18th—Sir Adam Hepburne of Humbie, knight, ane of the senatouris of the College of Justice; James Richartson of Smeitoun; Mr Alexander Foullis, sone lafull to umquhile George Foullis, maister of his Majesties cunzehous; William Steinsone, wryter in Edinburgh, and sergent befoir the lordis of counsell and sessioun; Mr Thomas Nicolson, advocat befoir the lordis of counsell and sessioun; John Dickson of Hartrie, ane of the clerkis of the lordis

\* In the accounts there are in September and October entries referring to the visits of English soldiers, payments to hurt soldiers and for "kists" to dead ones; and on 1st Nov. 1s. is paid for "two candle to look the writtes in the steiple efter the Inglesmen had spoiled the same."

† In a letter of Lambert's, written at Edinburgh on 8th January 1651, just published in a Report by the Historical MSS. Commission (Duke of Portland's MSS. at Welbeck Abbey, vol. I., p. 552), there is a curious reference to one who appears to have been connected with Peebles, and whose prognostications of future events received some attention. "Their young king," writes the major, "is gone to Aberdeen, where, 'tis reported, he sets up his standard. They will rise willingly, being very unanimous, yet the dumb man of Peebles makes signs that they will before long cut off the heads of some great ones."

of counsell and sessioun; [servitors to Sir James Mackill of Oranstoun Riddell, ane of the senatoris of the College of Justice; and others], ar admittit burgessis and free men of the burgh of Peblis, . . . quha being all personallie present and acceptand the samyn, hes gevin thair aith of veritie. *31st*—Appointis the proveist and William Lewis to go to Edinburgh upone Monday nixt and to await upone the tounes effairis and actionn aganes John Scott. *1643—July 24*—In presence of Patrik Thomsone and David Plenderlaith, bailyeis of Peblis, comperit Willame Lyll of Bassenden, sheref deput of Peblis, and for ten sowmes gers of scheip pertening to him to be pasturit upone the landis of Kaidmure till Witsunday nixtocum, actit him self to pay to the toun of Peblis and thair thesaurer in thair name quhatsoever mail thairfor as the provest and remanent counsell thairof sall modifie; provyding the saidis guidis salbe onlie hirdit and keipit be the common hird of the said burgh; and for warrandice of this act hes subscrivit the samyn as ane tak thairof. (Signed), W. LYLL. *Aug. 7*—The counsell being sensible of ane act drawn up be the tua bailyeis anent the granting licence to William Lyle for his scheip to be pasturit upone Kaidmure to be grantit without advyse of the haille counsell, and thairfor contineuis the desyre of the supplicatioun gevin in aganes the samyn till this day aucht dayis, or the nixt counsell day that the partya be present. *Aug. 21*—The counsell ratifies the act anent the granting licence to William Lyle for pasturing of ten sowmes gres upone Kaidmure till Witsunday nixt, notwithstanding the supplicatioun gevin in befor the counsell in the contrair and formar act challenging the samyn; and modifies foure merkis for ilk sowme thairof to be payit betuixt and Candilmes nixt. *1644—Nov. 4*—Ordanes the fauld in Kaidmure to be roupit, as also four aikeris thair to be set out in few to burgessis of this burgh. *Nov. 18*—Ordanes to warne John Tuedie and John Plenderlayth to the nixt counsell day to heir and sie thame censurit for putting furth of thair dykes upone the lonyng to Kaidmure. *Dec. 2*—Ordanit John Tuedie to pay to the thesaurar 40s., and John Plenderlaith to pay foure merkis, for the outputting of thair dykis in the lonyng to Kaidmure. *1646—July 27*—Ordanes the haille ky upon Kaidmure to be pasturit upone the Venlaw for aucht dayis heirefter. *1647—April 19*—The counsell hes set to Alexander Lauder, in Qahawmfute, tua thrie-yeir takkis, and the said Alexander

to be frie at the expyryng of the first thrie yeiris in his optioun of tuentie sowmes gres thairof, with sum mair land upone the eist and west sydes of the samyn at the consideratioun of ony foure of the counsell to be nominat for that effect, he payand yeirlie thairfoir ane hundreth pundis. *May 10*—Ordanes the tua bailyeis to visit and designe the grund of the eist and west sydis of the Quhawme to Alexander Lauder. *June 28*—The haill counsell ordanes Kaidmure and the tounes guidis thairupone to be sowmeit and rowmeit, and quhat uther guidis nor the tounes guidis sall be fund upone the samyn to be pyndit and brocht hame to the Castelhill. And sielyk the guidis upone Hammildoun and Venlaw to be pyndit *ut supra*. The magistrattis to deill with Mr Hew Ker for the double of the instrument betuixt my lord Yester and the toun of Peblis anent the merche betuixt Kaidmure and Edderstoun, according to the said Mr Hew his promeis maid to the magistrattis of befoir. The magistrattis to speik my lord Yester and appoint ane meiting upone the said merche betuixt Edderstoun and Kaidmure. *July 26*—The tua bailyeis reportit frome my lord Yester that his lordship at this present declarit he culd not at that tyme be present anent the merches betuixt him and the toun, bot als sone as he returnit he suld be content to meit thairupone. William Lewis declarit he had ressavit the copie of ane double of ane instrument betuixt my lord Yester for the tyme and the toun anent the merches, Mr John Manderstoun, notar thairto, with the copie of ane uther instrument be — Scott, notar thairto. The bailyeis and utheris, anent the sowming and rowming of Kaidmure, declairis thair was of milk guidis of the tounes and thair hirdis ellevin scoir. Item, pertening to Alexander Lauder four scoir aucht. Item, of yeild guidis pasturand upone the Wester hill nytene scoir by and attour lambis. *Sep. 18*—The counsell being informit that thair is sindrie burgessis hes tane in frome gentilmen and utheris outwith the toun sindrie numberis of scheip and pasturit upone Kaidmure without warrand of the magistrattis and counsell, thairfoir they haif ordanit all these that hes tane the samyn sall pay to the thesaurar for ilk sowme thairof or les proportionallie foure merkis. *Nov. 6*—Ordenes the magistratis and counsell, with quhom they shall appoynt, to go to the hillis of Cadmuir and visit quhair ane teillage may be fund, and divide the samyn amongst the burgessis betuixt and this day aucht dayes. *1660—April 5*—Ordanes the



thesaurer to provyde timber for building of ane hows in the crone buchtis, and to visite the samyn, and this to be done with all possibill diligence. 1651—*Aug. 29*—Baillie Thomsone declaires that John Lowes, lait proveist, [and others], causeit number the goodes pasturand upon the tounes propper lands of Caidmure, tuentie dayes since or therby, and found them pasturing theron nyne scoire fyfteine milk yewes, tuentie-ane scoire yeild scheipe, and upon the Dod sex scoire lambes. 1652—*March 15*—Ordeanes the hail inhabitantes to be warneit to Moonday nixt anent the setting of Caidmure. *April 5*—The counsall hes concludit that sne hous be biggit upon Caidmure at the crone boughtes foranent Cruikstoun, and tuentie or threttie grassowmes, with tillage conforme, be sett betuixt and Witsunday nixt, and to spear out ane man for takeing therof.”

*Easter Common.* — “1642—*Aug. 1*—Ordeanes all these that hes ony nolt upone the Eister Communes to send day about out of ilk quarter tua men to keip the samyn in better gres nor they ar hirdit be the present hird during the tyme of thair abyde, at leist till the hird mak ane mendis. 1643—*June 30*—Ordeanes ane pundler, ane sufficient man, to be sent furth be thame for keiping of all guidis aff the commoutie of Peblis, exceptand the guidis pertening to the toun of Peblis and Scheilgrene, and remanent proper heidrowmes theirowf, and thair commoun hird to assist the said pundler. 1645—*Aug. 4*—The hail nolt upone the Eister Commounes to be sichtit, and all the nolt tane in thairupoun be the burgessis of this burgh pertening to outland men to be pyndit till thair be payit to the thesaurar half ane merk for ilk peice thairof; and ordeanes the saidis burgessis, takeris in of the said nolt, to pay the said half merkis to the thesaurer, quhom the counsell authorizes to exact the samyn, and to be comptable thairfoir. And for these nolt pertening to the landward folkis tane in be the nolthird that the samyn salbe also pyndit and keipit till they pay for ilk ane thairof half ane merk; and incaice of failye the samyn to be tane aff the hirdis fie. And sicklyk the magistrattis to put furth ane officiar, with tua or thrie men, for pasturing the tounes guidis in the best pairt of the saidis commounes. 1646—*July 27*—The hail counsell approves the sending of men be the bailyeis, with my lord Yesteris men, to hound all the guidis, except the heidrowmeris, aff the Eister Commoun, and sicklyk, the proveist and bailyeis to send men to hound the samyn in tyme cuming; and ordeanes

their notherd to pasture the toune guidis thairupone in tyme cuming. 1647—July 26—Ordanes tua of the toun thair day about to visit the Eister hillis, and ordane the hirdis to keip thame on sick partis thair of as the saidis visitouris sall apoint. And the saidis persones to intimat to the hirdis that gif he ather fauld the nolt or keip thame upon ony bair ground, or spair ony ground for guid deid, they sall haif na payment of ony dewtie. Aug. 7—The counsell, understanding that Richert Porteous, thair commoun hird upone the Eistir Commounes, doeth spair the ground of the saidis commounes for buddis and brybes gevin to him be the nichtbouris upone the heidrowmes thair of, thairfoir they haif ordanit that the pryce tane be the said Richert for keeping of the heidrowmeris nolt, salbe payit bak agane to the toun, or utherwyis to hald as mekle in thair handis of the said Richert his fies, and the inhabitantis of this burgh to be dischargit to pay to him ony of his fies, bot to pay the samyn to the public use of this burgh. 1649—June 4—Licence gevin to William Govans of Oardrono to pasture ten nolt upone the Eister Hillis, payand for ilk peice to the thesaurar 13s. 4d. and to the hird half ane merk. 1651—July 18—Appoyntes tuo baillies [and three others] to goe to the Eister Commounes to-morrow morning and take up a roll of all the persones, both within and without burgh, that hes any nolt pasture and thairupone, and to report the nixt counsell day. 22nd—It is resolved that foure able men, burgesses and inhabitants of this burgh, in each of the four quarteres therof, goe daylie to the Easter Commounes and sie and helpe the commoun hird to keipe the tounes yeild nolt to the heidrowmes and merches of the saids commounes, beginnand to the merches ewest the Escheilles for the first eight days, and the nixt eight dayes to the merches nixt Scheelgreen, and so cours about, ilk persone, under the pane of ten punds unforgiven; and for the first day that ane of the baillies goe with them, and thencfurth two of the counsell daylie."

*Winkston Common.*—"1652—April 2—The magistrattes, with two or three of the counsell, to speik Cringiltie and Adam Lytill of Winkstoun, who have equal right with the toun of Winkstoun Commoun, and they togither to speak the Laird of Blackbaronie to caus his tennentes keepe thair goodes off the said Commone becaus he has no right thairto."

*Tweed Green and Skinnersheugh.*—"1642—August 1—It is enactit that all these that sall pasture their

schelp upone Tued Grene, Skynnerheuch, and thair about, and upone Kaidmure by the commoun hird, sall pay for ilk sowme thair of fyve merkis. 1652—*April 5*—Bidden be James Williamsons for ane thrie-year tack of the Commone Green, from the steipstane to the sand bed, tuentie pundis yearlie. 1653—*March 7*—Ordeanes the townes commoun ground, callit of old the Milldam, now the green, from the kill doune to the sand bed to be rowpit and sett to ane burges. *April 12*—Assignes and settes to John Oleg ane thrie-year tack of the Guytfootes from the eist end of the Skinnerbench to the sand bed for £5 yearlie, and the magistrates to designe the bounds.”

*Venlaw.*—“1647—*May 24*—Ordanes the tua bailyeis to speik Sir James Hay anent the Venlaw, and in the meanetyme to caus hound utheris guidis aff the samyn. 1650—*Nov. 10*—The counsell ordeanes the common passage up Caudellis balk\* to Vainlaw to be considered. Witnesses to be led for proving of breid of the said balk, to the end that the said passage may be keiped intyre as formerlie for the use of the inhabitants, and to that effect ordeanes the heritouris nixt thairto to be personallie present, and that thairafter the taill lyand thair may be justlie measured to the heritouris.”

\* “Balk,” a strip of ground left uncultivated. The owner of the ground along which this passage to Venlaw led was probably the William Caudell who was admitted a burges on 10th May 1652.



## XXXII.

PROVOST WILLIAMSON — TOWN'S SEAL — MORTIFICATION BY THE PROVOST — ACREFIELD OR ROSETTA—THE PROVOST'S PLENISHING AND PROPERTY — BURGHE CUSTOMS — MILLS AND MILLERS—SCHOOLMASTERS.

