

# PEEBLES

DURING THE

## REIGN OF QUEEN MARY.

X

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# CONTENTS.

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	PAGE
I.—Preliminary—English Invasions—Transfers of Property—Town Clerk's Register—Ratifications by Married Women—Abbot's Land and Leidgait—Sir John Allane—Dean of Peebles—Altar of St Peter and St Paul, . . . . .	1
II.—St Michael's Wynd—St Martin's Chaplainry—Tolbooth and Almshouse in Bridgegate—Prebendaries of Collegiate Church—Properties in Old Town extending to Tweed—Borrowing on Heritable Security—St Mary's Chapel, . . . . .	9
III.—Burgesses as Soldiers—Ports and Fortifications—Street Evolution—Markets and Market Cross—Old Town—Castlehill Properties, . . . . .	17
IV.—English Invasion—Destruction of Towns and Abbeys—Border Warfare—Assembling of Army in Peebles—Battle of Pinkie and Consequences—Inhabitants of Peebles Implicated—Burning of Town—Chaplains and their Annuals, . . . . .	27
V.—Market Privileges—A Market Crowd—Two New Fairs—First Provost of the Burgh—The Lords of Yester—Neidpath Castle—Smithfield House—Custody of a Prisoner—Inventories of Gear, Coins, &c.—Visit of Queen Mary, . . . . .	39
VI.—Lord Borthwick's Properties—Assythement—Shielgreen—Glentress Common—Swynhope Common—Earl of Morton—Eshiels—Encroachments on Roads and Passages—Commissioners to Edinburgh—Winkston—St Leonards Hospital and Lands, . . . . .	53
VII.—French Ascendancy in Scotland—Spread of Reformed Doctrines—Renewed Hostilities against England,	

*Stewart, Dec. 17. 13*

	PAGE
and Subsequent English Treaty—Lords of Congregation—Detachment of their Army at Peebles—Siege of Leith—Departure of French and English—Confession of Faith ratified by Parliament, .	70
VIII.—Queen Mary's Return to Scotland—Royal Progresses through North and West Districts—Peebles Visited—Rebellion Suppressed by King and Queen—Darnley's Visit to Peebles—Briglands—Hunting Expedition to Meggatland—Army Assembled on Borders—Town Wall—Appropriation of Common Good and Kirk Graith—Allegiance to James VI.—Border Raids, . . . . .	78
IX.—Erection of Collegiate Church—Its Provosts—Lyne Parsonage—Archdeaconry of Glasgow and Parsonage of Peebles—Vicars—St Mary's Chapel used as Parish Church, . . . . .	91
X.—Cross Church and Monastery—Ministers and Friars—Sir William Tunno—Renunciation of Evil—Endowments—Defamation—Readers and Ministers after the Reformation—Sir John Allan, Notary and Town Clerk—Parish Clerk—Schoolmaster, .	103
XI.—Lands of Caidmuir—Mode of Occupation—Disputes with Adjoining Proprietors—Kingsmuir—Questions with Elphinstone of Henderston—Franksland—Tweed Banks—Daletho—Venlaw, . . .	121
XII.—Ground on Sides of Castlehill—Ground on North Side of Peblis Water—Annualrents Payable for Ground—Cunzie Neuk—Northgait—Old Town—Construction of Houses—Awards by Liners—Malt Kilns—Lime and Bark Pits for Tanning Purposes,	132
XIII.—Accounts of the Burgh—Collection of Customs—Walkmill—Marriage Contract—Solatium—Properties of St Martin's Chaplainry—Hays of Smithfield and their Town Properties—Soonhope and Smithfield, . . . . .	149

## APPENDIX.

	PAGE
I. Extracts from Sir John Allane's Protocols:—	
Barony of Skirling, . . . . .	165
Vicar Pensioner of the Church St Bege of Kilbucho, . . . . .	165
Poining in Barony of Glenquhome, . . . . .	166
Oxgates in Barony of Stobo, . . . . .	166
Tower of Manor on Posso Lands, . . . . .	167
Composition for Slaughter of a Chaplain, . . . . .	167
Removal from Welschoussis, . . . . .	167
Dispensation of Marriage, . . . . .	167
Assignment of Goods and Gear, . . . . .	168
Quarter, Chapel, and Glencotho, . . . . .	168
Lands of Glenumfurd, . . . . .	168
Vicarage of Stobo, . . . . .	168
Commissary Books of Stobo, . . . . .	169
Temple Lands, . . . . .	169
Letter from Earl of Morton as to Farm Stock, . . . . .	170
Valuation of Farm Stock, . . . . .	170
The Laird of Thirlestane and his Men, . . . . .	170
The Provostry of Bothans, . . . . .	171
Delivery of Wearing Apparel, . . . . .	172
Disputed Occupation of Kirklands, . . . . .	172
Defence Against Incursions of Thieves, . . . . .	173
A Servant and his Concubine, . . . . .	173
Purgation on a Charge of Slaughter, . . . . .	174
Vessels and Vestments of Stobo Church, . . . . .	174
Hire of Oxen, . . . . .	175
Saëine to William, Lord Hay of Yester, . . . . .	175
Elphingstoun Family, . . . . .	175
Rector of Stobo's Manse in Glasgow, . . . . .	176
Parishioners of Glenholm, . . . . .	176
Division of Goods and Gear, . . . . .	176
Ordinance about a Gate, . . . . .	177
Sheep Comprised by an Officer, . . . . .	178
Margaret Livingstoun, Lady Yester, . . . . .	178
Vicarage of Linton, . . . . .	178
Castle of Armetage, . . . . .	179

	<b>PAGE</b>
<b>Parishioners of Innerleithen,</b> . . . . .	179
<b>Publication of Letters at the Cross,</b> . . . . .	180
<b>Price of Meal,</b> . . . . .	180
<b>Kirk Lands of Eddleston,</b> . . . . .	180
<b>II. Decreet in favour of the Community of Peebles against the Proprietors of Shielgreen,</b> . . . . .	181



## PUBLICATIONS RELATING TO PEEBLES.

By R. RENWICK.

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- 1.—Extracts from Burgh Records, 1652-1714. *Peebleshire Advertiser*, 1871-2. (Not re-issued).
  - 2.—Gleanings from the Burgh Records, 1604-52. Peebles: Watson & Smyth, 1892.
  - 3.—Historical Notes on Peeblesshire Localities. Peebles: Watson & Smyth, 1897.
  - 4.—Aisle and Monastery: St Mary of Geddes Aisle in the Parish Church; and The Church and Monastery of the Holy Cross. Glasgow: Carson & Nicol, 1897.
  - 5.—Peebles: Burgh and Parish in Early History. Peebles: A. Redpath, 1903.
  - 6.—Peebles during the Reign of Queen Mary. Peebles: Allan Smyth, 1903.
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## ABBREVIATED REFERENCES.

- Aisle and Monastery.* No. 4 in foregoing list.
- Assise Will. Reg.* Ancient Laws and Customs of the Burghs of Scotland (including Assise Regis Willelmi). Scottish Burgh Records Society Edition.
- Bain's Cal.* Calendar of Documents relating to Scotland preserved in H.M. Public Record Office, London. Edited by Joseph Bain.
- Gleanings.* No. 2 in foregoing list.
- Glasgow Protocols.* Protocols of the Town Clerks of Glasgow. Edited by R. Renwick.

*Hamilton Papers.* Letters and Papers formerly in possession of the Dukes of Hamilton, now in the British Museum. Edited by Joseph Bain.

*Historical Notes.* No. 3 in foregoing list.

*Illustrations, &c.* Selections from Unpublished MSS., illustrating the Reign of Mary, Queen of Scotland. Edited for the Maitland Club by Joseph Stevenson.

*MS. Reg.* MS. Registers of the Burgh of Peebles.

*Peebles in Early History.* No. 5 in foregoing list.

*Printed Rec.* Charters and Documents, with Extracts from the Records of the Burgh of Peebles (Scottish Burgh Records Society), 1165-1710.

*Privy Council Reg.* Register of the Privy Council of Scotland (H.M. General Register House, Edinburgh).

*Reg. Episc. Glasg.* Register of the Bishopric of Glasgow (Maitland Club).

*Reg. Mag. Sig.* Registrum Magni Sigilli—Register of the Great Seal of Scotland.





## ADDITIONS AND CORRECTIONS.

Page 10, last line—For “frym,” read “fyrn.”

Page 29, line 6—For “brother-in-law,” read “uncle.”

Page 30, line 21—For “1545,” read “1543.” See also p. 91.

Page 36, line 11—For “Leonards,” read “Leonard.”

Page 49, last line—For “saill,” read “seill.”

Page 51, line 9—Insert “iiij s.” between “Ynglish” and “testane.”

Page 59, line 18—For “of,” read “to.” The description here given may be compared with that in the decree printed in Appendix, pp. 181-4.

Page 69—Add to footnote:—An entry in the Presbytery Records, “concerning the visitatioun of Peebles held by the whole Presbytery, on 10th July 1600,” narrates that “it is lamented that the hospitall is abused and converted into temporality, being in the laird of Smithfield’s hands.”