THE reappointment in 1650 of James Williamson to the provostship proved to be the last he was to receive, as he died on 14th August in the following year. During a period embracing more than a quarter of a century he had frequently occupied the first place in the council, and had also many times acted as the town's representative in parliaments, conventions, and general assemblies, and doubtless exercised considerable influence in burgh affairs. A day or two after his death the burgh seal, which had been in his custody, was delivered up:—"1651—*Aug. 18*—Produceit be John Williamsone, ane of the tutores nominat to James Williamsone, sone and aire of umquhile James Williamsone, proveist, the tounes seill or stamp, laitlie in the said proveist's custodie and now deliverit to John Lowes, lait proveist." John Lowes had been provost in the preceding year, and was reappointed at the election in 1651, but did not serve out the full term, as William Lowes is found occupying the office in May 1652, and receiving a renewed appointment at the annual election in October. On 20th October 1651 there was "Produceit be John Williamsone, ane of the tutores nominat be umquhile James Williamsone, lait proveist of Peblis, to James Williamsone, his sone, ane band grantit be Malcolme Inglis, in Mennerhead, and his cawtioner, to the proveist, baillies of Peblis, and their successores, conteaning the sowme of two hundreth merkes whilk was mortified to the said burgh be the said umquhile James Williamsone, who desyreit that the benefeit and yearlie annual rent of the said sowme may be employit according to the will of the mortification." By the deed of mortification, which is dated 21st June 1651, the provost, "out of godlie zeall, pietie, and conscience, and out of loving afektions and respective care I

hears and earie to the burgh of Peebles," bestowed £200 upon the magistrates and council, and directed that the annual interest of it should be applied towards "upholding, mending, beating, and repairing of the stone and tymer bridges belonging the said burgh," and if there should be any overplus it was "to be employit upon any other common work of the burgh."

Provost Williamson had acquired from Patriek Bullo an "aker of land in Aikerfield" (now comprised in the modern Rosetta), of which the town council were superiors. There were rival claims upon the property between James Williamson, the only surviving son and heir of the provost, and his "oyes" (grandsons) George Thomson and Alexander Horsbruk, but "by reasone of the tymes"—an allusion, doubtless, to the disorganisation of judicial procedure at the time—they could not "get the right of propertie cleared." The council (12th April 1652) arranged that Alexander Williamson and John Williamson, the tutors of the son, who was in pupillarity, should enter into possession of the land, they paying £14 of composition and £24 of bygone feu-duties; and if the "oyes" should by 11th November 1653 establish their right to the land they were to get a charter on repaying the heir his expenditure. John Williamson, the eldest son of the provost, had predeceased him, leaving a widow, Marion Horsbrugh, who also put in a claim for Aikerfield. This was unsuccessful, but her right was established to some property in the town, which had belonged to the provost, including the foreland of a tenement on the north side of the High Street and the liferent of a back land and forebooth there, and also of a barn, steipstane, and yardea thereof, lyand on the east syde of the Kings hea streit outwith the North Port." The latter properties had been conveyed to the eldest son ("reservand to the said umquhile James Williamsons and umquhile Cristiane Hay, his spous, their lyfrents therof,") and he had granted to his wife a tack of them during her lifetime.

On 27th December 1651, Stephen Greive and other three burgesses, "comprised" or valued the "uten-cellis, domicelles, insicht, and plenisching, whilkas perteanit to umquhile James Williamsons, lait pro-veist, and conteanit in the inventar subscrivit be himself on 30th July last." The list is an instructive one as showing the character of the household goods possessed by an influential burgher in the middle of the 17th century. It is as follows:—"And lang

firre table, with ane haill furme and brokine furme, £6; ane ashe table, with two furmes, 50s.; 3 firre beddis, 2 at 50s. the piece, the other fixt and standing still; ane old oake ark, broken, nothing worth but for the fyre, except the two yron bandis thereon, 12s.; ane old great ashe chist, 24s.; ane firr chist, £4; ane candle chist without lockes or bandes, 8s.; ane Flanders fir chist, £6; ane Scottes fir kist, 40s.; ane uther old fir kist, £3; ane foure gallon barrell, 12s.; tuo litle barrells, 16s.; tuo aill boittes xvj s. the peice; tuo aill standes, 26s.; ane wort gayle fatt, 20s.; tuo flesh standes, 32s.; ane meall gayle fatt, 20s.; ane masking fatt, £3; ane great knocking trouch, 30s.; ane timber bed, 6s.; ane wainescott table with two furmes, £7; ane bed with ane bound wainescott heid, £4; tuo old meat almeries, £10; ane veshell almerie, 16s.; ane firre chist, 13s. 4d.; tuo tymber chyres, 17s. 4d.; ane meikle bras pott, weyand 1½ stone, at 5s. the pound; tuo litle bras pottis weyand both ane stone weicht, at 5s. the pond; ane old yron pott, 24s.; ane meikle pan, 12s.; tuo litle panes, both 12s.; iron graith, as speittis, raxes, cruikis, clipes, tangs, graippes, flesh crook, and the yron graith of the pleuch, weyand in all 4½ stones, at 50s. the stone; powder graith, as stoppes, plaittes, trincheores, saucer, tanker, and salt fattes, etc., weyand 2 st. 15 lbs., at 9s. the lb.; 3 bras chanleres, £3 10s.; ane old caldron weyand nyne quarter wecht, at 9s. the lb.; 2 fir kists, 23s. 4d.; ane cheise daill, 13s. 4d.; 12 dailles at 13s. 4d. the peice; 3 timber beds, £8; ane table with 2 furmes, £4; ane old pres, 36s.; ane litle yron chimney braice, 20s.; ane pleuch and the tuo hors tries, 40s.; 2 slaides, 36s.; 2 harrowes, 26s.; ane pair muck creilles, 2s.; ane old ryding saidle, 30s.; ane load saidle, 8s.; ane foot speid, 4s.; ane brokin peit spaid, 2s.; ane malt schole, 2s.; ane old window cloith, 10s.; ane tymber laidill, 2s. 6d.; 3 washing tubbes, 20s.; ane ridle, 2s.; ane meill seave, 10s.; ane woole wheill, 20s.; ane lynt wheill, 40s.; ane milk seive, 12d.; ellevine great and small outtit ashe trees, whereof tuo £8, the rest reserved for the use of the pupilles hous in the Northgait;\* ane half sawin tree, £3; thrie stand greene courteines, 5 merkis; 6 fedder beddis, £25, 13s. 4d.; six fedder bolsteris, £14; sevene fedder codis, £3, 10s.; fyve chafe beddis, £1; 3 chafe bolsteris, 18s.; 4 sewed coverings, £14; 2 new

\* This may have been the town house of the Williamsons of Cardrona, the "Cleikum Inn" of *St Bonan's Well*, and now the Cross Keys Hotel. See *Chambers's History of Peeblesshire*, pp. 219, 393-4.

double woven lynced coveringes, £14; 8 single woven coveringes, £17, 11s. 8d.; thrie pairis new blanketts, £12; 8 paires old worne blanketts, £4; six new cushines, £4; foure old cushines, 6s.; 12 paires linen scheittis, £15, 10s.; 11 paires hardine scheittes, £12, 12s.; 7 codwaires, £3; 3 dornik boord cloithes, £2, 17s. 4d.; 5 linen boord cloithes, £3, 8s. 8d.; 34 linnen and dornik servittes at 4s. the peice ourheid; ane linnen drinkoloith, 6s." Summation noted on margin, £339, 2s. 8d.

*Customs.*—The customs of the burgh were usually collected by a tacksman, who had to compete for the let at a public roup. About £120 had been the average yearly tack-duty for the preceding thirty years, but in March 1650, partly perhaps owing to a new table of dues being then adopted, as much as £160 was realized. In the following year, as a consequence no doubt of the military disturbances, the rent fell to £67, but with restored tranquillity the successful offerer in 1652 had to pay £215, and in 1653, £214. On 16th July 1649, the council resolved that "the raittis of the customes of this burgh be conforme to the customes of Edinburgh, and the copie of the saidis raittis to be inquiryit for at Edinburgh;" and afterwards there occurs the following "roll of the pryces of custome to be uplifted be the customer, sett down be the counsell:—25th February 1650.—The hors load to pay 12d.; the burdene of merchandice, 6d.; everie load of fische, 12d.; everie burdene going out, 6d.; everie load transportit, 12d.; everie drift hors, 8d.; everie staig, 4d.; ilk ox or kow, 8d.; ilk slawchter scheepe sold, 2d.; ilk slawchter lamb sold, 1d.; strangeris and unfremen to pay for the scheepe, 4d.; they to pay for the lamb, 2d.; everie score of geis, 12d.; everie swyne, 6d.; ilk load of meill (by the laiddill), 12d. The customer to keip the firlettis, peckis, half-peckis, copps, and to furnish the mercat thairwith to the meillmen and to exact for everie seek metting, 12d. The customer to exact at all faires during the tyme thair of doubill custome. Everie stane of yarne weghtit be the custome stane be friemen, 8d.; unfriemen, 16d.; for everie stane butter or cheis weightit be friemen, 2d.; unfriemen, 8d. 1650—March 29—Ordanes that all wyne to be brocht in and sold within the brugh sall pay custome, and that everie twanne sall pay at the port, befor it be allowit to come in, tuentie pondis, and that the town thesaurer uplift the samyn."

*Mills, Millers, Thirlage, Multures, and Sequels.*  
—"1641—Dec. 13—Item, that all quha byis

aittis in handwart and sellis the molli thairof in this mercat sall pay the multure thairof quhiddir they grind the samyn at the tounes mylnes or not.

1643—April 11—Compeirit James Halden and of his awin consent promeisit to produce his richt to the knaifschip betuixt and Witsaday nixt. June 20—James Halden, present, to produce his richt of the knaifschip betuixt and 15th August, with certificatioun gif he produce not the samyn to be decernit null, and he to cum in the counsellis will for ane new richt thairof. August 29—Compeirit James Halden and declairit he had serchit and socht for his richt of the knaifschip of the mylnes of this burgh and could not find the samyn, and thairfoir submittit himself frielis in the counsellis will.

1644—April 1 William Wylie, present, sworne anent the cornes abstractit be him fra the commoun mylnes of this burgh, declairit he abstractit onlie anocht bollis aittis, quhilkis he coft fra Janet Thomsone, widow in Eschellis, at the foure pundis, quha is ordanit to pay to the thesaurar twenty-fyve schillingis.

May 13—Compeirit James Halden, miller, and being challengit that he and his servantis hes usit and tane wrang measouris of his knaifschip and bannock, quhilk being now provin, the counsell findis him and thame to haif sindrie tymes done wrang thairintill, and continewis the censuring of him thairfoir till they be forder advysit; and ordanes him and his servantis in all tyme cuming to tak the feirsaid knaifschip and banneck with the hail and half cop, and utherwis proportionallie of everie corne according the awin measour, viz., the schilling and ouch corne with the schilling cope and the hommill corne with the quheit cope, under the pane of ten pundis for ilk failye efter tryell thairof, and gif he and they be fund in thrie falsis *ipso facto* him to be depryvit. And lykwis ordanes him and his servantis to be comptable for the hail malt to be grund at the mylnis in tyme cuming, and to met the samyn befor it be ground; and thairupone the said James, being sworne, he gevin his aithe.

July 22—Complaintis being gevin in *vinc inde* be James Halden, miller, and Thomas Moyses, walker, the counsell ordanes Thomas Moyses, conforme to his tak, to beit, repair, and uphold the half of the cauld, and he and James Halden to keip the Kingis peace, ilk ane of thame, under the pane of of fourtie pundis, and als to keip guid nichtbourheid and not to be hard heirefter.

Nov. 4—Compeirit Margaret Alexander, speus to John Hendersone, cooper, and grantit the taking of



fyve bollis attis and grinding thairof at Kidstoun mylne. Ordanes his sponis to pay the multure thairof to the thesaurar of this burgh. Comperit also John Gibsons, travellour, and grantit the taking away of fyve firlottis schilling at Scottismylne. Appoyntis John Williamsons, thesaurar, to sell the multure malt at £7, 10s. the boll and the schilling at £9 the boll. 1645—Aug. 4—The counsell dischargis all these that makkis malt within this burgh to outlands men to let the samyn go away till the multure thairof be payit to the thesaurar; utherwis the saidis maltmakeris to mak compt and payment of the said multure to the thesaurar quhome the counsell authoreizes to exact the samyn. October 6—John Williamsons, lait thesaurar, produced the key of the multure bowth upon the counsell table, and therafter the counsell ordained Thomas Crawford, present thesaurar, to reassave the said key and intromett with the multures of the mylnes. John Williamsons declares ther was thrie peckis of malt and ane peck of hommell corne in the multure bowth. 1646—July 29—The hail counsell hes ordanit James Halden ather to provyde better servantis and mak better service aganes Mertymes nixt, or ellis to geve over his service and they will provyde for thair mylnes; as also to use the richt measouris. Oct. 12—Ordanes that quhasoever sall abstract cornes of any sort frome the commoun mylnes and grund the samyn at uther mylnes sall be comptable for the double multure thairof; and quhasoever sall buy malt or ony uther cornes in landwart or ellis quhair sall ather bring the samyn to the tounes mylnes to be grund thairat or ellis sall pay the double multure thairof, together with the sowme of 40s. of unlaw. Oct. 19—James Halden is ordanit of new agane to provyde for better servantis and mak better service at the mylnes aganes Mertymes nixt, or ellis to give over the samyn; and discharges him and his servantis and undermylleris to exact ony mair knaifschip or uther dewties nor was of auld usit, and speciallie fra taking of ony bannock groittis, as he and they will be answerabill to the contrair. 1647—Nov. 8—The counsell hes modifeit the pryces of the multure victuall as follows, viz., the boll schilling for nyntene merkis (£12, 13s. 4d.), the boll malt, £8, 10s.; and thir pryces to indure till Yuill provyding the aill ryse not. Comperit James and Andro Haldenis, mylleris, and being sworne be the proveist and bailyeis maid faithfull promeis aent the collecting of the multures of the cornes, and they

suld collect the multure of ilk seek as the samyn sall be ground. *1648—Oct. 31*—James Halden fined 2 merks for evill sifted meill and forceing the officer. *Nov. 6*—James and Andro Haldenis, present, sworn, maid faith *de fidei serviciis*. Andro Halden dischargit of railing, under the pane of xl s.; and he to get alanerlie for ilk boll quheit 12d., and boll malt 8d., or ellis ane drink in the optioun of the owner. *Nov. 20*—Ordanes the thesaurar to haif ane buik for the multures of the mylne, and to tak compt nichtlie thairof, baith of the milleris and the names of the awneris thairof, with the quantitie of the samyn. *1649—Jan. 8*—The hail counsell, efter sufficient tryell of the wrangis done sindrie tymes be Andro Halden, miller, sen the dait of the act 1644, and for the wrangis done to the counsell judiciallie the xxv day of December last, ordanes the said Andro Halden to be wairdit in thair clois waird and stepill, thairin to remane till Setterday nixt at nicht, at the leist xlvij houris, and intimatioun to be maid be the magistrattis to him that gif he be fund heirefter to use ony fals measouris in taking of knaifschip or bannock, unthankfull service, exacting of money for malt or quheit, or utherwys not to mak guid service, to be put fra the mylne *ipso facto*. *Jan. 30*—James Halden, miller, being challengit for his ignorance and unskilfulness, unthankfull service, negligence in attending, his awin miscariage to the hail counsell, and in privat to the magistrattis, his servantis and sones for railing of these quba cummis to the milnes and for not keping all the formar actis aganes him, cummis in the counsellis will and submittis him to thair censure. Continewis the samyn to the nixt counsell day. *March 5*—James Halden, present, wairnit to provyde for himself aganes Witsunday nixt, and the counsell to provyde for thame selffis; and gif he or his servantis sall upbraid ony persones sall happin to be conduceit be the counsell to thair milnes or ony of the counsell, he to pay to the thesaurar fourtie pund for ilk failye, and continewis the censuring of him for his formar faultis till the nixt counsell day. *April 13*—Ordanit the proveist and bailyeis to send for Robert Murray, at the mylne of Lyne, and aggrie with him anent the service of the mills, and to tak the advyse of sua mony of the counsell as salbe warnit thairto. *August 27*—Ordanes the thesaurer to caus cast devattis and to furuish tymmer for the hoopis and utheris necessaris for the new mylne, and lykwyis devattis for the auld mylne, and ilk counsellar

and uther honest men to leid ane hundreth thair of, under the pane of payment for the leiding of ane thowsand, as lykwyis the thesaurar to provyde tua grit jeistis to be ane brig over the mildam. *September 3*—Appoyntes the proveiat [and five others] to visit the new mylne and aggrie with Stene Greve to big the samyn." The records do not make it quite clear where the site of this "new mylne" was, but it is supposed that on the waulk mill being transferred from Tweed Green to the site of the Auld Mill on Peblis water the two corn mills were placed adjacent to each other on the side of the Castlebill and supplied by the same mill lade. On 25th October 1652, "at and within the corne milnes of the burgh," four persons mutually chosen by the council and James Haldane, the tacksman, for examining "the saides tuo corne milnes, . . . and what the samyn ar better or worse now then they wer at the said James Halden his entrie therto on 12th November 1649," gave in their report, in which the mills are referred to as the north milne and south milne. Amongst other things it is noted that at the north milne the "foire doore cheekes and lintellis had been taken away be the Inglishmen," and that at the south milne "the half of the foire door had been taken away be the Inglishmen."

It is related of a miller, who on good-humouredly rallying the half-witted "character" of the village on his ignorance and receiving for answer the remark—"There are some things I ken and some things I dinna ken," inquired—"An' what things *do* ye ken, Jock?" "I ken the miller hes aye a gey fat soo." "An' what things *do* ye *no* ken?" "I dinna ken whaes meal he feeds it on," said Jock; and passed on, observing *sotto voce*, "that's a fie in yer lug this time, ma man." It may be assumed that it was for the purpose of avoiding liability to suspicions similar to those which give point to the story that the council (27th August 1649) resolved "to advyse anent the milleris and discharging of thame to haif swyne, geis, duikis, and hennis, conforme to the formar actis maid thairanent of befoir."

*Schoolmaster.*—"1642—*March 21*—Thomas Crawford is content to await upone the schole and to teitche the bairnies till sick tyme the toun be provydit of ane scholmaister, for the quhilk he sall haif satisfioun proportionallie as Mr Alexander Dikeseone had in his tyme. *May 5*—Comperit John Baptie, presentlie conversant at Johnstounburne, and acknowledgit ane aggriment betuixt the pro-

vest and ballyeis for the pairt of this burgh and him to be thair scholmaister upone the conditiones set down betuixt thame, and actit him to repair and cum heir to discharge the saidis conditiones under the pane of defamatioun. 1643 -- August 21 — The counsell grantis licence, libertie, and privilege to the scholmaister and schollers to tak the vacance fra Thursday nixt the xxliij of August instant till Michaelmes nixt. 1646—April 28—Johnne Ker, now servitour to Andro Ker of Sunderlandhall . . . conduceit to be thair scholdoctor of the schoole of Peblis fra Witsunday 1645 till Witsunday 1646, upone the self same conditiones and for the feyis and casualites that Robert Threipland, present doctour, had of the samyn. 1646 — May 6 — Thomas Dickesone, some lauffull to umquhile William Dickesone, burges of Pebles, conduceit school doctor from Whitsunday 1646 to Whitsunday 1647, upon same conditiones, and for the feyes and casualities that umquhile John Ker, lait doctor thairof, and he himself had of the samyn befoir. 1647—June 28—Ordanes ane letter to be writtin be the clerk, subscrivit be the magistrattis, and sent to Mr James Currie, quha is to be scholmaister, schawing him the counsell hes condescendit to geve him tua hundreth merkis yeirlie of constant stipend, togidder with the ten merkis for his chalmer maill, and to desyre him to send word quhen tua horsais for carriages salbe sent to him. July 13—The hail counsell, in ane voce, hes condescendit to geve to John Baptie, lait scholmaister, pairtie for ane quarter payment of his fie and pairtie of gratuitie, the sowme of threttie pundis money. July 13 — Mr James Currie, lait student in the colledge of Edinburghe, being recevit and admittit scoolmaster of the scoole of the burgh of Peebles fra 18th Julij instant till 13th Julij 1648 yeares, for the sowme of 200 merkis, with 10 merks for his chalmer maill . . . togidder with twelve pennies Scottes money of quarter payment for ilk toune bairne and 13s. 4d. money foirsaid for ilk landwart bairne quarterlie. . . . And the said Mr James Currie compeirand personallie and acceptant the said office, . . . hes gevin his aithe of fidelitie for disochairge of ane honest, carefull, diligent, and faithfull dewtie in the said office, be instructing the youth in the groundis of divinitie and liberal sciences according to his knowledge and their capacite. . . . Lykeas he hes acceptit the injunctiounis injoynit to him in the said service con-

sisting in the articles following, viz.:—[These are similar to the injunctions in similar appointments; see Gleanings Nos. XII. and XXII.] 1648—April 3—To the much honoured proveist and bailieis and remanent counsaillers:—Forasmuch, I your wisdomes servant, Mr James Currie, now knowing by experience that in regard of the dearth of eldene and other things I am not able to leive convenientlie upone that quhich I have ordeaned to me by your wisdomes; therfor most humblie desyres your wisdomes to advyse and lay doune a way how I may be helped in eldene. (2.) I humblie crave your wisdomes would cause my hous maill be fully payit. (3.) That the quarter payments may be augmented to 3s. 4d. (4.) That I may be liberat from under some of your acts, namlie (first) from this:—It shall not be lesume to yow to give the bairnes the play aney dayes in the weak bot upone Twisday and Thrusday, and that betuixt 2 houris and 4 houris; (2.) That if I sall be found to transgresse aney of the forsaid acts *ipso facto* I shall be guyltie of depositioun and removall from the schooll within 20 dayes efter tryall therof. Of these humble desyres I crave your wisdomes would give a frie answer, that I may know quhat to doe anent my remaining or removing, seing longer it cannot be delayed unlesse prejudiciall to both of us. Now your wisdomes answeir humblie I expect. (Signed), Mr J. CURRIE." Written on the margin of the supplication:—"1648—April 3—Continueit till the nixt counsell day." "1648—May 15—The proveist and bailieis hes undertane to speik the young persone and desyre him to wryt for ane scholmaister. June 1—The bailieis and maist pairt of the counsell thinkis it fit to wryt to Mr David Skeoch, presentlie at Monkton, requyring him to cum heir that the counsell and he can aggrie anent thair schole." 1649—Jan. 30—[William Purdie appointed; see printed Records, pp. 386-7.] "1650—April 12—The schoole to be visitit be some of the presbitrie to try the proficiencie of the scholleris. July 17—William Lowes delivered ane mortificatioun grantit be Marie and Issobell Tuedie and Margaret Tuedie and himself of the thrie thridis of Frankisland, Dalatho, and housis in Peblis, mortified to the schoole of Peblis. [See printed Records, pp. 391-2.] 1651—Oct. 20—The counsell finding the prejudice the young children to burgh and landwart have susteanit thes tymes bygane for want of ane scoolmaster have resolvit that ther be ane sufficient and

qualified man sought out to discharge that duty, and the magistrattes to provyde ane scoolmaister against the terme of Hallowmes nixt. 1652—*March 22*—In face of counsell Mr William Purdie, schoolmaister, is advertesit to sie for himself and gevin over be the said counsell is to provyde for ane qualified schoolmaister. *April 2*—Authorizes the proveist, persone, baillies, and thesaurer to agree with Mr Andro Watsone to be scoolmaister and to conduce for his yearlie stipend tua hundreth merkes Scottes, with ane chamber and the paymentes payit be the toune and landwart bairnes, who is to enter at Beltane next, he subscrivveing the endentour and injunctiounes formerlie subscrivved be other scoolmaisteris. *May 6*—Mr Andrew Watsone, vicar of Pebles, being receavit and admittit schoolmaister of the schoole of this burgh” for a year from 3rd May, came under obligation to instruct the “youth committit to his charge in the groundes of divinitie and humanitie and all others liberall sciences which formarlie he did teach whilst he exercesit the said office, according to his knowledge and their capacitie, at such tymes and houres as he shall think fit. . . . Lykeas he shall observe in the weeke dayes the formes and customes useit and observit in schooles in this and otheres frie burghes, and remittes to his awne Christiane prudence and caire in ordering, traineing, and catechising the schollares upon the Sabboth dayes. *May 10*—Continewis the execution of the act maid anent parentes putting their childrene to the scoole untill it be intimat in the churche and thereafter the officiaris ar to poynd thes parentes contraveenand. Ordanes the chaippell bell to be rung everie week day at sex houres in the morning for conveyeing the children to the schoole. John Newton ordeanit to doe it, beginand the morne.”



## XXXIII.

UNION OF SCOTLAND WITH ENGLAND—THE TOL-  
BOOTHES—TOWN'S GREAT FOREHOUSE—SLATES  
AND LIME FOR PUBLIC WORKS—TWEED  
CAULD—FISHING AT COWFORD—KILLS AND  
STEIPSTANES—INCOMERS AND UNFREEMEN—  
BREAD—BAKEHOUSE AND OVEN—GLENTRESS  
COMMON—SEIZURE OF STRAYED SHEEP.

THE paradoxical theory which at present finds favour in certain quarters, that real union can be best effected by ostensible dismemberment, is one which was not likely to present itself to the practical minds of the men who reared the Commonwealth. One of the main features in the first scheme propounded for a settled government of the three kingdoms was the concentration of authority in one body, and so far as Scotland was concerned steps were promptly taken for ascertaining the opinions of the shires and burghs on the subject. Of these, a great majority, through their authorised deputies, intimated their acceptance of the Union, and in course of time an Ordinance, dated 12th April 1654, was passed, whereby "The Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereto belonging," with the advice of his council, ordained that "all the people of Scotland, and of all the dominions and territories belonging unto Scotland, are hereby incorporated into and confirmed into one Commonwealth with England; and in every parliament to be held successively for the said Commonwealth thirty persons shall be called from and serve for Scotland." Ireland was to be represented in parliament also by thirty members, while four hundred were to be summoned from England and Wales. Conjoined with this union settlement commercial privileges of great importance were conferred upon the people of Scotland, and altogether the period of the Commonwealth was characterised by a state of material prosperity throughout the three kingdoms. So far as the printed parliamentary records show, there is no indication of assent to the union having been given by the burgh of Peebles, but the

Historical MSS. Commissioners, in their recent report on the Duke of Portland's Manuscripts preserved at Welbeck Abbey, have brought to light the fact that their assent was given. On 22nd March 1652, the "burgesses and neighbours" of Peebles had granted a "Commission appointing Peter [Robert?] Thomson as their deputy to the English Commissioners," then stationed at Dalkeith, and on the 25th of the same month there is lodged with the commissioners an "Assent to the Union, with the Desires of the Burgh." Attested copies of these documents are preserved at Welbeck Abbey, and it may be hoped that through the courtesy of the custodiers their contents may yet be made available to those who wish further particulars concerning this interesting episode in local history. For the purpose of electing representatives Peebles formed one of a group of seven burghs, the others being Selkirk, Jedburgh, Lauder, North Berwick, Dunbar, and Haddington, and the members they sent to Westminster were William Thompson in 1654, John Vincent in 1656, and Dr Thomas Clarges in 1658 and 1659.