Page 107, line 3—For “Elderstone,” read “Eddistoun.”

number of householders who shared the common lands, it may be estimated that in the middle of the 16th century the town of Peebles contained a population of about 1500. This may be regarded as something substantial at a period when Edinburgh contained only 30,000 inhabitants and the whole population of Scotland was less than that of Glasgow in the present day.

Since 1872, when the Scottish Burgh Records Society broke ground with the publication of selections from local records, the history of Peebles has been further elucidated in other books which, like the following pages, are largely based on the same authentic source. For a considerable part of Queen Mary's reign the MS. Records are exceptionally well preserved, and they begin with the town clerk's "Common Buk of Resignationis and Sesingis" in 1543. Scottish affairs were then in a critical condition. Towards the end of November in the previous year, King James V., a frequent visitor to the town and district, had passed a night in Peebles on his way to the west, where within a few days he got intelligence of the disastrous rout of his army at Solway Moss. Within a month, Scotland had lost her Sovereign, and the country became the victim of contending factions. The impetuous English King thought the opportunity for annexation had arrived, and several members of the Scottish nobility, who had been taken prisoners at Solway, agreed to promote his plans on condition of being set at liberty. The prospect of a union through the matrimonial alliance of the infant Queen with young Edward of England produced an immediate cessation of hostilities, but when Henry, thwarted by the able

tactics and determined hostility of Archbishop Beaton and other patriots, realised the failure of his scheme, the war was renewed with unexampled ferocity. In the early years of the outbreak Peebles does not appear to have suffered. Edinburgh and Leith and several towns on the east coast were ravaged and burnt in the summer of 1544, and in the following year Melrose, Dryburgh, and Jedburgh, with many Border villages, were given to the flames. Peebles was not then reached by the invaders, but its turn came in 1549, at the end of which year the records contain references to properties "brint be our auld enemies of England."

Transfers of properties within burgh were completed by the intervention of one of the bailies, who invested the new owner with possession (or "sasine" as it was technically called), by delivery of certain symbols in presence of witnesses. The Town Clerk, who, in pre-Reformation times, was usually a priest as well as a notary, attended in his official capacity, took a note of the proceedings, recorded them in the "commoun buk," and gave to the new owner a notarial instrument as his title deed. The bailies of Peebles for the municipal year from Michaelmas 1542 till Michaelmas 1543 were William Robesoun and William Peblis; 1543-5, William Bell and Adam Dikeson; and for 1545-6, James Wilsoune and Thomas Bell. Sir William Newbye held the town clerkship, his designation in the records being "commoun writtar of the burgh." "Dominus" in the Latin, or "Schyr" in the vernacular, was the courtesy title of a priest, unless he happened to possess the University degree of Master

of Arts, in which case he was styled "Magister" or "Maister."

From folio 37 onwards, the whole of Sir William Newbye's register is well preserved, and the handwriting as legible as on the day it was penned. Previous to folio 37 there are about a score of leaves, not always consecutive in date, none entire, and several of them considerably mutilated, all on account of the rough usage the book was subjected to while it lay unbound. As it now exists, the register begins with the latter part of a sasine in which was narrated the transfer by Christian Smyth and her husband (whose name has disappeared) to John Cunynghame and Jonet Tait, his spouse, of the "south side" of a "land and biggin," the description of which is lost. After the bailie had given possession to the new owners, by the symbolic delivery of "erd and stane" (earth and stone), the title was solemnly ratified by the female granter, in accordance with a practice which has subsisted till the present day. Ratifications by married women are now usually made by declaration and oath emitted before a justice of the peace, and are not materially dissimilar to those of the 16th century. The ratification under notice runs thus:—"Atour the said Cristian Smyth, in presens of the said bailie, and in absence of hir said housband, the haly Evangelis wyth hyr hand tuchand, the gret aithe swor that scho was nother leid, threit, nor compellit be hir housband, nor na uther persone, to mak the said resignatioun of the forsaid south side of land and byggyn, with the pertinentis, bot scho did the samyn of hyr awyn verray

fre will, for the utilite and profet of hyr housband and hyr awyn. And alsua suor that scho suld nevir revoik the said alienatioun of said land and yarde, with the pertinentis, in tym tocum, bot hald the samyn fym and stabill for evirmair." The transfer concludes in the usual way by narrating that the "instrument," or writing by the notary, was "to be insert into the common buk of sesingis of the said burgh." The proceedings took place between seven and eight in the morning, in presence of several witnesses, ten of whom are named, and including "William Robesoun, ane of the bailyeis," and "Sir William Newby, notar publict, and commoun writtar of the said burgh."

On 7th January 1544-5, there is an interesting description. Adam Dikesoune, bailie, "passit to the land and bigging of umquhill Marioun Lawsoun, the spouse of David Mathosoun, lyand in the Auld Toun of Peblis, on the northt side the gait, the land of William Loich, on the est pairt, the land of William Wyle, callit the Abbot of Melros land, on the west pairt, and the gait that strekis betuix the kyrkis callit the Leidgait on the northt pairt," and there gave possession of the property to Richert Mathousoun, as heir of his mother. The Abbot's land here alluded to was either on the site of the modern Graham Street, or in its immediate vicinity. Leidgait, as applied to the cross road between the two kirks, in the line of the present St Andrew's Road, is likewise noticeable. Another Leidgait, long popularly known as the Ludgate, and now merged in Young Street and Rosetta Road, led from the Old Town towards Hamilton Hill.

Two sasines, dated 24th January 1544-5, have various points of interest. The first of these sets forth that "Marioun Gibsoun, the relict of umquhill Johnne Allane, passit to the land and bigging of umquhill Johnne Allane, burges of Peblis, lyand in the burgh of Peblis, in the Croce gait<sup>1</sup> (*i.e.*, the street now called Eastgate), on the northt syde the gait, betuix the land and bigging of William Dikesoun on the est pairt, the land of the said Marioun on the west pairt, and the land and bigging of umquhill John Hog on the northt pairt; and thair the said Marioun" resigned in favour of "Sir Johnne Allane, sone and air to the said John Allane and Marioun Gibsoun, his spouse," an annual rent of 8s., to be uplifted from the property yearly. There is here disclosed the parentage of Sir John Allane, a chaplain and notary, who was subsequently Town Clerk of Peebles, and took an active part in the conduct of the burgh's affairs. In compliance with the provision of an Act of Parliament, Allane appeared before the examiners of notaries at Edinburgh, on the last day of February 1563-4, and produced his "instrument of creatioun," and protocol book, and was duly admitted by the Lords of Session to practise his vocation under royal authority. In his act of admission, recorded in a book preserved at the Register House in Edinburgh, he is designated "John Allane, notare

<sup>1</sup> "Croce gait" was so called on account of its proximity to the Market Cross. The stone column re-erected in recent years may not have been the first structure, but there can scarcely be a doubt that it occupies the original site. The east end of High Street was sometimes called Croce gait.

publict, and commoune clerk of the burgh of Peblis, of the age of xlvj. yeris or thairby, unmariit, borne within the burgh of Peblis, within the diocy of Glasgow ;" and it is stated that he was created a notary public, under apostolic authority, by "Mr Richert Bothwell, doctour in baith the lawis" (*i.e.*, civil and ecclesiastical), on 19th November 1546. At the time when he obtained the annualrent, Allan was not yet a notary, and, though a priest, may not have then possessed a chaplainry. On obtaining the annual rent he disposed of it to the dean of Peebles, whose object apparently was the providing of anniversary religious services for his spiritual welfare. This was arranged as narrated in the second of the sasines now under notice. It is there set forth that Sir John Allan resigned the annual rent in favour of "Maister Johnne Colquhoun, dene of Peblis, chapellan of the alter of the Appostilis Peter and Paule, fundit and fefted within the Colleege Kirk," and thereupon Colquhoun bestowed it on his successors in the chaplainry for the purposes thus expressed:—"The said Maister Johnis successouris, chapellanis of the said altar, thairfor yeirly causand ane anniversar to be done for the saule of the said Maister Johnne in tym tocum, the day of his deces, with *placebo*<sup>1</sup> and *dirige*<sup>2</sup> at evyn, and messis said and soun on the morn,

<sup>1</sup> *Placebo Domino in regione vivorum* (Psalm cxvi., verse 9), used as the anthem at the beginning of vespers in the vigils for the departed.

<sup>2</sup> *Dirige Domine Deus meus in conspectu tuo viam meam* (Psalm v., verse 8), the anthem with which matins began in the vigils above referred to.

as use is, at the forsaid altar, with the chapellanis foundit and feftit within the forsaid Kyrk of Sanct Andro; and the said annuall rent to be distrubit among the said chapellanis as the laif of the anniver-saris ar distrubit. And the chapellan of the said altar and his successouris to be collectouris and uptakeris of the said annuell, and to distrubit the samyn as said is, and to set the hers (*i.e.*, the frame for the wax candles), and fynd wax, and caus the hand bell to pas throuch the toun and be rungit as use is." It was provided that Allan should have right to redeem the annualrent on payment of £8; and that power was exercised about ten years afterwards, as shown by an appended acknowledgment, written by the dean:—"xx Apprill. I, Master Johne Colquhone, scheplen of Sanct Petris altar, grantis thir viijs. of annuall abone writing, lawchfullie redemit; and deletis the samyng for me, my successores, be this my hand writ, the yere of God, ane m. vc. lv. yeris." Perhaps the capital of £8 was then placed on another investment, but as the dean survived the Reformation, when the celebration of masses was declared illegal, the endowment could not, even in that event, have been applied to its original purpose.