Meetings of the town council and sittings of the burgh court took place in "the tolbuith," so that the name appears on every other page of the records, yet there is scarcely any reference leading to the identification of the site which the building so used for the time occupied. In 1487 a property is described as "lyand in the Briggait of Peblis on the north syd the samyn, betuix the land of David Dinwedy on the est parte and the tolboith on the west parte," and in 1488 "the brigg at the tolboith end" is referred to. At that time, therefore, it may safely be concluded that the tolbooth stood on or in close proximity to the site of the present Printing Office. Subsequently it is supposed that the tolbooth formed part of that group of buildings at the west end of the High Street which embraced the chapel and steeple, and it is probable that meetings of council continued to be held there till the town hall at the head of the School Brae came to be occupied in 1753. The old steeple was not taken down till 1776. In the *History of Peeblesshire* (pp. 283-4) it is stated that the tolbooth and council house at one time stood on the north side of the High Street, opposite the present town hall, but the authority for the statement is not cited. In 1799 the town acquired from Lord Ellick a property on the spot indicated in the *History*, and which is described as a "house or vault which, since the town of Peebles



entered into possession, was by them made into two prisons and as such is occupied by them at present," and this circumstance has probably given rise to the supposition that the tolbooth occupied the site. In 1631, however, there are indications in the records that the council contemplated the erection of a tolbooth in this neighbourhood. A tenement and its pertinents, extending from the High Street to the Briggait, was purchased, materials were ordered to be prepared "for the new tolbuith," and considerable outlays were incurred in making alterations and repairs, but after the lapse of a few years the property was disposed of to a purchaser: 1631—*June 27*—Ordanes to warne the haill tounes horsais to go for ane raik of lyme for the new tolbuith. Item, to tak instrumentis that the grit hous sauld to the toun be James Tuedie is not left void and red quhilk suld haif bene done at Witsondaye last conforme to the disposition thairof.\* 1631—*Aug. 22*—Payment to be made for timber purchased for "reparation of ane fleshmercat† in the clois of the new tolbuith." 1632—*Jan. 10*—"To Patrik Vaitohe, clerk, of instrument silver quhen the keyis of James Tuedies housis wer delyverit, 6s. 1634—*May 12*—For geistis and daillis come hame to the townes housis £31. For 20 threaves strae to theik the towneis housis, £8. To James Greve and his servandis for stinging and mending of the housis, £5, 6s. 8d. For diffatis, being ane thowsand, 11s. 4d. To sax men to bring the grit ledder from the kirk to the hous, 8s. 1638—*May 9*—To John Gibsone for casting of 5000 delffoottis to the fore howse, 50s. *June 5*.—For casting of 500 delffoottis quhich compleited the fore howse, 5s. *May 12*—To these nyne men who brought nyne turse of stra fra Mylnetone, 14s. *15th*—To Andro Bryden and William Wichtman for bringing of two dusion

\* In the titles the property is described as a great lodging or tenement, with the garden, barn stead, and pertinents, lying on the north side of the King's highway, between the lands of John Turnbull, baker, Thomas Dodis, and Patrick Vaitch, clerk, on the east, the Briggait on the north, and the lands of James Merschell's heirs on the west. Turnbull's property had been acquired from William Govan of Cardrona; eastward of it was the property of John Scott of Mount Benger, and betwixt the latter and Dean's Wynd stood a tenement belonging to Patrik Dikisone.

† The present fleshmarket, on the lintel of the doorway to which facing the Dean's Wynd the town's arms are carved, is supposed to be the one ordered to be constructed in 1671.

of spares fra Leith, 36s.; to John Rewell for twa dussion of fir spares, as his letter beires, £6; to John Burnet, than in Mylntone, for 35 thrave beir stra, £8, 15s. *May 21*—To Marion Stoddart and hir daughter for drawing of the said beir stra in thack scheeves, 20s. *22nd*—To James Frame for sax hundreth stobs, 24s. *23rd*—To John Grive and others for bringing of the great kirk ledder fra the kirk and leddering of the townes fore howse, 13s. 4d. *24th*—To John Grive quhen the proveist agreed with him to snyd the trees in the townes yaird to tirlie thiiik the townes fore howse in task, as erles, 4s. 4d. *30th*—To Jonet Haig for ane hundreth bottells of rye stra, £3, 3s. 4d. *31st*—To Bessie Meek for asche walletts, 56s. 8d. *June 7*—To John Grive for theiking of the tounes forhowse, in task, £13, 6s. 8d. To George Haig, in Nadder Kidstone, for 36 rye thack scheeves, 18s. *July 5*—To John Willisone for ane old net quhich was laid on the said howse, 20s. *11th*—To John Grive for laying on of the net to skar away the kees [jackdaws], 3s. 4d. [Several other payments for straw, turf, lime, sand, iron work, and other materials and workmanship, including the following]:—*Aug. 28*—Ane new yron band and repairing of the cruikis of the bak hall doore, 18s. 4d. For repairing the fore staire, £3, 6s. 8d. *Sep. 28*—For mending of the bandis of the stable doore and furnishing naillis, 4s. 6d. *Sep. 20*—To Thomas Bennat for bringing of nyne drawchts of staines fra the Langsyde to the steps of the fore stair, 10s." In 1644 the property was sold to Thomas Nasmyth, son of James Nasmyth of Posso, and Margaret Hunter, his spouse, on terms stated in a minute, dated 29th April of that year:—"Anent sex hundreth merkis offerit be Thomas Nasmyth for the tounes grit hous sumtyme pertening to James Tuedie, viz., 400 merks at St Peter's day nixt and 200 merks at Witsunday 1645 yeiris, they ar content of the said offer, and geves power to the proveist and tua bailyeis to insist and end with him."

*Tolbooth and Chapel.*—"1647—*Nov. 8*—The counsell hes ordanit the hailtoun to be warnit to send their horssis to the solaittis for the tolbuith aganes the morne in the morning, and Alexander Lauder, thesaurer, to go and sie thame loadit. [Meetings of the council from 8th Nov. to 24th Jan. inclusive were held in the chapel, and that of 14th Feb. in the clerk's chalmers.] *Dec. 20*—Ordanes Alexander Lauder, thesaurar, to lay in half ane hundreth dailis to the repairing of the tolbuith. 1648—*Nov. 6*

—Ordanes the hail inhabitantis having horssis to be in readiness upon tuentie-four hours warning to carye sklaittis to the chappell, everie persone failing to pay 40s. 1650—*Jan. 23*—Alexander Williamsone, one of the borrow officeris and burges of the said brught, . . . admittit javellour and keiper of the stepill of Pebles and javell houssis thairintill, and keipar, guyder, and rewler of the knock thairof, and to ring the bellis of the samyn at the ordinar tymes accustomit and appoyntit to umquhile John Robene, last keipar and guyder of the said stepill and knock befor his deceis.” The keys of the place were delivered to him, and he undertook to discharge his duties in terms similar to those contained in the appointment of his predecessor in 1632. In that appointment the “tolbuith” is expressly named as one of the places under the keeper’s custody. (See No. XVI.)

*Lime and other materials for public works.—1642*

—*Aug. 15*—The hail counsell hes ordanit all these of this burgh that hes ony horssis, ane or mae, to send the samyn to my lord Yesteris lyme upon Weddinsday nixt at ewin but fail, ilk persone under the pane of fyve pundis unforgevin. 1644—*July 1*

—Ordanes the hail tounes horssis to be warnit to go to the lyme for the commoun wark of this burgh.

1646—*June 1*—Ordanes the hail horssis in the toun to be warnit to go to the lyme for beiting and mending of the briggis, chappell, and tolbuith, the half of the horssis to go at ane tyme, and the uther half at ane uther tyme, and the thesaurer to go with thame and to see thame laidit, and to caus leid sand thairto; and these quha gois not tymouslie to the lyme that they fetch the stanis. Item, ordanes the thesaurar to provyde daillis, jeistis, and stanes for the said commoun warkis. 1646—*July 13*—Ordanes the hail horssis in this toun to go and bring hame for the use of the briggis ilk ane of thame ane laid of lyme, and the rest thairof that bringis not lyme to bring hame frie stanes.”

*Tweed Cauld*—“1647—*October 25*—The counsell ordanes the hail tounes horssis to be warnit to carie stanes to Tueid caull, the ane half thairof upone Weddinsday nixt and the uther half upone Friday thairefter, and ilk hors to bring sex laidis or drauchtis of grit stanes, ilk persone under the pane of fourtie schillingis; and James Halden is heirby ordanit to be in reddines with his servandis, with the walker [*i.e.*, the tacksman of the waulk mill] to work thairat. And ordanes ane of the counsell in ilk quarter to

await upone thame the saidis dayis thair tymes about."

*Fishing at Cowford*—"1649—October 22—Ordeanes that the common mylnea, multure buith thairto, and fisching of the Kowfuird be roupit upone Wednesday, quhilik is appoyntit to be the latter day and latter hour thairof that thes who bids maist therfore will be best hard."

*Kilns and Steipstones*.—"1652—January 12—The counsell findes that tua schilling Scottes is sufficient for the steiping of each steipfull malt, six schilling to the owner of the kill and six schilling to the dryster for the drying of ilk killfull malt upon ilk meikle kill, and each litle kill sex schilling, to be equallie divydit betuixt the awner and dryster; and ordeanes the awneres and drysters to receive the same as full satisfacioun; and whatever persone ather receivees or gives more than the forsaid pryce in money, good deed, or otherwayes, to pay for the first fault eight schilling and so furth *totis quoties* doubland the same. *April 26*—Ordeanes the waiges of the killis and steipstane to be as followes, viz., 7s. for steipstane, and viij s. to the awner of the kill and six schilling to the dryster."

*Incomers and Unfreemen*.—"1646—July 1—It is ordanit that quhasoever hes sett ony housis to ony incummeris of unprofitable members and beggaris, or onywyis unprofitable to the toun, within thir thrie yeiris bygane, to remove thame furth of the toun within fourtie-aucht houris, ilk persone under the pane of ten pundis and to be wairdit till the saidis tennentis remove and the said penaltie be payit, and sicklyk of wairding of ilkane of the saidis incummeris. *1648—November 6*—The counsell being informit that thair ar divers and sindrie unfremerr uses the trad of frie men and sellis stapill wairis in sindrie pairtis of landwart, authoreisis the proveist and bailyeis to tak and apprehend all such as hes usit or sall use ony kynd of frie manis tred and to put thame in waird, thairin to remane ay and quhill they mak satisfacioun thairfoir, and to find cawtion that they sall abstene thairfra in tyme cuming conform to the actis of parliament. *1652—March 22*—John Williamsons, glasinwright in Kelso, is creat, admittit, and receavit burges and freeman of the burgh of Pebles, who being present and sworne hes gevin his oath *in commune forma*. Done gratis. *April 26*—It is enactit that whosoever shall set housis to any incumer or unfrieman after the terme of Witsunday nixt (without speciall licence of the

magistrats and counsell) shall pay fyve pundes money unforgevin, and all unfriemen that shalbe takine in and permittit to duell within this burgh and shall have any goodes to pay to the thesaurer for ilk sowme of sheipe, nolt, or hors gras, yearlie, thrie pundis Scottes money."

*Bread.*—"1643—Aug. 21—John Trumble, present, is ordanit to mak the ait breid and quheit breid and loaves round-heidit, and of sufficient stuff and wecht.

*Oct. 30*—Anent the complant gevin in be Jean Bullo aganes John Trumble, baxter, refusing to baik hir breid, and the regrait of uther inhabitantis upon him, the counsell findis the said John lyable to serve the hail toun and hail inhabitantis thair of at all occasiounes quhatsumevir for thair ressonabill payment and dewtie, and thairfoir ordained the said Johne to baik all the said breid, baith quheit breid and ait breid, at all occasiounes, as he wilbe ansuerable to the contrar, under the pane of tinsell of his fredome, wairding of his persone, and payment of tuentie pundis *toties quoties* he refusis; and this to be done immediatlie efter the dait heirof.

*1645—April 21*—The magistrattis ar ordanit to visit the quheit and ait breid, and to tak sick ordour thairwith as appertenis, and to ordane the baxteris to mak the loaves round-heidit and sufficient breid for xij d. the loaf; and sicklyk to try the hail stoipes. *1648*

*—March 6*—The counsell hes ratifeit the formar act upone John Trumble anent the bairking of ait breid and quheit breid, ordaning the quantitie and qualitie of the samyn to be conforme to the table. And quhat flour or meill to be baikin be him to gentilmen, burgessis, and utheris, to be conforme to the pryces set down or to be set down be the counsell, under the pane of tuentie pundis for ilk failie."

*Bakehouse and Oven.*—"1653—May 23—Comperit John Cleg, burgess (who upon his supplicatioun to the magistrattes and counsell hes obteanit libertie to build ane bakehous and oven), and enactit himself in the said burro court bookes of Pebles to have vigilant and carefull servantes, to have ane water hoile near the oven mouth, and that ther shalbe no hether left within the said baikhous after the baikeing be endit and the oven drawn; and if he failie in any of the particulares he is content that *ipso facto* the oven be pulled doune and that he shall nevir have libertie to build the same againe."

*Glentress Common.*—"1652—June 18—William Loweis, proveist of Pebles, James Horabrnik, ane of the baillies therof, John Plenderlaith, thesaurer,

with the maist part of the counsell of the samyn and sundrie of the inhabitantes therof, haveing visit and past to the burgh of Peblis their landes callit Glencars Commoun, viz., that pairt therof from Winkstoun burnfoot up Carcado bank and Brownmure to Cramsykes and from that to Pilmure, for-gathering with John Ballendeene, elder, in Windilawes, tennent to Sir Alexander Murray of Blakbaronie, knight, upon the saides landes of Carcadabank and Brownmure, the said proveist poiseit the said John Ballendeane to whom the saides landes belongit, he ansuerit: To the burgh of Pebles. Further the proveist poiseit him if he at any tyme befor houndit any goodes off the saides landes, he ansuerit he never did hound nor wold hound any goodes of any persones whatsoever that had interest to the saids landis except he fand them hirdles and neir his cornes. Therafter the said proveist desyreit him to keepe off his goodes off the saides landes in tyme comeing and if they should be found pastureand therupon they wold be poyndit untill his master instructit what privilege he had therto. And siclyke the said proveist, accompanied with the foirnamente persones, past to the personal presence of Ketherine Vaitche, lyfrentrix of the half landes of Fouladge, and desyrit hir to cause the goodes pastureand upon her half of Fouladge to pasture upon that part of the saides tounes landes callit Carcadobank and Brownmure and Cramsykes, conforme to the privilege they had therto, and na utherwayes; and to permit the goodes of the other half of Fouladge to pasture upon that pairt of the tounes landes callit Pilmure, conforme to their privilege therto, and no utherwayes."

*Sheep seized for Trespassing and put on Castlehill.*  
 —"1643—June 15—James Chalmeres, in Nether Kidstoun, haveing his sheep upoun the Castellhill of Pebles, poyndit, at command and directioun of the provost and one of the baillies, upon the burghe of Pebles their proper landes of Homildoun, requestit and earnestlie desyrit the said provest and baillie to len them againe his said sheep, and faithfullie promesit not to suffer any of his guides to come and pasture upoun the said landis of Homildoun at any tyme thereafter sua far as he could hinder the samyn, upoun the quhilk conditioun and nae utherwayes the said proveist and baillie lent to him back againe his said guides." John Burroman, in Over Kidstoun, also had his sheep poynded and "lent bak againe."  
 "1653—Sep. 2—William Scott, in Milnestoun, within

the paroch of Menner, and James Andersoun, thair," whose sheep had been found straying on the town's "propper lands of Caidmures," and were pointed on the Castlehill, got back the wanderers on similar conditions.



## XXXIV.

EXCISE DUTIES—COUNCIL MEETINGS: COSTUME AND CONDUCT OF MEMBERS—WITCHES—THIEF AND PURSE-CUTTER — MARKETS AND CUSTOMS — BRIDGEHOUSEKNOWE — WEBSTERS — BURIAL PLACE—MIRK MONDAY.

*Excise Duties.*—The expedient of levying a national tax on commodities by excision of the value of a portion and setting it apart for the revenue before the articles are sold, was first resorted to in 1643. In the earlier years of the tax the statutes regulating its imposition and incidence are numerous, and as the magistrates of burghs were intrusted with certain functions in the farming and collection of it there are some references to the subject in the council records:—“1644—April 8—Ordanes all these that is subject to the excise to mak compt thair of to the collectour of the excise betuixt and this day aucht dayis; and that the hail aill salbe sauld at ane pryce, viz., 40d. the pynt, and to mak guid and sufficient aill for that effect. August 26 — The counsell electit and nominat William Melros to be surveyar of the excise of this burgh during the hail tyme thair of. 1648 — November 13 — The counsell, with advyse of Alexander Lauder, takisman of the excise, geves warrand to the magistrattis, with tua or thrie of the counsell, to ferme the excise of the sherefdome to the severall paroches and limiteris, and to use thair diligence and report this day aucht dayis, and incaice they refus to use the certificatioun of the actis of parliament maid thairanent. 1649—Feb. 16 — The counsell geves commissioun to the magistrattis, John Lewis, [and ten others], to taxt the hail flescheouris, and sick utheris as ar subject in payment of the excyse within the burgh of Peblis, sence the first of November last till the first of Februar instant, and to informe thame selfis the maist lawfull way they can; with power to tak the aithes of the flescheouris and sick utheris quha hes ather ressavit ground malt from landwart or abstractit thair awin malt, and to meit the morne in the morning at sevin houris. May



8—The counsell ordanes James Horsbruik, bailye, with Alexander Lauder, to cast ane compt of the hail excyse, and to aggrie with the hail ventenaris of aill, flesch, and wateris within this schyre, togidder with the tounes expenssis in geving of arls, &c.; geving them warrand to tak aithis and aggrie with the saidis persones; and gif the excyse sall not amount to the tak dewtie and expenssis debursit be the toun provyding that the magistrattis and counsell sall tax the ventenaris of aill, flesch, and wateris within the toun, viz., the aill and flesch sence Candlemes last and the wateris sence November last, and the said sowmes within burgh to be immediatlie ingatherit be thame and deliverit to the said Alexander, they ingathering the said sowme, and to sie that the toun be not losaris. 1650—June 14—Ordanes in tyme heirefter that a note be taken be the thesaurer and miller of all meill to be ground at the milnes, to the effect the excyse thairof may moir convenientlie be had, and siclyk a note of fleshes and waters slane and ventit, and lykwyis notice to be taken of all malt ventit sen the first of Maij last and of fleshes slane sensyne.”

*Council Meetings—Costume and Conduct of Members.*—“1641—Dec. 20—It is actit that quhasaevir of the counsell sall cum ather to the kirk or counsell but ane hat sall pay 10s., conforme to the former act toties quoties. 1642—Jan. 10—Anent the formar act anent the haifing of hattis be the counsell at kirk and counsell, these present without hattis ar warnit to haif thair hattis at counsell and kirk in all tyme cuming, under the pane convenit in the formar act unforgevin, and that of thair awin consent. Feb. 14—John Lowis [and three others] all present without hattis ar unlawit. March 21—Ordanes the act anent the counsellis not haifing hattis in the kirk to be put to executioun aganes James Horsbruik, Thomas Wallace, John Stoddert. 1648—Oct. 30—Upon the refusall of William Lowis, chosin of befor to be ane of the bailyeis, upone sindrie ressounes proponit be him, conforme to sindrie actis of parliament alledgit be him, the counsell hes nominat James Horsbruik to be bailye in his rowme till the nixt election at Michaelmes nixt. 1649—Jan. 30—The hail counsell, finding it is sufficientlie provin that John Tueddell utterit sum boisting speiches in upbraiding of James Williamsone, proveist, hes ordant the said John to be wairdit in this wairdhou, thairin to remain ay and quhill he gif satisfioun to the pairtie, and be relevit be his advyse, and thairefter

to mak publict satisfioun at the mercat croce upone mercat day. 1651—*July 4*—The counsell has ordeanit and ordeanes the bell to be rung everie counsell day hereafter, and whosoever of the counsell shall not meit preceialy at the ending of the bell ringing shall pay foure schilling, and whosoever shalbe fund absent altogether from any meiting of counsell without ane lawfull excuse to pay 6s. 8d. Scots unforgiven." 1652—*May 10*—Members not present at calling of the roll, without sufficient excuse, to pay 12d.; those absent altogether, 6s. 8d.; "and thes who after conveyeing shall remove without leave gevin, ilk persone to pay two schilling. And whosoever shall speak unspared at, or shall not be attentive to what is tabled, shall submitt themselves to the counsellis will."

*Witches.*—"1650—*April 26*—The counsell grantis warrand that Mariotte Watsone and Bessie Eumond be liberat upon sufficient cawtioun, under the pane of fyve hundreth merkis ilk persone, and that they sall keip thair awin housis in silence for thair entrie to underly the law, at quhat tyme soever they salbe chargit, and to come to the clerk with the magistratt." These two unfortunates, who had come under suspicion of praetising the black art, were now liberated from the steeple, where they had been incarcerated for half-a-year, on finding security that each "sall keip her awin hous in silence and not be hard with her nichtbouris, neither resort to kirk or mercat or transgresse to go abroad away the lenth of her awin hous." The liberation of these "suspects" was perhaps brought about on economical grounds more than by the promptings of humanity. The magistrates were encountering difficulty in obtaining contributions to meet the expense of watching the prisoners, the kirk-session of Newlands in particular having refused to pay a sum asked of them, alleging that there were "only four witches in the prison and little watching needed." In the accounts, in the following October, there is a sum of £2 paid "for setting up the gallows to the witches," indicative of the gruesome fate which had befallen some of these poor victims of fanatical superstition."

*Thieves and Purse-Cutter.*—"1651—*Aug. 29*—The counsell injoynes John Edzer, merchant, to pay to the thesaurer tuentie merkis money presentlie, and to sitt at the croce upon Tuysday nixt for the space of ane hour, in mercate tyme of day, bare heidit, with ane cheis besyd him, or elles to buy himself by, and that for stealling of ane cheis from William

Saltoun. 1652—*May 10*—Ordeanes James Campbell, purs-cutter, to stand at the croce the morne from ellevine to tuelve houres, bound with a tow to the stalk of the croce, and ane paper on his head, for cutting of James Johnstoun in Dawik his purs on the third day of Maij instant." Next day, Campbell, who "designes himself merchant in Clackmennen," consented that "if he shall at any tyme hereafter be found within this burgh and challengit in the lyke thift or pykeing or haunting the companie of such men, in that caice he shall suffer death."

*Markets and Customs.*—"1641—*May 17*—Ordeanes na meill, victuall, nor schone to be sauld upone the mercat day befor the ringing of the chapell bell, quhilk is appointit to be rung at ane efter none, and the schone not to be sauld nor mercat maid thairof till tua houres efter none, and that na victuall salbe sauld in buithis and housis out of the mercat place, under the pane of confiscatioun. *June 28*—Compeirit James Hope, unfrieman, and accusit for using of ane frie manis tred within this burgh in selling and bying of victuall and utheris merchand wairis, grantit the samyn, and cummis in the counsellis will and dischargit fra using of ane frie manis tred in tyme cuming aff the mercat day. Continewit to the nixt counsell day. 1647—*Nov. 8*—The counsell hes fund John Tuedie of his awin confessione guyltie in regraitting of the mereatt, and in selling of candill for aucht schilling the pund, quhilk he bocht for fyve schillingis, and cumis in will. The counsell hes continewit his censure till they be advysit. 1649—*June 18*—John Buchannan grantit he bocht fra ane man of Glasgow, upone Beltane fair evin, ane number of schone, and upone the morne, being the fair day, he sauld ane grit pairt thairof, and hes ane pairt of the samyn as yet unsauld. The counsell findis he hes contravenit the actis of parliament baith in foirstalling of the mercat and regraitting. *June 25*—The counsell, in respect of John Buchannan his confessioun of foirstalling the mercat and that he did the samyn ignorantlie, hes censurit him in fyve merkis for the first fault, with this provision, that gif he be fund in the lyk falt heirefter he sall not onlie be fynit thairfor bot also this first falt sall also be layde to his charge. *July 9*—The counsell ordanit the proveist [and eleven others] to go to the Brig-houseknow upone Weddinsday nixt at morne to ingather the customes thair for the tounes use, ilk persone under the pane of ane dolar. *Aug. 27*—The provest and bailysis ar ordanit to speik Sir James

Murray of Skirling anent the fair of Skirling the morne gif he be present, and gif nocht the provest [and two others] to ryde to him to Skirling upone Thursday nixt and speik him for that effect. *Nov. 19*—The bailyeis, and sick utheris as they sall imploy, to speik my lord Lyntoun, the laird of Blakbaronie, and Sir James Murray anent the mercattis and fairis in landwart within the sherefdom of Peblis. *1650*—*June 28*—James Williamsone, thesaurer, reportis thair wes collectit at Brighouseknow the 26 of Junij, being the third Weddensday, xxj lib. in money, by and attour that which wes awin, and the hail thrie Weddensdayis collectiounis to be in brought in particular the nixt counsell day. *Aug. 16*—Thair is in John Patersones hand ane instrument anent Brighouseknow that thair wes no interruptioun maid anent the uplifting of the custome thair for the use of the brught of Peblis; quhilk instrument is to be acquyred fra him and layed up. *Aug. 30*—Comptit be James Williamsone, thesaurer, and put in his charge upliftit be him, fyve severall mercat dayis in Junij and Julij last, at Brighouseknow, for the custome thair (all the expenssis allowit and deducit) he hes to be comptabill for £55, 14s. 10d. Item, thair remanes unuplifted fra particular persones the custome of 1477 sheepe, as the note this day productit be the said thesaurer beares, and ordaned to be socht fra the particular persones. James Haldane dilate for forstalling the mercat in selling meill at his hous, continewit to farder tryell. *1652*—*March 18*—Authorises Baillie Androw to speare out ane sufficient man for setting the customs of the Brighouseknow and to report."

*Websters.*—" *1647*—*Oct. 2*—Anent the ordinance of the counsell at the last electioun ordaning the deacone and craft of the wobsteris to geve in electis of thair deacone to be chosin be the counsell, compeirit Williame Wilson, present deacone thair of, and gave in the said Williame Wilson, Thomas Wallace, John Edmond. Nominat be the counsell John Edmond. The counsell acceptis of these leittis for this electioun, and ordanes the deacone and craft of wabsteris to be provydit in all tyme cuming in sufficient threis of electis conforme to the custome and ordour of uther burghes, the counsell alwyis keeping thair libertie of geving in ane to be ane elect; and this to be done yeirlye aucht dayis preceeding the electioun. Comperit the said William Wilson and protestit that this new electioun suld not be prejudiciall to the libertie of the wobsteris conforme to thair seill of caus.