## II.

ST MICHAEL'S WYND—ST MARTIN'S CHAPLAINRY—TOLBOOTH AND  
ALMSHOUSE IN BGDIGEGATE—PREBENDARIES OF COLLEGIATE  
CHURCH—PROPERTIES IN OLD TOWN EXTENDING TO TWEED—  
BORROWING ON HERITABLE SECURITY—ST MARY'S CHAPEL.

SIR WILLIAM NEWBYE was chaplain of the altar of St Michael in the collegiate church. So early as the year 1444-5, as shown by an indenture printed in the Burgh Record volume, the bailies and community of Peebles were constituted patrons of the chaplainry, and had charge of its endowments. Part of these consisted of property extending from the north side of the High Street to "Peblis Water," apparently that through which St Michael's Wynd was formed. On 24th January 1544-5, a vacant portion of this ground was disposed of by the chaplain and patrons, as thus narrated:—"Adame Dikesoun, as than ane of the bailyeis of the burgh of Peblis, passit to ane waist land callit ane barn steide, pertenand to Sanct Michael altar, situat within the colleg kyrk of Sanct Andro of Peblis, lyand in the said burgh, on the north syde the gait, betuix the land of the airis of umquhill Thomas Williamsoun on the est pairt, the land of Thomas Steinsoun on the south pairt, the land of Sanct Michael on the west pairt, and Peblis Watter on the [north<sup>1</sup>]; and than the

<sup>1</sup> Written "west" by mistake.

said bailye tuk up erde and stane of the grounde of the said lande, be consent and assent of Sir William Newby, chapellan of the said altar, and alsua of the consent and assent of the tother bailye, counsale, and communitie of the said burgh, deliverit and laid the said erde and stane into the handis of Thomas Steinsone, burges of Peblis," and gave him sasine or possession of the waste land, for which he was to pay 3s yearly to the chaplain in name of annualrent. A property in "Sanct Michael Clois," described as "the hecht hall and nether sellar under the chalmer quhair umquhill Sir James Dikesoun duelt," was, on 14th May 1548, transferred from William Atzine and spouse to Dutho Stewart; and at the same time, the Town Council and community, assembled in the tolbooth, with consent of Sir William Newby, chaplain of St Michael's altar, conveyed to the same purchaser, "all and haile the ester foir boith, the nether chalmer in quhilk umquhill Sir James Dikeson induelt, the loift thairaboun, the nether stabill and galry thairaboun, togidder wyth the nether yard, lyand on the est side of Sanct Michael Wynde and Clois." Dutho was to pay £4 Scots of yearly feu-duty; "and siclik is bund and oblist to uphold the said houssis sufficiently in thak, wallis, and tymmir, and hald the samyn waterteicht, and to be ane gud nychtbour, and keip gud nychtbourheid to utheris nychtbouris, conform to nychtbourheid of the said burgh, and sall nother vex, molest, nor trubill the laif of the nychtbouris induellaris within the said cloich, under the pane of forfealtyn of his said few-rym." If forfeiture happened to be incurred through

infringement of the conditions, it was provided that the chaplain should be entitled to resume possession of the property, together with the almeries (*i.e.*, cupboards or presses), and beds therein, "that is to say, ane meit (meat) halmery in the hall, ane uther in the chalmer, ane pres halmery, ane stand beid (bed) thair, and ane hald (old) halmery in the nether sellare."

In the records there are occasional references to the old tolbooth situated on the north side of Bridgegate. Thus on 31st March 1545, a property is described as "the land and bigging of umquhill Edward Forthit; lyand in the Briggait, on the northt syde the gait thair of, the land of Sir John Dikesoun on the est pairt, the tolboith on the west pairt, and the land of the said Sir John on the northt pairt." Sir John Dikesoun is supposed to have been chaplain of the altar of St Martin, as a few months afterwards the same property (then belonging to John Kirkwood and Helen Forthit, his spouse), is described as lying "be-tuix the lande pertenant to the chapellan of Sanct Martyne altar, callit the halmushous on the este pairt and the tolbutth on the west." This shows that at one time there was an almshouse adjoining the old tolbooth. Further particulars regarding both buildings may yet be procured. The published records indicate that the tolbooth adjoined the bridge, and was in the line of the town wall erected in 1569 and subsequent years.

There are, at this time, several descriptions of property in the Northgait. On 11th January 1545-6, "Schir Johnne Dikesoun, chapellane, passit to ane

waist lande of his and yarde lyande in the burgh of Peblis, at the north end of the said burgh, on the west syde the gait, betuix the land of Johnne Pount on the south pairt, the Greyn Yardis on the north pairt, and Peblis Watter on the west pairt;” and resigned the property in favour of John Kyrkwode and spouse. The piece of ground called Greenyards was situated a little north of Usher’s Wynd, and stretched from the street to the water side.

By the foundation charter of the collegiate church, it was provided that each of the twelve prebendaries should have a chamber, with a yard, in the Old Town, adjacent to the messuage of the archdeacon of Glasgow. The archdeacon, in consequence of his *ex officio* possession of the parsonage of Peebles, had there a residence, which he occupied during part of the year. Alexander Dick was archdeacon when the arrangement referred to was concluded in 1543, and two years afterwards he augmented the original grant. An entry in the register, dated 29th October 1545, proceeds thus:—“Maister Alexander Dick, archidein of Glasgw, passit to his waist lande and yardis, lyande in the Auld Toune of the burgh of Peblis, on the south syde the gait, betwix the land and bigging of the said Maister Alexander on the est pairt, the land and bigging of Sir Robert Hoip on the west pairt, and the watter of Tueide on the south pairt; and thar the said Maister Alexander, of his awyn veray fre will, gave up, frely deliverit, purly and simply, fra him and his airis for evermair, resignit all and haile the said land and yardis” into the hands of James Wilsoun,

bailie, who thereupon gave sasine of the same to "Mr Gilbert Wichtmane, provost of the college kyrk of Sanct Andro of Peblis, . . . into the name and behalf of the prebendaris thereof and thair successouris, . . . the distributioun and pairting of the saidis lande and yardis among the saidis prebendaris to be referrit alenerly to the said archidene." The name of "Maister Johnne Stewart, persoune of Moffat," occurs among the witnesses.

Properties at the upper end and south side of the Old Town, as in the case of the "land and yardis" just described, usually extended from the street to the river. On 2nd March 1545-6, the following description occurs—"Johnne Smytht passit to his land and bigging, lyande in the Aulde Toun of the burghe of Peblis, on the south syde the gait of the samyn, betwix the lande pertenance to the chapellane of our Ladye altar of the Geddesill, callit Smailis land, on the est part, the land and bigging of William Geddes on the west parte, and watter of Tuede on the south part." Geddes aisle in the parish kirk was founded by John of Geddes of Rauchane in 1428. A fac-simile of the endowment charter, a fine specimen of early penmanship, will be found in "A Peebles Aisle and Monastery," published in 1897.

Borrowing on heritable security was as prevalent in the 16th century as it is now, but the forms of procedure have been changed. Instead of the unilateral deed now in use there were two documents in each transaction. By one of these the property was transferred to the lender absolutely, and by the other,

technically called a reversion, he bound himself to renounce the property on payment of a fixed redemption price. The borrowed money, which according to modern practice is commonly repayable at a bank, was, in pre-Reformation times, almost invariably to be laid on a specified altar. An example of the formalities observed in such transactions occurs on 3rd April 1546, when Edwarde Gawane resigned "ane fairboith of his yarde on the north syde the gait" in favour of James Gawane, to whom the bailie gave sasine in the usual manner. Thereafter "the said James Gawane has bounde and oblist hym, his airis and assignais, to the said Edwarde Gawane, his airis and assignais, that how sone ande quhat tym it sall happyne hym, his airis or assignais, upoun ane day betwix the sone rising and ganging to of that ilk, upoun the premonition of aucht dais of befor, in to our Lady Chapell, situat at the west ende of the burgh of Peblis, upoun the hee altar of the samyn, to content and pay to the said James, his airis or assignais, the some of fifteen lib. in golde and silver, usuale money of Scotlande, that than, efter the payment of the saidis fifteen lib. in gold and silver, as said is, sua beand made, the said Edward Gawane, his airis and assignais, sall have full regres in and to the properte and possessioun of the said wester fairboith, lik as he had befor the alienation of the samyn, but ony impediment, obstakill, or proces of law." Provision, however, had to be made for the contingency of the creditor not appearing in the chapel and obtaining payment on the high altar, and accordingly there is this stipulation:—"And gif

that the said James, his airis or assignais, absentis thaim fra the resait of the said soun of fiften lib. of money, thair beand warnit thairto as said is, ather personally or at thair duelling placis or parochie kyrk, in presens of ane notar and witnes as efferis, the said Edwarde as said is, his airis and assignais, sall have full regress in and to the said wester fairboith, likas thair had befor the alienatioun of the samyn; nevertheles the said some of fiften lib. in gold and silver to be put in sickyr kepyn of ane of the baillies of Peblis, beand for the time, to the utilite and profet of the said James, his aris and assignais, all fraude and gill away put." The chapel of the Virgin Mary was founded at least as early as 1362-3, in which year King David II. granted a site for the necessary structure. The place chosen was at the west end of the High Street, in proximity to the Castlehill. Some of the ruined walls were visible till near the end of the 18th century.