[From the lest the council elected William Wilson, deacon, by 7 votes, the only other votes being 6 given to Thomas Wallace.] *October 11*—To luke out the actis of parliament anent the pryces to be takin be the craftismen within this burgh, and the deacon of the wobsteris to produce thair seill of caus aganes the nixt counsell day, and to ansuer for the exhorbitant pryces tane be the craft. *November 22*—Thomas Wallace, present, ordanit to acquent the rest of the craft of wobsteris to ansuer for thair extraordinar pryces takin be thame for the claith wovin be thame, and to report the nixt counsell day. The counsell heirby discharges all craftismen of quhatsumever craft or qualitie to tak ony uther pryces for thair wark quhatsumever mair nor was takin be thame befor the fourtie-fyve yeir of God, and quha sall be fund to haif raisit the pryces thair of sensyne salbe lyable in punischment thairfoir. *1647—December 6*—William Wilson, deacone of the wobsteris, present, in name of the remanent of the craft, declarit that they wald not adhere to the formar act anent the pryces of thair work, and was content the inhabitantis of this burgh suld tak thair wark quhair they plesit. The counsell to be advysit heirwith the nixt counsell day. *1648—April 17*—The haill counsell, finding that the deacone of the wobsteris and haill remanent craft thair of hes transgressit in taking mair for the pryces of thair wark nor the suld custome thairfoir, ordanes thame to conforme thameselfis to the suld pryces under the pane of the loising of thair libertie of thair craft and thair privilege of burgeschip; attour ilk persone contravenar to pay the sowme of tuentie pundis, and that betuixt and this day aucht dayis, under the pane of wairding of their persones ay and quhill they satisfie conforme to this present act and act of parliament quherupone this act is groundit.” *April 24*—At desire of the deacon fifteen days allowed for consideration. “*May 8*—Comperit William Wilson, deacone of the wobsteris, and protestit that quhatsoever salbe concludit be the counsell anent thair craft suld not be prejudicial to thair seill of caus and conforme to other burghis. Ansueris William Lowis, bailye, that the counsell was onlie proceeding aganes thame be lawis of this realme, being warrandit be sindrie actis of parliament; and seing they protestit aganes the counsellis proceeding, being warrandit as said is, the saidis wobsteris aucht to be censurit and punischit conforme to the saidis actis of parliament respectiue. The counsell halving considerit the deacone in name of the rest of the

craft thair refusall to submit thame selfis to the magistrattis and counsell thair determinatioun anent the pryces of wark, hes ordanit the said deacone and quartermaisteris, as being the cheiff instrumentis of the hail craftis contempt of the lawis and guid ordour, to be wairdit in the tolbuith of Peblis, thairin to remane upone thair awin expenssis ay and quhill the counsell be forder advysit. The magistrattis and counsell, be vertew of divers actis of parliament, findis thame selfis onlie judges to the pryces of the saidis wobsteris and quhatsumever uther pryces of wark; and appointed the — day of — to set down ane act thairanent; and the said deacone to be warnit to that effect."

*Burial Place.*—"1652—April 2—The counsell, takeing in consideratioun how the buriall place of the dead is trade upoun be beastes, by reasone of the want of ane [sufficient] dyke round about the same (whilk is also taken in consideratioun be the heritores in the landward parochie) the counsell for their pairt enactes and ordanes that all the inhabitantes within this burgh haveand hors leid, each hors, six loades of clay, beginnand upon Moonday for the first quarter, and so furth each day thereafter throw the quarteris of the toun; and appoyntes overseeris for the quarteris, viz. . . . And thes persones who wants hors, eache familie be themselves or thair servants to carie and bear stones be the space of three houres to the said dyke the dayes befor appoyntit."

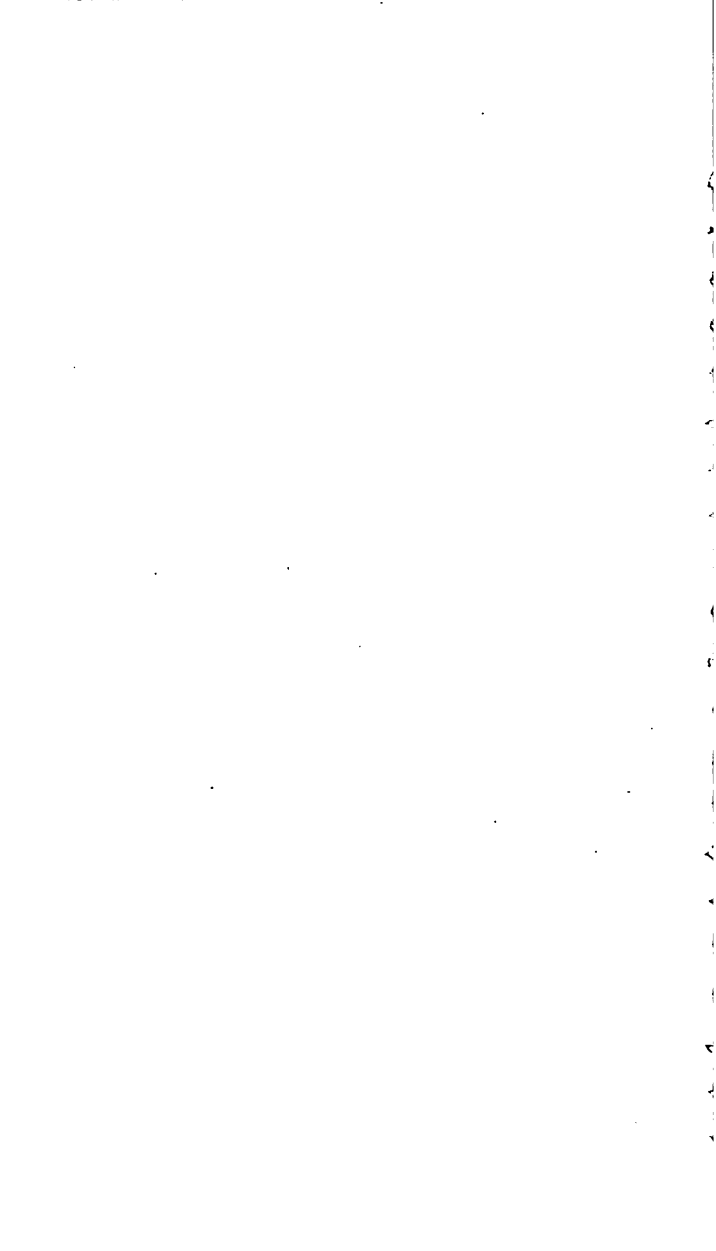
*Mirk Monday.*—In the *History of Peeblesshire* (p. 168), there is quoted from the *Scots Magazine*, because of supposed illegibility of the original record, an account given by Thomas Smyth, town clerk, regarding an extraordinary astronomical phenomenon which caused considerable consternation among the people.\* Dr Chambers must have had the wrong place examined for the entry. It occurs not in the council record, where one would naturally expect to find it, but in the Sasine Register, a record of the title-deeds of property. It there remains in pristine legibility, a feature which indeed is the general characteristic of the collection of Peebles burgh records. Before quoting the

\* This was "The famous Black Monday; fearfulest eclipse of the sun ever seen by mankind. Came on about nine in the mornng; darker and darker; ploughmen unyoked their teams, stars came out, birds sorrowfully chirping took to roost, men in amazement to prayers: a day of much obscurity. Much noised by Lilly, Booker, and the buzzard Astrologer tribe. Betokening somewhat?"—*Carlyle's Cromwell*.

town clerk's description of the eclipse it may be mentioned that the remark—"Some affirmed they saw tuo [stars], but I saw one onlie," has been interjected by him after the original note had been completed:—  
*"Mirk Monday, 29 March 1652.*—Upoun Moonday the tuentie-nynth day of Marche *jm vjc* fyftie-tua yeares: The sun eclipsed from eight houres to half hour to ellevine or thereby befor noon, the sun eclipsed 11 digittes, the darknes continwit 8 minutes or therabout; the people begane all to pray to God; a litle thereafter ther was scene upon the south syde of the firmament ane clear perfyte star. Some affirmed they saw tuo, but I saw one onlie.

**"ET QUONIAM HOC FUT RARUM PRODIGIOSUM  
 IDCIRCO REGISTRARI DIGNUM EXISTIMAVI."**







## TOPOGRAPHICAL NOTES.

---

[P., denotes printed volume issued by the Burgh Records Society; S., Sasine Register in MS.; G., the present volume of Gleanings, and the figures which follow denote the page. The figures within brackets [ ] refer to a corresponding number on the Plan.]

IN the Inquisition made by David, Prince of Cumbria (*circa* 1116) regarding the possessions which had formerly belonged to the see of Glasgow, it was found that there were in Pobles a ploughgate of land and a church. This church, which may have existed in the time of Kentigern, is supposed to have been on the site now occupied by the ruins of St Andrew's Church; and the dwellings in its vicinity would form the nucleus of the Old Town. The ploughgate of land is now known as the Kirklands (G. 175-6). On the south the Kirklands bounded with Arnotshauch (G. 146-8). In 1569 a "grene balk," or strip of ground, is said to have divided the lands, but in the titles of some portions of Arnotshauch the northern boundary is described as the "way that leads to and fra the burgh" (29th Dec. 1656; S. 160). Arnotshauch was also formerly the property of ecclesiastics, and was not improbably that identical ploughgate of land which in William the Lion's time belonged to the Chapel of the Castle of Peebles (see Professor Veitch's *Border History*, p. 181).

The erection of dwellings in the Old Town proceeded eastwardly from the church on both sides of the present highway of the Old Town, those of churchmen being in the immediate neighbourhood. In 1481 a tenement on the "south side of the gait," adjoining another tenement belonging to the archdean, was given as a residence for the curate and chaplains in St Andrew's Kirk and St Mary's Chapel (P. 187-9). On the north side of the gait there was a property which at one time belonged to the abbots of Melrose (G. 63).

It is probable that by the twelfth century the new town had also begun to take shape. In the time of King William the Lion (1165-1214) chief Courts of

Justiciary were held in Peebles, and the royal castle would doubtless form the headquarters of the king and his retinue. The lodging of the abbot of Arbroath in 1317 (P. 6) seems to have been situated in a street running north and south, and the only one of this description was the Northgait, where in 1448 the Rector of Lyne possessed a tenement (P. 12). The founding of the Cross Church in 1261 determined the line of two thoroughfares, viz., the "gait" between the two churches and the passage down St Michael's Wynd, across Peebles Water, and on to the new edifice by the line of the Kirkgait. The bridge joining the west end of the High Street and the Old Town was not then in existence, and the principal thoroughfare between the Old and New Towns was probably the vennel in continuation of the Leidgait and a corresponding one along the Castlehill connected by a ford. Another ford across the Tweed in a line with the Leidgait and the Loaning, through Kingsmuir, may also be supposed to have formed a connected thoroughfare between the town's lands of Hamilton Hill and Caidmuir in the days before Tweed Bridge was erected. The High Street, stretching eastward from the Castlehill to the Cross, merged at that point into the Crocegait leading towards Horsbruik Castle and the borders. The Northgait branched off to Smithfield in the Edinburgh direction; and the Briggait, taking an intermediate course, led past the old Tolbuith across the Peblis Water by the "trie briggis," and onwards to the Cross Church. The streets and passages named with the addition of Usher's Wynd, leading from the Northgait to the Auld Mill; and the vennel from the east end of the Crocegait to Tweed Green, exhaust the list of those in existence in 1604-52.

*Old Town and Arnotshaugh—(South Side,  
westward of South Vennel.)*

31st July 1492 (S. 49, 55).—Sasine given to Symoun of Lough as heir of Sir John Longhe, chaplane, in ane akyr of land, lyand in the Auld Toun of Peblis, besyd the paroch kirk of the samyn, in twa sindrie placis, on the south syd the Kingis Streit strekand to the Neidpath Castle, and on the north part the water of Twede; that is to say thre rodix of the samyn akyr lyand betuix the land pertenant to the rud alter within the said paroch kirk on the east parte, and the land pertenant to Geddes Yle within the said kyrk on the west part; and the ferd rod of the said akyr lyand betuix the land pertenant to

Geddes Yle on baith the est and west partis. *17th April 1486* (S. 9).—Sasine Richard Dikesone in a land and byggyn [5] lyand in the Ald Toun, at the wast end of the samyn, on the south syd of the gait, betuixt the land of umquhill John Blaklok on the est parte, and ane common vennal on the west part. *20th February 1486* (S. 9).—John Blaklok, channon of the abbay of Jedward, passit to ane land [6] lyand beyond Peblis water, in the Ald Toun of Peblis, on the south syd of the gait, betuixt the land of Richard Dikeson on the west part and the land [7] of Thomas Smith on the est part. *20th February 1486* (S. 9).—John Blaklok, chanon of the abbay of Jedward, passit to the land and byggyn of Robert Moravie, lyand in the Ald Toun of Peblis, besyd the paroch kirk, on the south syd the gait, betuixt the land of Richard Dikysson on the est part and the croft pertening to the chaplane of the rud alter on the wast part, and then the said dene John resigned 16d. of anwal payable furth of said land. *19th July 1654*.—John Patersone, notar, son and heir of the deceased Andro Patersone, weaver, resigned to Thomas Paterson, his son, and Isobell Coutts, “the said deceased Andro Patersone, his peice of burro land [4] called Peirsones Land, lyand in the Old Toun of the burgh of Peblis, upon the south syde therof, betuixt the lands [3] pertening to the heires of the deceased John Scott, upon the west the common vennel that lades to Tueid upon the eist, and the Hea Streit of the said Old Toun upon the north partis.” *29th December 1656* (S. 160).—William Lewis, heir of Ninian Lewis in 5 acres of arable land [2] in Arnotshaugh, bounded on the north by the Kirklands, on the south by the water of Tueid, on the east by an acre of land [3] belonging to Scott of Mount Benger, and on the west by lands [1] pertaining to Alexander Lauder. *1637* (S. 27).—James Tuedie, wricht, heir of James Tuedie in 4 acres of land of Arnotshauch with pece of hauch gress and quarrelheuch, betuixt the lands of John Steinson and Jonet Andersoun on the north, the lands occupied by James Bradie and John Young on the east, the water of Tueid on the south, and the Rae Burn on the west. The property thus described formed the south-westmost corner of Arnotshaugh. Eastward of the vennel was the property of Andrew Ewmond [5], then two adjoining roads [6, 7] belonging to Dr Theodore Hay (*9th Jan. 1646*, S. 83) described as “theis tua ruides of arable land lyand at the heid and wester end of the Auld Toun of Peblis, on the south syd of the Hea

Streit thairof, contigue adjacent to the said doctor Theodor Hay his manse and dwelling [8], and west syde of the samyn and yaird thairof, all sometime pertaining to the said umquhill Andro Dickson, and disponit be him to the said Theodor Hay." The properties [9] adjoining the South Vennel are referred to in G. 98.