Subsequent to the Reformation, altars were removed from chapels and churches, and could no longer be used for the deposit of money. But these places had long been associated with such transactions, and, subject to the modification of dropping any reference to an altar, the former practice was continued. Thus, on 5th March 1561-2, William Johnstone, burgess, granted to James Bruntoun an annualrent of 13s 4d, payable from a property on the south side of the "Kingis Streit," but reserving right of redemption on payment of "the soume of ten merkis, gud and usuale money of Scotland, apone ane day betuix the sone rising and ganging to of the samyn, in the Lady Chapell, situat

within the burgh of Peblis." Though the Cross Kirk was given to the parishioners in December 1560 as a substitute for the partially ruinous Kirk of St Andrew, the latter continued to be used for other purposes as formerly. On 25th March 1562, it was agreed that a property should be redeemable when the debtors should, after certain formalities, pay "the soume of fourty merkis, gud and usuale money of Scotland, in nomerat money, within the college kirk of Sanct Andro in Peblis." These arrangements had reference to future settlements, but there were cases in which payment had been stipulated for at a certain altar, and this condition could not be literally implemented, seeing the altar had disappeared. How this difficulty was overcome, is shown by an entry in John Allane's protocol book, dated 31st March 1564, narrating that the procurator of Dionisius Elphinstoun of Henderstoun had warned the possessors of an annualrent of 10 merks to appear in the Church of St Andrew, and there, "in the place where the altar of St Andrew, the apostle, formerly stood," receive payment of 100 merks for redemption of their claim.





## III.

BURGESSES AS SOLDIERS—PORTS AND FORTIFICATIONS—STREET  
EVOLUTION—MARKETS AND MARKET CROSS—OLD TOWN—  
CASTLEHILL PROPERTIES.

BURGESSES of royal burghs had originally a monopoly of trade, but their responsibilities were proportionate to their privileges. Contributing largely in money to the national exchequer, both in times of peace and war, the burghs were during emergencies liable to be called on for supplies of men and provisions for the army, while for the defence of his own town each burghess required to be in readiness, with arms and armour, to meet an attack. All the able-bodied men of a Scottish burgh were thus soldiers, whose efficiency was not unfrequently tried in actual contest, and in peaceful intervals the martial spirit was sustained by periodic weaponshawings. In the printed records is found the detailed account of a "vesying of the wappynis," which took place in Peebles in 1572, when 161 men, all of whom are named, appeared on parade and had their weapons inspected. Spears, lances, swords, staves, hand-axes, forks, and firearms, called "hakbutts and matchlocks," are enumerated in the list, each of the men being in possession of one or more of these articles. Archery is represented by half a dozen bows, with one bag for arrows. Of defensive armour, upwards of

thirty men were supplied with "bonets," or helmets, and one had a "buklar," or shield. At this time it was ordered that every man should have a sufficient spear, those too poor to buy being supplied by the town. At the striking of the "swische" (drum) or ringing of the common bell "the hail inhabitantis, baith young and auld," capable of bearing arms, were to be in readiness to march with the bailies where their services might be required for the good of the town.<sup>1</sup>

By way of fortification, the burgesses required to keep their outside boundary dykes in proper condition, and these being connected with each other, a continuous fence was provided, even before 1569, when the building of the town wall was commenced. At the entrances to the town there were gates or ports, which could be closed when necessary, and connected with at least three of these ports were fortified buildings, from which missiles could be discharged. There is no indication of either ports, walls, or other fortifications in the Old Town. That district retained in many respects its ancient character of a kirk town. For one thing, the Old Town did not front the side from which assailants usually came. "Our auld enemies," and likewise border reivers, were wont to approach from the east, and in such cases the New Town bore the brunt of the fray. Then, in pre-Reformation times, the Old Town, where both the Parish and Cross Churches were situated, was the principal resort of the clergy, whose presence must to some extent have exercised a protecting influence.

<sup>1</sup> Printed Records, pp. 339-41.

Looking to the contour of the ground, and the direction in which the streets lie, it may be conjectured that Bridgegait and Eastgait, in the New Town, occupied the line of a thoroughfare traversing Tweed valley from east to west, and probably old enough to have been formed or improved by the Romans. At the western entrance there had been erected a fortification, which remained till about the time when the town wall was erected. On 31st July 1566, the Town Council, in consideration of an annual feu-duty of "xv hairheids,"<sup>1</sup> conveyed to "Robert Moro, burges of Peblis," a piece of ground described as lying "in the Briggat fut, betuix Robert Moro hous, on the est pairt, and the bairmkyn callit the werk on the north pairt."<sup>2</sup> Werk, or wark, was the term applied indiscriminately to various sorts of fortifications. The outer wall or rampart, enclosing a tower and open space, was usually called a barmkin, but the term was sometimes applied to a fortress at the end of a bridge or at the outlet of a town. Robert Moro had, in 1560, got a piece of "commoun ground in the Briggat," and in 1561-2, another part of "thair commoun ground lyand contigue to the west syde of the Briggait port."<sup>3</sup> On 1st April 1560, the Town Council and community, in consideration of a feu-duty of 3s. 9d., gave to James Douchell, burges, "ane part of thair common ground contenant thretty futtis in lenth, and twenty futtis in

<sup>1</sup> The coin called a hardhead or lion was valued at 1½d.

<sup>2</sup> MS. Reg., 1545-67, f. 209.

<sup>3</sup> *Ib.*, f. 154, 162.

breid, in the Briggat fut, betuix the steipfat barnes on the west part, and ane meikill hoill in the scaill wall callit the werk on the est part."<sup>1</sup> Perhaps the interior of the wall here referred to was fitted with steps—a "scaill stair"—for the convenience of the defenders of the "werk." Subsequent to the construction of the bridge leading from the Old Town to the west end of High Street, the Briggate port was no longer the chief entrance to the New Town, and the barmkin was probably dismantled, leaving a considerable portion of spare ground, which was being disposed of for building purposes.

Corresponding to the port at the Briggate foot, there was another at the east entrance to the New Town, and likewise a "wark" or fortification. A new erection, which was in progress in 1488, was then called the "Newerk," but in later times it was more commonly named the East Wark. The building stretched across the street (on which account it was sometimes named "the Crocehous"), and through it was the port or gate giving access to the town. On the upper part of the structure, artillery was mounted, and gunners were posted there when an attack was anticipated. The town wall, begun in 1569, was joined to the East Wark, thus making a continuous rampart.<sup>2</sup> Another early thoroughfare must have led northward in the Lothian direction, and here a third port was placed. The north port, likewise utilised as a connecting

<sup>1</sup> MS. Reg., 1545-67, f. 148.

<sup>2</sup> See farther as to the East Wark in *Gleanings*, XVIII.

link in the town wall, stood in the Northgait, where that street was joined by the vennel latterly called Usher's Wynd.

What in later times was known as the West Port was not required till after the construction of bridges over Tweed and "Peblis Water." At first access to the Castlehill was obtained by a passage, in the line of the present High Street, leading from the point of intersection of the other main thoroughfares. This central spot was selected as the site of the market cross, that indispensable adjunct of a royal burgh. It is probable that both fairs and markets were held at Peebles before the first King David's time, when the royal burgh was constituted. Such pre-burghal fairs were common in kirk towns, and were generally associated with the festivals of their patron saints. A minute of Peebles Town Council, dated 15th November 1652, refers to the public and free fairs which had been yearly held on St Andrew's Day "thes many aiges bygaine." St Andrew's fair is not referred to in any of the burgh charters, and this fact may be taken as an indication that it had an earlier existence. Previous to the 12th century any fairs or markets would be held in the Old Town, and it is commonly supposed that the market place was in the main street where it was crossed by Leidgait (now Young Street) and its continuation, the South Vennel. Under the new system, all merchandise throughout the shire had to be brought to the burgh for sale. One of the main objects in this centralisation was the more effective collection of the King's custom. An early law required

that all wool, hides, and similar merchandise should be presented for sale to the merchants of a burgh, at its market cross, "and the custome thair of salbe payit to the King."<sup>1</sup> On Peebles obtaining such privileges it must at once have advanced into comparative prominence. The King would have his resident officers for the collection of customs, and country people would frequent the market with their produce for disposal. On procuring the raw material, craftsmen, such as weavers, tanners, cordiners, and tailors, would find employment in its manufacture. Dwellings and booths for the accommodation of traders would accumulate in the vicinity of the Cross, from which other buildings would gradually radiate. It was some considerable time before such erections reached the west end of High Street. St Mary's Chapel, founded in 1362-3, stood on a piece of the town's common ground which lay between the built portion of the town and the Castlehill. The ridge in prolongation of the High Street was probably rising ground on to the summit of the hill. The present depression at the west end of High Street was effected for facilitating traffic between the bridges; and, as mentioned by Dr Chambers, the street was lowered two or three feet throughout its entire length in 1846. The Castlehill itself seems to have come into the town's possession and to have been partly occupied by buildings in or before the 15th century. In 1506 the mill and other erections on the side of the hill were expressly confirmed to the town by crown charter, granted on 24th July of that year.

<sup>1</sup> Assize Will. Reg., c. 40.

Subsequent to this confirmation the owners of property on the hill had their rights ratified. A protocol by Sir Patrick Stanhouse narrates that, on 12th July 1507, the two bailies, "wyth the hail communitie consalie gaderit in the tolbut, for the commone weil and profit of the toun, the hail communitie thoct it expedient the landis liand about the Castelhill, the quhilkis thai haid maid new conquest<sup>1</sup> of, at our Soverane Lordis the Kingis hand, James the Ferd, be the grace of God, be his gret confirmatioun, that thair suld be new sesin thairof to the inhabitaris of the samyn." After the court rose, one of the bailies "passit incontinent to ane pairt of the said landis liand at the est end of the Castelhill, on the north sid the samyn, at the sowith end of Peblis [brig], the quhilk was callit the howsteid of umquhill Andro Cady; and thair the said balyhe, be vertew of his office, and efter the deliverance of the said curt, gaif heritable seisin of the said howsteyd to William Alane, burges of Peblis, and his airis, be the deliverance of erd and stane into the handis of the said William." It was stipulated that Alane and his successors in the property should pay 14d. yearly of annualrent to Sir Edward Pater-soune and his successors, chaplains of the altar of St James in the Parish Kirk.<sup>2</sup> At the same time sasine

<sup>1</sup> In legal phraseology "conquest" meant the acquisition of lands otherwise than by inheritance.

<sup>2</sup> MS. Reg., 1500-30, f. 76. It was a common practice in giving off pieces of the town's ground to make the feu-duty or annual-rent payable to an altar. Subsequent to the Reformation such revenues reverted to the town, and some of them are still collected.

of other two properties at the Castlehill was similarly given to the proprietors for the yearly payment of 2s. each to the chaplain of St James's altar.<sup>1</sup>

The entrance to the High Street from the two bridges was guarded by "The Steeple," a building which adjoined the Chapel, and which was erected between the years 1488-94. The West Port was situated farther east, and as it was protected by the fortified

<sup>1</sup> One of these properties belonged to John Patriksone, son of Patrik Patriksone, and is described as a "berne at the est end of the Castlehill, the Castlehill being on the west pairt," and the street on the east. In Patrik Patriksone's sasine, dated 5th March 1489, the property is described as a "house and berne lyand at the west end of the burgh, outwith the west yat (i.e., west gate or port), at the est end of the Castelhill, and on west sid the common gat strekande to Peblis brig" (MS. Reg., 1483-1500, f. 30). The other property referred to in the text, described as the "land and biggin of John of Plenderlaith, at the west end of the burgh and est end of the Castelhill," belonged to Patrick Plenderlaith, who was latterly a canon of Jedburgh Abbey, and a resident in the Priory of Restennot in Forfarshire. On 7th May 1538, "Dene Patric Plenderlaith, wyth consent of Johnne, abbot of Jedburgh, and convent of the sammyn," produced a writing, dated July 1522, whereby "Johnne, be the permissioun of God, Abbot of Jedburgh, grantit till our lovit Dene Patric Plenderlaihth, channon of our said place and Abbay of Jedburgh, now resident in our place of Rostanot, our ful, plane, and irrevocable licence and gud benevolence, for ws and our successouris, abbotis of the said abbay, till frelye dispone and geif, at his awin fre will, all and sindry his patromon and heretage pertenyng till hym be the deces of his fader, of gud mynd, Johnne Plenderlaihth, burges of Peblis, and of his moder, Katerine Pathonson." In accordance with the license thus given, "Dene Patric" resigned in favour of Andrew Plenderlaith, his brother, a portion of his "land lyand in the west end of the burgh at the est end of the Castelhill, betwix my land on the sowitht and the commone gait to the Castelhil on the northt part" (MS. Reg., 1534-41, f. 45).



steeple did not require, as in the case of the East Port, to be itself composed of defensive works. An entry in the sasine register, dated 5th May 1561, narrates that, as desired by the Town Council and community, one of the bailies gave to William Lowys, burges, sasine of "ane pairt of thair commoun ground nixt contigue to the West Port, on the south syde of the samin, contenand in lenth . . . futtis and in breid xvj futtis, reservand viij futtis of fre passage, opping abone, without ony lofting or bax betuix the wester gavill of the said William Lowys hous and the eister gail of the said commoun, that the baillies and communitie may at tymes cum quhen neid requyris to gang to the werk;<sup>1</sup> apone the quhilk part of commoun ground the said William is oblist to big ane hous for keping of the West Port perpetualie in tyme cuming." Lowis bound himself and his successors, "to big and edify ane hous thairupone for perpetuale observatioun and keping of the key of the said West Port evir mayr, in all tyme cuming, and to answer all passengeris, baith nycht and day, pece and weir, at all tymes convenient, auld usit and wont, at the said port."<sup>2</sup> The precise position of the buildings is not clear, but they appear to have been placed athwart the street, the main gateway being probably in the form of a pend, and leaving only an open passage eight feet broad for free access to the steeple when necessary. In the winter of 1557, when rules were passed for closing the ports at six and the

<sup>1</sup> The steeple.

<sup>2</sup> MS. Reg., 1545-67, f. 157.

wickets at eight in the evening, the wicket at the West Port was allowed to be kept open till nine, "because of passage to the corne milnis and walk mylnis."<sup>1</sup>

<sup>1</sup> Printed Rec., p. 241.



## IV.

ENGLISH INVASION—DESTRUCTION OF TOWNS AND ABBEYS—BORDER WARFARE—ASSEMBLING OF ARMY IN PEEBLES—BATTLE OF PINKIE AND CONSEQUENCES—INHABITANTS OF PEEBLES IMPLICATED—BURNING OF TOWN—CHAPLAINS AND THEIR ANNUALS.

DURING the regency of the Earl of Arran, when Scotland had to maintain, against foes both within and without her borders, an almost continuous struggle for national existence, the town of Peebles was for a long time comparatively free from disaster, and it was only towards the close of the contest that the inhabitants were put to extremity. Owing to want of town council records at that time, minute information regarding local proceedings is not procurable, but state papers and other publications occasionally supply particulars. While negotiations, which resulted in a treaty of peace with England, were still pending, the more restless of the Borderers took the opportunity of indulging in predatory warfare on their own account. On 17th March 1542-3, the English warden, on the information of spies, and writing from Alnwick, reported "that the Lythersdale men have ryden upon their owne countrey-men, and have robbed and spoiled xij townes syns their (the Scots) parliament beganne, and have ronne yn as farr as Pibles, whiche ys xxviij miles within

Scotland."<sup>1</sup> What damage was done to the town in this incursion, or whether the aggressors were repulsed, there is no record to show.

Before the end of 1543, the treaty with England had been annulled by the Scottish parliament, and this step was followed by the English invasion of 1544, one good effect of which was the breaking up of the main Scottish factions, and the concentration of the country's forces in common defence. The Earl of Angus, hitherto a supporter of King Henry, was appointed Lieutenant of the Borders, and detachments of his army assembled at Peebles. On 30th November 1544, it was reported to the English warden of the Middle Marches, that "the Erle of Angus, Erle Glencairne, and Erle of Cassels, with the west lande men ar this nyght at Peobles, and hath bene there the two nyghtes bypast, but we can have no knowledge what they will do as yet, but as sone as they entend to come towards Jedburghe or any other place, your lordship shalbe advertised in hast." The senders of this letter, John Kerr, younger of Farnyherst, and one Johne Ogle, were evidently partizans of the English, and they add in a postscript—"My lorde, if the Erle of Angus do pas eastwardes we shalbe redy at your commandement."<sup>2</sup> The warden of the West March was informed by Robert Scot of Wamfray, in a letter dated 1st December (Tuesday night), that "my lord of Angus and the lordis of our west countre come to Pebles upone

<sup>1</sup> Hamilton Papers, I., p. 471.

<sup>2</sup> Illustrations of Reign of Queen Mary (Maitland Club), p. 11.