*(North Side, between Townhead and Leidgait.)*

9th January 1646 (S. 83).—Dr Theodore Hay conveyed to Lillias Cockburne, his spouse, and Harie Hay, his son, two houses and yairds [10] sometime pertaining to Andro Dickesoun, lyand in the Auld Toun at the wester end thairof, on the north syde of the Hea Streit; measuring 40 feet from east to west, and 80 feet from north to south; bounded on the east by the lands and yaird [11] of Thomas Ewmond, wobster; on the south by the Hea Streit, and by the commoun passages at the said Auld Toun heid and commoun ground of the said burgh on the west and north. A little farther eastward is a property [12] which in 1645 belonged to James Geddes (S. 107), and which in 1492 is described as a wast land of the convent of the hous of Melros (S. 49). In the descriptions of properties in this locality the northern boundary is described sometimes as the "vennell callit Ludgate," and at other times as the vennell betwix the kirks (G). 19th July 1654.—Thomas Patersone, skinner, onlie lafull sone to John Patersone, notar, resigned to Issobell Couttis, his promiseist spous, "his three tenementes of land, with the thrie yairdes and thrie tailles of land contigue adjacent therto [14], and the toure or stan hous [15] at the est end of the gavill of the saids tenementa, extending to sexteine footes in lenth measureand from the est to the west, and nynteine footes from the south to the north, all lyand contigue within the burgh of Pebles in the Old Toun therof, upon the north syde of the Hea Streit of the samyn betuixt the tenement, yaird, and taill of land [13] perteaning to the heires of the deceist Gilbert Andersone upon the west, the vennell that leides betuixt the kirkes upon the north, the vennell that leides from the burgh of Pebles and Old Toun therof, to the hill of Hamildone upon the eist, and the Hea Streit of the said Old Toun upon the south pairtes." (See also G. 63.)

*(South Side, eastward of South Vennel.)*

Properties here are bounded on the north by the Hea Streit of the Ald Toun and on the south by the Pehlis Water or Grene. In 1660 (S. 116) a barne and

yaird sometime commoun and waist around lying at the Auld Toun fute is bounded on the south by the Floddeus, on the east by Thomas Bonnettis barne, and on the west by John Alexanderis house. Westward of this, again, was a property sometime belonging to John Tuedie, sheriff clerk.

(*North Side, eastward of Leidgate.*)

*24th November 1634.*—Patrick Ewmond's property [16] bounded by the Hea Streit on the south, the Leidgait on the west, the "lands callit the Closlands pertening to Patrik Bullo, portioner of Bonyngtoun," on the north, and the property [17] of John Ewmond on the east. *21st June 1638* (S. 35).—Sasine Thomas Oranstoun in three roods of land [18] lying at the back of the barns in the Auld Toun, bounded on the east by the lands of St Leonards pertaining to the laird of Smithfeild, on the west by the land of John Bullo, portioner of Bonyngtoun, and on the north by the Kingsland pertening to the laird of Blackbarony. *27th February 1635.*—Sir Patrik Stanhous, chapellane of our Lady Chapell situat wythin the west end of the burgh of Peblis, past to ane ruid of land [19] pertenyng to the chapelle forsaid, lyand within the said burgh on the west syd of the Croice Kirk, betuix the land of the Croice Kirk on the est part, umquhill Thomas Robisones land on the west part, the Kingialand on the north part, and the hee gait passand fra the Hee Kirk to the said Oroce Kirk on the sowitht part. . . . And gait to ane discreit man, frere James Patersone, minister of the Oroce Kirk besyd Peblis, and his successouris, ministeris and convent thair of, the said ruid of land, they payand to the chapellanes of the said chapelle 40d. Scots yearly of few ferm.

*Biggiesknowe, Trie Brigs, and Damdale.*

The name Biggiesknowe had not come into use in 1650. That thoroughfare was known as the passage [20] that leads from the burgh to the Oroce Kirk. From that passage another [2] branched off in the direction of St Michael's Wynd. *3rd April 1486* (S. 6).—John Dikeson, bailie, with consent of the hail communitie, gave to Patrik Patersoune and his spous a piece of ground 40 feet in length and 20 feet in breadth, part of the commoun land pertaining to the communitie of Peblis, lyand on the north syd of Peblis water, on the est syd Peblis brig, under the gait abon the bark hollis; payand to the chaplain of St James altar 12d. of annual rent. *13th April 1640*

(S. 43).—Hew Cunyeane, heir of Thomas Cunyeane, disposed to Patrik Diksone, tailyour in Edinburgh, *inter alia*, "Ane litill peice yaird [22] lyand upone the north syde of Peblis water, and eist syde of the brig thairof callit Peblis brig." *4th December 1643* (S. 71).—Margaret Dickesone, daughter of Patrik Dickesone conveyed Patrik Vaitche and Elizabeth Vaitche, his spouse, that lyttill yaird and trees growing theron [22], lyand on the eist syd of Pebles brig betuix Pebles water on the south, the said brig on the west, and the landes [23] pertaining to John Frank, wricht, on the north, and the commoun ground of the said burgh on the eist pairtes." *21st April 1629*.—Sasine James Halden and spouse in an annual rent of 10 merks furth of thair nether burro land [24], and yaird thairof, sometime pertaining to William Halden, on the north side Peblis water and south side of the transe of the gait that leideth from the West Port of Peblis and Peblis brig to the Croce Kirk of Peblis. *14th March 1636* (S. 24).—Sasine James Steill and spouse in a dwelling-house [25], laitlie ane lang berne and sumtyme ane berne steid and yaird adjacent thairto, at the north end of the trie briggis, upone Peblis water, betuix the saidis trie briggs and Peblis water on the south, the waist berne and bern yaird pertaining to the airis of umquhile James Cranstoun, notar, burges of Jedburgh, on the west, the gait that leidis fra the said burgh and trie briggis to the Croce Kirk of Peblis on the eist and north partis. *27th February 1634*.—Sasine to Lilia Hunter and Gilbert Broune in 1 acre 3 roods of land [26] lying within the liberty of the burgh, between the lands sometime of the Trinity Friars of the Holy Cross of Peblis, now of Andro Hay, writer to the signet, on the north, the way which leads to the kirk and the Auld Milne on the east and south, and the way which leads from the burgh to the Church of the Holy Cross on the west parts.

*Castelhill.*

*17th April 1486* (S. 6).—Sasine to John of Plenderlaith in a pece of common land pertening to the communitie of Peblis, lyand at the west end of the burgh, at the est end of the Castelhill, betuix the land of John Plenderlaith on the north part and the land of Andro Lynton on the south part. *5th March 1489*.—Sasine Patrik Patrikson in a house and berne lyand at the west end of the burgh, outwith the west yat at the est end of the Castelhill, and on the west

aid the common gait strokande to Peblis brig. *27th February 1491-2.*—Andro Lintoun resigned to Sir William Lintoun, chaplain, “his land and bygin, with the pertinens, lyand at the west end of the burgh of Peblis, at the south syde of the Castelhyll, betuix the land of John of Plenderlaith on the north parte and the common gait strekand to the brige of Twed on the south parte.” *1647* (S. 99).—William Jonkisone, elder, resigned to William Jonkisone, younger, and Cristane Thomsone, his spous. his barne and stapstane adjacent therto [27], outwith the West Port of the said burgh, on the north syde of the way leiding from the West Port to the Castelhill of Peblis, betuixt the said passage on the south, the said dwelling-hous pertaining to the heirs of James France on the west, and the uther heaway that leides from the said West Port to Peblis bridge on the east partis. *1647* (S. 94).—Sasine on resignation of John Stewart to John Horsbruik and Lillias Lowis in his burrow landes, with the barne and yaird adjacent thairto [28] lyand foiranent the West Port of Peblis, betuix the landes sometyme pertaining to umquhile John Stoddart, and now poiest be the aires of umquhile Andro Tweddell, walker, on the south, the Castelhill of the said burgh upon the west, the lands sometime pertaining to umquhile William Chisholme and now to William Jonkesone, elder, merchant, burges of Peblis, on the north, and the Kinges Hea Streitts that leides to the brigges upon Tweed and Pebles watteres on the east partes. *1640* (S. 44).—Sasine on resignation by Martin Bold to John Lowis of a house and yeard at the north end of Tued brig and west syde therof.

*High Street—South Side.*

*9th May 1487*—Land and byggin lyand in the burgh of Peblis, on the south syde the samyn, at the west yet, betuix the land of Bartilmo Yong on the east part and the common gait lyand to the brig of Tued on the west part. After the erection of the town wall properties on the south side of the High Street are usually described as bounded by it on the south. *1647* (S. 101).—Sasine William Lowis in a land [29] on the south side of the Hea Streit, foiranent the chapell betuixt the lands of William Bradie on the east, the town wall on the south, and the lands pertening to the airis of umquhile Robert Chisholm on the west. Part of the site of the Chambers Institution [30] was conveyed by Sir James Hay of Smithfield, knight, to John,

lord Hay of Yester, on 6th February 1647, the property being described as that great tenement of burrow land, fore and back, under and above, with the garden and pertinents, between the lands sometime pertaining to the deceased John Lyne, now to John Twedie, Patrick Dikson, and the heirs of Stephen Thomson on the east, the lands of the deceased Charles Pringell on the west, the town wall on the south, and the Kings way on the north parts. The tenement and yard immediately on the west was conveyed by John Pringell to Sir James Hay of Smithfield, Bart., in 1651. This property in 1638 is described as bounded by the grit lodging and tenement of land and yaird sometime pertening to umquhile Mr Archibald Douglas, persone of Peblis, and now to Sir James Hay of Smeithfeild, knight and baronet, on the east. From this it may be inferred that Sir James acquired the Chambers Institution property from Douglas or his heirs. He was parson of Peebles from 1573 to 1609.

*High Street—North Side.*

1487 (S. 11.)—Land and bygin belonging to the chaplain of St Michaelis alter, lyand in the Hegait, on the north syd the samyn betuix the land of Richard Tonnok and the vennel lyand downe to Peblis water. 1643 (S. 66.)—A property extending from the Hie Streit to Peblis Water is bounded by the almshouses [31] belonging to Andrew Hay of Haystoun on the west, and the lands of Andrew Frank on the east. 26th September 1644 (S. 76.)—John Burroman in [33] ane heich foir hous or hall and chalmer at the east end thairof, with the loft above the samyn, with the eister laith foir bouith beneth the samyn foirhous, and ane bak hous lyand contigue to the said foirhouses, comprehending also tua vaultis and ane heich hall, callit the back hall, above the samyn [33], lyand behind the tenement and landes pertening of auld to Steine Alexander, messenger, on the west and north, the transe or passage of the wynd callit Saint Michallis Wynd and the lands of James Geddes on the east, and the Hea Streit on the south pairtis. Also ane peice of waist ground, sometime biggit, and ane gallorie and ane stable contigue and adjacent thairto on the west syde of St Michallis Wynd betuixt the trans of the said Wynd on the east, the said lands belonging to the said Alexander, upon the south, north, and west pairts, also that laich yaird betuixt the yaird and lands of umquhile John Stevenson on the east, the land and yaird of James



Geddes on the south, the trans of said wynd on the west, and the Town Wall on the north. *6th October 1644* (S. 77).—Sasine on conveyance by town to Thomas Nasmyth, son of James Nasmyth of Posso, and Margaret Hunter, his spouse, great lodging (hospitum) or tenement of burrow land, with the garden and barnstead, with the pertinents lying on the north side of the King's highway, between the lands of John Turnbull, baker, Thomas Dodis, and Patrick Vaitch, clerk, on the east, the Briggait on the north, and the lands of James Merschillis heirs on the west (G. 237).

*Cunzienuik.*

*19th June 1643.*—John Bullo, portioner of Bonnyn-toun, to William Law, noter, burges of Peblis, of the said John his burro landes underwritten, lyand within the burgh, viz., ane callit the Cunzienuik [35] lyand in the Crocegait, and north syde of the samyn foiranent the Croce of Peblis, betuix the waist lands belonging to John Scott of Hundilshope on the north, the tenements of land pertaining to James Williamsons, proveist of Pebles, on the west, and the Kinges hea streit on the south and eist pairtis.

*Briggait—South Side.*

*1483* (S. 1).—Wester end of the nether bern [36] of Thomas Jameson lyand in the nether end of the Briggait, betuix the water of Peblis on the north pairt and the bern of the said Thomas on the south pairt.

*Briggait—North Side.*

*1483* (S. 2).—Forland in the Briggait, on the north syd the samyn, betuix the land of John Scot on the est part and the land of Robert Dikeson on the west part. *13th January 1487* (S. 11).—Land byggin of umquhill Symon Patrikson, lyand in the Briggait of Peblis, on the north syd the samyn, betuix the land of David Dinwedy on the est part and the tolboith [37] on the west part.