Satterdaye at night last bypast, and upone Sondaye there came ane post fra the Governor to my lord of Angus, and bad him cumme till Coldingham in the Mers, and they lap onne Sunday at night at ane of the klok, and rayd furth of Pebles ane thowsand men by cariages.”<sup>1</sup> The Earl of Angus was brother-in-law of Lord Yester, sheriff of the shire, who possessed much influence in Peebles, and it is probable that a contingent from the burgh joined the army. The Earl’s wavering patriotism was somewhat strengthened at this time in consequence of the threatened seizure of his estates. It was said that Sir Ralph Eure, the English warden, had got a grant of all the lands he should conquer, and Angus, alluding to the practice of notaries engrossing title deeds on parchment, vowed that if Eure dared to take possession he would write the sasine on his skin with sharp pens and bloody ink. The Scottish forces were unfortunate in the earlier contests, but their decisive victory on Ancrum Moor in February 1544-5, was followed by other successes, and the east Border was cleared of the enemy for the time. French auxiliaries arrived in summer, and the united force marched towards the Border in August. This expedition proved a failure, and Hertford retaliated by an invasion, in the course of which many towns were burnt, and the abbeys of Kelso, Melrose, and Dryburgh put in ruins. Religious persecution, Cardinal Beaton’s assassination, the siege of St Andrews, and the progress of Reformation tenets, were the more prominent events of the next year. In March 1546-7,

<sup>1</sup> Illustrations, &c., p. 13.

- two months after the death of King Henry, the English were so unobtrusive as to give those at the head of Scottish affairs an opportunity of attempting to pacify the unruly Borderers. An army was ordered to assemble at Peebles, with twenty days' provision, to march with the lord governor "for stanching of theft and reiff and oppressioun of thevis and revaris, and putting of ordour upoun the bordouris."<sup>1</sup> At same time preparation was to be made for resisting a rumoured invasion, it being reported that "our auld inymyis of Ingland intendis with thair grete armyis, baith be sey and land, to cum and invaid this realme, byrn, hery, and distroy the liegis thairof, and to do na less nor tha may to subdew the samin."<sup>2</sup> These forebodings were all but realised in the autumn, when the
- Duke of Somerset entered Scotland with a powerful army, which carried everything before it till the culmination at Pinkiecleuch. To what extent Peebles shared in that calamity there is little evidence to show, but it is known that Lord Yester, who had succeeded his father in 1545, was taken prisoner, and it appears that the inhabitants were induced to give some support to the English. What was the precise nature of this unpatriotic action has not been ascertained. It is only known that about four years afterwards, by which time peace was restored between the countries, the community paid into the national exchequer a fine of £200, "for their treasonable adherence to the old

<sup>1</sup> Privy Council Reg., I., p. 64.

<sup>2</sup> *Ib.*, p. 62.

enemies of England after the battle of Pinkiecleuch, and remaining therein for the period of fifteen weeks or thereabouts in time of war."<sup>1</sup> For a short time after the Pinkie disaster, the country was at the mercy of Somerset's forces, and the acquiescence of the Peebleans was probably their only choice. For their credit it is to be hoped that they were not consenting parties to an extraordinary scheme for the subjugation of Scotland, which was submitted to Lord Gray, the English governor of Berwick, by Sir George Douglas, who, along with his brother, the Earl of Angus, had again professed allegiance to England. Sir George proposed that Lord Gray should, with 4000 men, proceed to Jedburgh, where it was expected he would be joined by "the lairds of Ferniherst, Cessford, and others of East Tyvydale." Next day's intended march was to Selkirk and Hawick, with "like commands to Buccleugh, and the gentlemen of West Tyvydale and Ettrick Forest. The third day, march to Peebles, where Lord Hay of Yester, sister's son to Douglas, and now prisoner here, is sheriff of the shire and principal of the town, who will submit himself, and if let home on pledge, will victual and house us."<sup>2</sup> Douglas could not be trusted and nothing came of the plot, yet it is just possible that through his negotiations Lord Yester and the inhabitants of Peebles were inveigled into acts capable of being construed as rebellion, for remission of which the fine of £200 was exacted.

<sup>1</sup> Printed Rec., p. 65.

<sup>2</sup> Bain's Calendar of Scottish Papers, I., p. 28.

In consequence of the turn events had now taken, the personal safety of the young Queen, whose matrimonial destiny had been the chief element of discord between the two countries, became a matter of serious concern to her guardians, and after a sojourn for a few months at Inchmahome, in the Lake of Monteith, she was conveyed to France, where she arrived on 13th August 1548. Before this time the English had occupied Haddington as their headquarters, and made it the centre of their ravaging operations in adjoining districts. With the aid of their French allies, the Scots were always able to keep a force in the field, and intermittent skirmishing continued. On 4th October, Lord Gray reported to Somerset that on the approach of his horsemen towards Jedburgh, a detachment of the "enemy" forsook the town in great haste, and "marched the whole nyght to Peables, and forth this day to Edenbroughe."<sup>1</sup> But the tide was now about to turn, and by the spring of 1549, the fastnesses occupied by the invaders were gradually being re-taken and the expulsion of the enemy was making satisfactory progress. In July, Sir Thomas Holcroft, one of the English commanders, reported on the movements then in anticipation, and in the course of his remarks said—"I trust your Grace shall here we will burne Peobles, and other things which we never burned, to welcome Monsieur de Termes to the contrey."<sup>2</sup> In a less exultant strain Holcroft, on 25th September, wrote from the

<sup>1</sup> Illustrations, &c., p. 49.

<sup>2</sup> *Ib.*, p. 40.



fort of Dunglas—"My Lorde Gray dyd tell me he had laide garrysons in Gedworthe, Hauwycke, and Pepulles." But he adds:—"I am informed the abbot of Passelow hathe put iiij<sup>xx</sup> hagbutts into Hauwycke, and the Lorde of Bocloghe hathe c waygers of horsemen to be at Pepulles and Selkyrke; howe this matter hathe been prevented from us, I doe not knowe, whether for lack of secretenes, or our horsemen did not lye wheare they weare appoynted."<sup>1</sup> Up till this time apparently Peebles had suffered no serious injury. The English are understood to have evacuated Haddington in the middle of October, and little is known of their subsequent movements, though, from incidental notices in the registers, it seems probable that shortly after the evacuation the great catastrophe of the burning of the town of Peebles occurred. There are no entries in the sasine register between 10th December 1549 and 8th January 1549-50, on which latter date a property in Northgait is described as bounded by another property "than brynt be Ynglismen." This is the first occasion in which the register contains a reference to the burning. Next entry is dated 27th March 1550, and narrates that "ane brynt land of thairis," situated on the south side of High Street, was sold by the owners "in thair greit necessite and mister." On 16th April, a property lying on the north side of Bridgegait, and west side of the "Almoushous," is referred to as "than beand byrnt be our suld inimeis of Yngland." This property was likewise sold, in the owners "gret necessite and mister," for "ane certane soum of money

<sup>1</sup> Illustrations, &c., p. 42.

in gold and silver all to thaim beforhand payit." Again, on 14th May, "George Patersoune and Cristiane Smyth, his spouse, passit to thair land, brynt be our auld inimeis of England, lyand in the Northgait," and sold the same "in thair greit necessitie and mister, for ane soume of money in gold and silver." A property on the east side of Northgait, on 10th July 1550, and another property on the west side of the same street, on 11th February 1550-1, have each the same refrain, "brynt be our auld inimeis of England."<sup>1</sup> These properties are noticed in the register simply because the owners were transferring them, and no record is kept of those burnt tenements which remained with the previous possessors. It may be assumed that the bulk of the damaged properties would be retained by the former owners, and there can be no doubt that the devastation was extensive. There is no reference to damaged houses in the Old Town, but it is not likely that this district was more fortunate than other parts of the burgh, and it is well known that both the Churches there suffered severely. It is recorded that the East Wark, which was probably exposed to the first attack, was "brint be our auld innemies of Yngland;"<sup>2</sup> and there is likewise an indication that damage was done to the Rood Mill, situated at the other end of the town, on the south side of the Castlehill. This mill was erected about the year 1461, and it was then burdened with the payment of two merks yearly

<sup>1</sup> MS. Reg., 1543-67, f. 79-86.

<sup>2</sup> Gleanings, No. XVIII.

to the chaplain of the Rood altar in St Andrew's Kirk, for the upkeep of divine services on behalf of the community. After 1549, the annual payment (increased to 42 s.), apparently ceased, but it is probable that so long as the chaplain was allowed to perform the usual religious ceremonies his income from other sources would suffice for his wants. The pinch came when celebration of mass was declared illegal. On 6th May 1561, the chaplain thus petitioned the Town Council:—"Unto yow, schiris, baillies, counsale, and communitie of the burgh of Peblis, humlie menis, lamentis and hevely complenis, I, your maisterschippis oratour, Sir James Davidsonsone, prebendare of the Rude altar, situat within the college kirk of Sanct Andro in Peblis, that quhair I wes providit to the said prebendarie be your m. predecessouris, as my provisioun thairupone schawis, and thaireftir ressavit and upliftit the rentis and proventis of the said prebendary efter my said provisioun, but impediment, amangis the quhilkis rentis I, be vertu of my said provisioun thairof, ressavit yerelie of the Rude Milne the soume of xlij s., ay and quhill the birnyng of this toune quhilk wes in the yere of God j<sup>m</sup> v<sup>c</sup> xlix yeris or thairby; off the quhilk soume of xlij s. yerelie, be the space of xij yeris bygaine, extendis to the soume of xxv li. iiij s., of the quhilk I haif gotting na payment; and sielike of xiiij merkis yerelie of tenementis in this toune quhilkis ar all biggit. Quhairfoir I pray your m. to content and pay to me part of my said milne annuell bygane to ane gud compt quhill ye may provide mair to me, and also caus me to be ansuerit of the annuellis awand to

me of the tenementis within this toune, conforme to the actis of the parliament<sup>1</sup> and my provisioun, becaus I am ane agit man and decrepit; and your ansuer humlie I besik." Consideration of the letter was delayed in anticipation of some pronouncement by parliament in June, and Sir James protested for remeid of law, time and place convenient.<sup>2</sup> Three years afterwards, the aged "oratour" (a term here signifying one who prays for his benefactors, the equivalent of beidman), was provided for in a retreat connected with the hospital of St Leonards. On 23rd October 1564, John Hay, master of that hospital, came to the almshouse (*domum oratorum*) of the hospital, situated within the burgh, and there nominated and presented "an honest man, Sir James Davidsons, priest, in and to a place in the said house, vacant through the decease of John Hoip, last possessor thereof." Possession was given by the ceremony of touching the wall and entering by the

<sup>1</sup> "The act maid anent the annuelles of landes burnt be our suld enemies of England, within burrowes," 11th September 1551 (1681 Edition, p. 142, c. 10; Record Edition, II., 489, c. 30).

<sup>2</sup> MS. Reg., 1549-65, f. 193-4. A son of Sir James Davidson left a widow, with whom this accounting took place on 20th January 1558-9:—"All thingis comptit, funerale processiou of umquhile Thomas Davidsons, son to the said Sir James, and spous to Jonet Bourne, and all utheris comptis and dettis beand allowit, swa the said Jonet is awand restand to the said Sir James, iij li. xvij s.; and the claithis that pertenis to umquhile the said Thomas Davidsons, viz., blak cot, bonat, be getting agane fra Andro Stewart, salbe satisfacioun and payment to the said Sir James for the xvij od s." The father was to get the son's clothes, leaving the widow indebted for £3 in money (MS. Reg., 1549-65, f. 140).

door.<sup>1</sup> The almshouse here referred to was probably that on the north side and at the west end of High Street, acquired by St Leonards Hospital in 1473.<sup>2</sup>

Other chaplains besides Sir James Davidson had difficulty in getting in their annualrents, on account of the destruction of properties from which they were payable. On 15th January 1557-8, Sir John Bullo, chaplain of St Martin's altar, claimed payment from a widow of an annual sum bequeathed by her late husband for anniversary services, and which had fallen into arrear "since the burning of the burgh of Peblis in anno Domini m. quinquagesimo xlix."<sup>3</sup> The widow

<sup>1</sup> MS. Reg., 1549-65, f. 291.

<sup>2</sup> Printed Rec., p. 170. Sir James Davidsone died in February 1568, when John Twedy, a student, obtained his prebend of the Rood and Holy Blood altar, the revenues of which, amounting to about £12, are detailed in a decree dated 5th November 1572. The procedure in the disposal of this prebend, showing the change caused by the Reformation, is instructive. Young Twedy represented to the Town Council and community that he was "leirnard at the scoill, and as your wisdomes knawis my fadir has mony childrene ma nor I, quhairthrouch he may nocht sustene me to hald me at the scoillis in my youtheid to leirne vertu." He accordingly petitioned for the revenues of the prebendary for ten years, "to sustene me at the scoillis, quhairthrouch I may leirne to minister the Evangell of Jesu Christ." The burgh officers having warned all the neighbours and burgesses, door by door, to assemble in the tolbooth for disposal of the prebend, a meeting was held there on 31st March 1568, when the prebend was bestowed on Twedy for ten years, and if by that time he was qualified "to serf and mak ministratioun in the Kirk of God," he was to enjoy the revenues during his lifetime. Failing such qualification, the prebend was to revert to the patrons (Printed Rec., pp. 73, 348-50.)

<sup>3</sup> MS. Reg., 1549-65, f. 121.

stated that she had paid regularly till the event referred to, but admitted that the payments had then ceased.

The burning of Peebles must have been among the last of the depredations committed by "our auld enemies" during the nine years' war which was then drawing to a close. Sharing in the benefits of the treaty concluded at Boulogne on 24th March 1549-50, Scotland was once more declared to be at peace with England, and was forthwith restored to the undisputed possession of her strongholds and territory.



## V.

MARKET PRIVILEGES—A MARKET CROWD—TWO NEW FAIRS—  
FIRST PROVOST OF THE BURGH—THE LORDS OF YESTER—NEID-  
PATH CASTLE—SMITHFIELD HOUSE—CUSTODY OF A PRISONER—  
INVENTORIES OF GEAR, COINS, &c.—VISIT OF QUEEN MARY.

THOUGH the "freedom" of the burgh is understood to have been co-extensive with the shire, it may be doubted whether the letter of the law was ever so stringently enforced as to confine all traffic in staple goods to the market held at the Cross. Latterly, it was common for large proprietors to get their lands erected into baronies or regalities, with market privileges, and in the case of kirk towns, where fairs and markets were held before burghs were established, it is probable that the continuance of their ancient usages would be tolerated. In a report on the state and condition of Peebles in 1692, the Town Council stated that there were "two regalities and some barronies within ther precinct which have a considerable trade, and not only these burghs of regalitie and barronie, but other kirk townes and countrey places, vent and retaill staple comodities."<sup>1</sup> Encroachment on the burgh's privileges had not advanced so far in the previous century, though, in letters granted by King James V. to the burgh on 12th October 1541, it is

<sup>1</sup> *Miscellany Scottish Burgh Records*, p. 127.

narrated that "divers unfremen, chepmen, cowparis, and utheris, dailie occupeis youre fredome of oure said burgh, be bying and selling of woll, hidis, skynniss, irne lint, ter, silkis, wyne, spicis, and uthir stapill gudis, and be pakyng and pelying thairof at kirk mercats and uther places to landwart within the boundis of youre fredome." In consequence of this system of dealing, the goods were not sold in the burgh's market, "as aucht to be done," and thereby the burgh was deprived of the profit, and the King defrauded of his custom. To remedy these irregularities, the King charged all unfreemen not "to mak ony privat mercate" outwith the burgh, and within its freedom, but to bring all their goods and merchandise to the burgh market.<sup>1</sup> Such periodic promulgations of market privileges might have the effect of checking, though not entirely suppressing, evasion, and Peebles must have been the recognised meeting-place of the country people on the weekly market day. Here is a glimpse of the throng and bustle on these occasions:—"3rd May 1557.—William Russell, sworne and admittit, deponis be his greit aith that he and his sister, Marion Russell, wes command fra the croce quhen he had bocht ane certane saip, and the mercat wes thrang, and nocht knawand quha wes afor him in the mercat, to mak him ane fre passage and gait, put furth his hand, egling to mak him ane gait and for displeour of na man, nor for violence, bot to thring himself throw the mercat becaus it wes thrang as said is, and culd na utherwayis evaid untuichit, and his sister followand

<sup>1</sup> Printed Rec., pp. 59-60.



him, sayand—I pray yow get ws rowme that we may haif fre passage for breking of the pig and saip that wes in hir hand.”<sup>1</sup>

Shortly after the Queen-Dowager, Mary of Guise, succeeded to the regency, another charter of some importance was granted to Peebles. This charter, it has to be noted, was granted on the spot, thus indicating that the officers of state who are named as witnesses, and perhaps also the Regent herself, were then in the burgh. After a reference to the ancient constitution of the burgh, the burning by the English, and the depredations by thieves and ill-doers, the Queen confirmed all the former privileges and liberties, and granted the right to hold two additional fairs yearly, all as freely as such privileges and liberties were possessed by Edinburgh or any other royal burgh. One of the powers enumerated and confirmed, was that of electing a provost, bailies, and officers for the government of the burgh.<sup>2</sup> Bailies were essential to the conduct of a burgh's affairs, but there were several

<sup>1</sup> Printed Rec., pp. 237-8. In the charters, Tuesday is mentioned as the market day, but other days were likewise fixed for traffic in certain articles. In 1556, the Town Council assigned Tuesday and Friday as the days for bringing malt to the market (*ib.*, pp. 230-1); and in 1564, it was ordained that the flesh market should be held on Saturday, from ten till four, “and that nane be sauld on the Soulday” (*ib.*, pp. 296-7).

<sup>2</sup> *Ib.*, pp. 66-69. The charter, which is dated 17th December 1554, narrates that the fair authorised by previous charters was held on St Bartholomew's day (24th August). The two new fairs were to be held on the day of St Peter and St Paul (29th June), and the day of St Dionisius (9th October), and were to continue during the octaves of each festival.

towns in which the provost was a comparatively late importation. The earliest extant notice of a provost of Peebles occurs in an entry in the sasine register, dated 10th February 1551-2,<sup>1</sup> but the name is not given. "The provest, baillies, counsale, and communitie" are again mentioned on 27th July 1553,<sup>2</sup> and when the council records are resumed in 1554-5, it is ascertained that John Lord Hay of Yester, sheriff of the shire, was the provost. His lordship had apparently been put in office shortly after his return from captivity in 1550. Michaelmas was then the time for electing magistrates, and on 30th September 1555, being the first election day in the 16th century of which there is any record extant, "my lord provest was chosing as of before be the baillies, counsale, and communitie, and maid his aith thairupone, conforme to the statutes and acts of the burro lawis."<sup>3</sup> The proceedings of the town council in connection with the earlier appointments are worthy of notice, as they show how jealously the municipal authorities conserved the privileges and liberties of the burgh. When William, fifth Lord Yester, succeeded his father,

<sup>1</sup> MS. Reg., 1543-67, f. 91.