*Crossgait and Soonhope Road.*

The old market cross stood at the convergence of the East and North Gaits, with the Hiegait, and the continuation of the latter street eastwards thus acquired the name of Crossgait or Crocegait. On the south side, the properties, as in the case of those farther west, are bounded by the town wall on the south. At the termination of the Crocegait was the building known as the East Wark (G. 111-5). From

this point, turning to the right, a vennel led to Tweed Green. *30th October 1651* (S. 119).—Sasine John Cranston in Bonyntoune, son and heir of John Cranston in Escheilles, in one-third part of two fore houses with yairds [37] within the town wall, and part of the taill of land [38] without the samyn, passand to the Venlaw dyke, betuixt the lands sometimes pertaining to umquhile John Crawford and now to David Plenderlaith, the lands pertaining to the heirs of umquhile James Frank and the town wall upon the east, the Crocegait upon the south, the lands of Patrik Tods heirs and Robert Neuton on the west, and those of John Bell, smith, on the north. Beyond the town wall and extending to Soonhope burn there were a number of crofts or small lairdships. *1st April 1657* (S. 163).—John Plenderleith resigned to Bessie Jonkison, his spouse, in life-rent his taill of land outwith the East Port of Pebles betuixt James Horsbrukes taill of land upon the east, the town wall and taill of land pertaining to John Bell and John Cranston upon the west, and the Venlaw upon the north pairtes. *9th April 1653* (S. 129).—James Horsbruik, oya and heir of James Horsbruik, in an annual rent of 13s. 4d., furth of a fore berne and land [39] outwith the East Port, sometime belonging to the heirs of John Smith and now to Alexander Williamson, lyand betuixt James Horsbrukes barn on the north, the property [40] of Robert Wilson's heirs on the east, the High Streit leidig to Swynhopeburn on the south, and the close and passage leidig to James Horsbrukes barn on the west. Northward of Robert Wilson's tenement was a "taill of land" belonging to James Horsbruik extending to Venlaw Hill, and bounded on the east and west by other "taills of land" [41] also belonging to him. Eastwards the ground for a considerable distance appears to have been divided in stripes extending from the "streit or gait that leides fra the brugh to Horsbruik" in the south to Venlaw Hill on the north. About 1650 the lots were owned in something like the following order:—[42] Landes sometime pertaining to James Tueidie and now to Mr Hew Ker, persone of Lyne; [43] acre called the Foul Myre Aiker, sometime pertaining to George Ramsay and sold by him to William Jonkison; [44] acre of land near Quhytstane, sometime of Thomas Hope and now of James Hope; \* [45] half acre pertaining

\* In the accounts for 1625-6 the sum of 10s. is "reavit fra Thomas Help for his few dewtie of ane aiker of land sewart the Foul Myr."

to Laird of Yester; [46] lands sometime of Issobell Paterson, widow in Lyne, and now pertaining to William Jonkesone; [47] acre near the Quhytstane sold by George Ramsay to William Jonkesone; [48] land called Sant Leonardes Landes pertaining to Sir James Hay of Smeithfield; [49] acre of land sometime pertaining to John Wichtman and now to William Jonkisone; [50] 1635 (S. 19).—Acre resigned by Gilbert Broune in Howslack to William Jonkisone; [51] lands of St Martin sometime occupied by John Bullo.

*Tweed Green, Vennel, and East Port.*

(P. 136.) *1st July 1500.*—Sazine is given to Esabell Patersone, spous of Thomas Gibson, of an annual rent payable furth of "the half land and tenement [52] of David Glado, liand in the said burgh in the Crois gait, on the south syd the samyn, betuixt the land of John Millar on the west sid on a part and the common hous [in another description of this date called the Newhous], and the common wenall on the est sid one ane aither part." Eastward of the vennel and on the south side of the Horsbruik road were the lands of Skinnersheugh, pertaining to Thomas Young in 1636 and William Young in 1643 (S. 67). The lands are bounded on the north by the highway, on the east by Quhytstanehill, on the south by the common lands of the burgh, and on the west by the vennel which leads from the East Port to Tweed Green. On 3rd March 1652 (S. 120), John Smith and spouse get a title to a barn sometime biggit, now waist, with steipstane contigue, kill, &c., [53] at foot of the passage from East Port to Tweid Grene, bounded on the north by the arrable land callit the Skinnersheugh, now pertaining to Thomas Nasmyth, and on the south by the common ground of old callit the Miln dam, pertaining to the burgh. Eastward of Skinnersheugh was a "ruid of land [54] lyand on Quhytstanehill, west the Quhytstane" conveyed by John Dickson to Robert Thomsonsone in 1636 (S. 25). Lord Yester had property [55] situated to the eastward and southward, but of what extent has not been ascertained. Eastward again of Swynhope burn and bounded on the north by the gait to Horsbruik Castle, on the east by James Horsbrugh's lands, and on the south by Bordelhaugh, were 2 acres [56] which belonged to Patrick Thomsonsone, provost of Peebles, and to which his son succeeded in 1656 (S. 155).

*Northgait—West Side.*

*8th May 1488* (S. 19).—The land and byggin of Robert Dikieson, lyand at the north end of the burgh of Peblis on the west syd, the gait betuix the laud of John Pont on the south, the gait on the east, and the Greneyairds on the north. *8th May 1488* (S. 20).—Ane land and byggin [57] lyand in the burgh of Peblis in the Northgat, on the west syd the samyn, betuix the land [58] of William of Newby on the north, the Northgait on the east, and ane common vennel on the south. *1643* (S.)—Sasine to Thomas Dicksoun and spous in the burro land [58], callit of auld Sir William Newbie's land, lyand within the burgh betuix the new and auld portis thairof, upon the west side of the hea streit, betuixt the land [59] sometime belonging to John Bullo, portionar of Bonnington, on the north, the lands sometime pertaining to Mr James Dicksoun, minister at Brochtown, and now to John Williamsoun, burges, on the south, Peblis Water on the west, and the said hea streit betuix the said portes on the eist partes. *1643* (S. 7).—Lands and yaird of John Haldin, dryster, [60]. *May 1651* (S. 117).—Resignation by Patrik Dikisone to Eupham Pringell, his promiseist spous, of ane ruid of land [61] or thairby, callit the Greneyairds, on the west side of Graystane, bounded by the hea streit on the east and Peblis Water on the west. *16th February 1653*.—James Williamsone, heir of provost Williamsone, in a meikle yaird [62] outwith the old North Port at the north end thairof, ewest the Graystaine, bounded on the north by lands [63] pertaining to James Horsbruk, on the east by the Kingis hea streit, on the south by the lands called the Greneyairds, and Peblis Water on the west. Thomas Dikesone got a sasine in this meikle yaird on 7th February 1637 (S. 27). Southward of Usher's Wynd properties on the west side of the Northgait are usually described as bounded on the west by the town wall.

*Northgait—East Side.*

*19th February 1488* (S. 23).—Sasine given to John Ker, on the resignation of Patrik Lowgh, in the north croft lyand at the north end of the burgh of Peblis, betuix the common gait on the west part and the Venlaw hyl on the east parte. This property appears to be the Dean's Park shown on the plan. (See also G. 143-5.) On 26th February 1638, Mr Hew Ker, parson of Lyne, got a charter from the town as superiors of Dean's Park. In his supplication for the

charter he states that the park had been disposed to him by John Diksoun. Betuixt the park and the property known as Borthwick's Walls there were some barns and yards. On 26th December 1635 "Borthwick's Walls" are referred to as "the lands sumtyme pertaining to my lord Borthwick, and now to Patrik Thomsonsone, ane of the baillies of Peblis." The town wall adjoined on the south, but at the corner fronting the Northgait there were houses and barns (S. 34-74). *14th August 1656* (S. 155).—George Thomsonsone, son and heir of Patrik Thomsonsone, provost of Peblis, in that waist land called Borthwickes walles, with houses, yards, and pertinents lyand betuixt the lands pertaining to Thomas Dodes on the north, the crofts of land [64] called the Tailles on the east, the lands pertaining to Thomas Smyth on the south, and the Northgait on the west.

*Dalatho, Corscunningfeild, Broad Medow, &c.*

The lands of Dalatho and Corscunningfeild were divided by the old run of Peblis water. In modern times the stream has been straightened at this place. Before this was done the stream was intercepted by a cauld, and brought into the mill lade considerably farther up than the present inlet. So far back as the reign of King Robert the Bruce there was given out of the royal revenues derived from the burgh a yearly allowance for an aqueduct leading to the mill through the middle of the land which sometime belonged to Thom of Lillay and then to James of Spotis (Exchequer Rolls, i., 71). An acknowledgment by "Thomas Lillay of Corscunningfeild" that he had no right in the Venlaw is referred to in the printed records (p. 202), and it may be assumed that the aqueduct was through his lands. *7th October 1550*.—Thomas Hay of Smeithfeild, with consent of master Thomas Hay, archipreist of Dunbar, his tutor, set to Arthure Jonkesone, burges of Peblis, for all the dayis of his life, five acres of croft land lyand within the boundis of Corscunnyfeild and Smeithfeild, occupied by several persons, an acre to each, rent 50s. Scots, "with service auld usit and wont, and yeirly ane payr of blak hois or ellis ane pair of quhite carsay." In 1632 a "pece ground at the Auld Mylne dam" is set by the town to a tenant, and the adjoining lands of Dalatho were also burgh property about the same time (G. 119-21). In 1667 James Haldene was fined "for casting and flaying most pairt of the green betuixt Peebles water cauld and the rod that leides throw the milne dam to the

Venlaw." *14th August 1656* (S. 155).—Sasine to George Thomsone, son and heir of the deceased Patrik Thomsone, provost of Peblis, in 12 acres lyand besyd and ewest the burgh; with the little meadow besyd the same, whereof 4 acres [65] lyes betuix Gilsburne on the north, the meadow [66] pertaining to the heirs of the deceased James Hay of Smithfeild on the east, the Kingslands on the south, and the commoun gait and passage from the burgh to Gilsburne on the west. Six acres [67] lye on baith sides Peblis water betuixt the said meadow and the Croce Burne respective on the north, the commoun gait that leids from the burgh to Winkstoun on the east, the lands called Dalatho [68] and the Kingslands respectively on the south and west. The remaining 2 acres [56] adjoined Soonhope Burn. *6th January 1638* (S. 31).—Sasine John Pringill, heir of Charles Pringill, in the half of that meadow callit the Braid Medow [66], the samyn half medow estmost, to thrie dargis (three days work) medow or thairby, presentlie possessit be the said John, lyand besyde Gillisburne, betuixt Peblis water on the eist, the lands callit the Kingisland, pertening to the Laird of Blakbaronie, on the south, the landes pertening to Patrik Thomson on the west, and the said Gillisburne on the north pairts. On 3rd March 1650 (S. 115), John Pringill conveyed the property to Sir James Hay of Smithfield.

#### *Kingsmuir.*

The lands of Kingsmuir are in 1528 (p. 52) described as lying contiguous to the lands of Edderstoun, Cademuir, Brigland, Quhythauch, Bonyntoun, and Foulmyre,\* and to the water of Tuede. There is some dubiety as to the direction of the roads through the Kingsmuir at the start from the bridge.† In 1566 (p. 301) Stephane Robisoun undertook to keep Tweed within its banks from the bridge westwards to the cauld head, and in return he was to get the land which was gained "beyound the brig, reservand thre gaittis, ilk ane of thame 44 feet of braid, to be passages." One of these passages would lead towards Cruixtoun, the middle one to the loaning through

\* There had thus been two districts known by the name of the Foulmyre, the other being outwith the East Port.

† Eastward of the bridge and on the south side of the river, is a piece of ground called Ninian's (*Scottice*, Ringan's) Hauch. This was probably the hauch which at one time was possessed by Ninian Lewis, from whom and not from the saint of that name the designation may have been derived. (G. 39.)

the muir, and the third westward towards Manor. There is no certain guide for laying down the line of the middle and western roads where they branch off from the bridge, but their probable direction is indicated on the plan. *26th July 1644* (S. 74).—Sasine Thomas Tuedie of Quhythauch, on the resignation of John Forrester, wricht in Cannogait, Edinburgh, in an aiker of burgage land in Kingsmuir ewest Ederatoune burne, betuixt the lands of Kingsmuir (afterwards John Plenderlaith) (S. 113) on the north, the commoun gait or lonyng, 80 feet in breadth, quhilk leids to the hills of Kaidmuir on the east, and the lands of Ederstoun on the south and west. In the accounts for 1623–4 a sum of £10 is “resavit fra Stevin Thomsoun for his entries of halfe ane aiker of land lyand at the fitt of the lonyng at Ederstoune burne.” *27th December 1644* (S. 78).—Sasine James Forrester and spouse, on the resignation of the burgh, in 5 roods lyang betuixt the Briglands on the north, the lands of Quhythauch on the east, and the lands of the Kingsmuir on the south and west. *21st March 1655*.—Sasine to John Newton, tonn officer, in 1 acre lying betuixt the lands of John Bell, smith, on the north, the lands of Quhythauch and Bonnytoun on the east and south, and the lands of Kingsmuir on the west. *23rd May 1640*.—Sasine John Lewis and spouse, on the resignation of James Laurie, writer, Edinburgh, in 2 acres betuixt the Briglands on the north, the way or passage that leids fra the burgh to Cruixtoun on the east, the Kingsmuir on the south, and 4 acres belonging to William Brade on the west (*21st March 1655*, S. 116). *5th July 1637*.—Sasine to Alexander Mure and John Mure in an acre of land sometime of Thom Frank, now possessed by Archibald Frank, betuixt the lands sometime of John Murdo and Robert Wilson on the west and north, the lands of Frankisland on the east, and the common mure next Caidmuir on the south.



ADDITIONAL CORRECTIONS.

- p. 257, l. 3, For "Floddeus" read "Flodderis."  
,, third paragraph, l. 4, For "[2]" read  
"[21]".
- p. 262, l. 5, For "[37]" read "[38]".
- p. 266, l. 19, For "estmost," read "estemit."
- p. 259, second paragraph, l. 10, After "chapel"  
insert "[32]" The tolbooth and steeple were  
also at one time situated here. See pp. 47-9,  
94, 105, 236.