<sup>2</sup> *Ib.*, p. 100.

<sup>3</sup> Printed Rec., p. 217. In 1554, Lord Yester is found acting as warden of the Scottish Middle March. Writing to the English warden on 2nd June, the Queen Regent says that, desiring "amyte betuix thir realmes," she had lately "appoyntit our cousing the lorde Yester to the office of wardanery of this Mydle Marche, as ane gentilman quhom we knew wele gevin to the observation of the said amyte" (Privy Council Reg., XIV., p. 127).

though he was a minor, a gift of the provostry of Peblis was procured for him from the Queen Regent. This interference with the town's prerogative could not be agreed to, and a compromise was effected on 30th January 1555-6,<sup>1</sup> when the bailies and community agreed to accept "William Hay, sone and apperand air to umquhile Johne Lord Hay of Yester, quhow sone he cum to perfite age, and is of knowlege to gif thame ane gud counsale, in the provestrie of the burgh of Peblis, yerele, afore ony utheris, as thai fynd him geving for commoun weill, conforme to the actis of parliament and burro lawis maid thairapone." Meantime, "the said William, Mr Thomas Hay, his eme (uncle), provest of Bothanis, and thair frendis," undertook to stand faithful friends to the community, they promising "to serf the said William Hay as thai wer wont to umquhile his fader." The gift of provostry which had been purchased was thereupon discharged and declared to be of no effect. In accordance with the agreement, "the baillies, counsale, and communitie," on 15th October 1562, elected Lord William to be provost for a year, "and the said lord oblissis him nouthir to haif entres with nane of thair propirtie, commonteis, nor common gudis, forthir nor umquhile Johne lord Hay, his fader, had; and als the said nobill lord oblissis him, conforme to his aith of fidelite, nocht to frustrate justice be na solistatioun, and to use the counsale of the baillies and counsale, and to stand

<sup>1</sup> Printed Rec., p. 225. Peerage lists, which give 1557 as the date of the fourth Lord Yester's death, must be wrong. See also Exchequer Rolls, XIX., pp. 452-3.

with the said toune in the law and by the law concerning thair libertie, heretage, commoun weill, and commoun actiones, baith with his body, gudis, and freindis, aganes all utheris, thair autorite alanerlie except; attour the saidis baillies and counsall sall use justice in his absence, and inlikmaner the said toune to stand with the said nobill lord in his honest and lefull actions quhen he hes ado and requiris thame thairto, providing alwayis that the said lord haif na president nor deput under him, bot till use the communitie in all thingis as umquhile his said fader usit thame, and na utherwayis."<sup>1</sup> In each of the two following years, the appointment was renewed on the same terms. On 24th February 1564-5, a request for the office during life elicited this decisive reply:—"The counsall ordanis to gif me Lord Yester ane uter andswer that thai on na wis will grant to elect his lordship provest for his lyftyme, bot as he makis thame caus fra yeir to yeir, as thai did his fader afor, and that according to the act of parliament, for gif the toune grantit the said William lord Hay of Yester, his dessir of the said office in lifrent, the same war hurtfull to thair libertie."<sup>2</sup> The yearly appointments were accordingly continued, but the choice always fell on Lord Yester during his lifetime.

The lords of Yester had extensive lands in other two shires, Edinburgh and Haddington, but they frequently resided at their castle of Neidpath. On 11th

<sup>1</sup> Printed Rec., pp. 285-6.

<sup>2</sup> *Ib.*, p. 296.

and 12th July 1552, a series of business and judicial transactions took place in and at the castle. The first of these was an acknowledgment by John Robesone and Andrew Fairhame, probably merchants, that if they failed to implement a certain obligation, it should be competent to Lord Yester's officer to distrain by any process of law, canon or civil, for £80, as the price of 10 quarters of "blak Spanye freis." This was "done in the castle of Nepeth on 11th July, at 7 p.m., in presence of Mr Thomas Hay, arch-priest of Dunbar,<sup>1</sup> William Hay of Tallo, Alexander Yule of Garmyltoun, William Cokburn of Newhall, and William Alderstoun." On the following day, Lord Yester "grantit power to James Tuedy of Drummelziar, and Patrick Tuedy, his sone, to occupy his steding at Kingildurris, quhill Witsonday next to cum, and ferthir as thai maid gud caus induring the said lord will, and that becaus the said lard and his barnes submittit in will to the said lord." This took place not in the castle, but on the Green (*viridarium*) of Nepeth, at 2 p.m., in presence of Mr Thomas Hay, provost of Bothanis,<sup>2</sup> John Stewart of Traquair, Adam Wauchope of Taikmuir, Mr

<sup>1</sup> The collegiate church of Dunbar was founded by George earl of March, in 1392, for a dean, an arch-priest, and eight prebendaries. Thomas Hay appears to have held the arch-priest's benefice as well as the provostry of Bothanis.

<sup>2</sup> Bothanis, now called Yester, in Haddingtonshire, was a Collegiate Church, founded in the 15th century by an ancestor of Lord Yester, the establishment consisting of a provost, six prebendaries, and two singing boys. The "provost" in 1552 is supposed to have been a brother of Lord Yester, though, in peerage lists, sometimes designated his son (see p. 43).

Andrew Hay and Nicholas Quhippo, notaries public," with Cockburn and Yule above named. Thereafter transactions between Robert Hunter of Polmude, and James Tuedy of Drummelzear, and between Charles Geddes of Rauchane, and William Hay of Tallo, were likewise disposed of "on the Green of Nepeth."<sup>1</sup>

The castle appears to have been in charge of a captain. On 20th April 1558, "Thomas Tuedy, captain of Nepeth, in the absence of Lord William Hay of Yester and his curators," formally claimed a piece of the haugh at Lyne Water foot, which William Burnet alleged to be part of his estate of Barns.<sup>2</sup> Next year, some controversy arose regarding the custody of a prisoner. On 21st June 1559, John Dikesone, treasurer, in name of the town council and community, declared that they should not be prejudiced in consequence of certain procedure which took place when "Patrik Govane, with his complices, beand servand to Thomas Hay, sheref deput, convoyit William Elliot, alias Blak Will, throuch the burgh of Peblis to the said sheref deput hous of Smeithfeild." With reference to the same matter, Thomas Merschell, in name and by authority of Lord Yester, appeared at the fore-gate of Smeithfeild, and declared "that Patrik Govane requirit Thomas Tuedy, capitane of Nepeth, to ressave within the hald of Nepeth, William Elliot, alias Gray Will, his presonar, to be observit and kept thairintill for xxiiij houris, quhill thai had providit irnis to kepe him

<sup>1</sup> MS. Reg., 1549-65, f. 32.

<sup>2</sup> *Ib.*, f. 125.

mair surelie, and within the saidis xxiiij houris, Williame Govane, broder germane to the said Patrik, com and ressavit the said William Elliot furth of Nepeth, and convoyit him to the hous of Smeithfeild, and imput the said William in the said hous, and thairfore protestit that the said William suld be surelie observit and kept thairintill that my lord of Yester, nor his servand, suld incure na danger thairthrou." Thomas Hoppringill, who appears to have been a townsman, stated "that James Govane of Burrelfeild, William Govane, Patrik Govane, and James Govane, and thair complices, convoyit William Elliot, alias Gray Will, throucht the toun of Peblis, and wald nocht suffer nane of our Soverane Lord and Lady<sup>1</sup> lieges to haif officiares of burgh to charge the said Gray Will, becaus thai convoyit him sa sudandlie away, he being ane commoun theif and come reid hand in his thiftus deidis, and movit batell to the said Thomas; of the quhilk the baillies of the said burgh tuk instrumentis that the party convoyit the said theif, and that thai war nocht of nowmer to resist the fornemit party with thair complices; as at mair lenth is contenit in the said baillies' instrument, togidder with utheris causes, makand for remeid of thair fredome in case thai war persewit thairfore."<sup>2</sup> Neidpath and Smithfield were beyond the jurisdiction of the bailies, and Hoppringill desired them to secure Black or Gray Will when passing through the burgh, but the strength and alertness

<sup>1</sup> Queen Mary was at this time wife of the Dauphin of France, who bore the title of King of Scotland.

<sup>2</sup> MS. Reg., 1549-65, f. 149.

of the convoy prevented his apprehension. Some months afterwards, Will got into trouble again, and this time the bailies had control over him. On 31st March 1560, at the Market Cross, "Thomas Hesilhope, burgess of Edinburgh, tuk instrument that Will Elliot, alias Gray Will, comman theif, wes presentlie within the libertie of the burgh of Peblis, quha was laitlie, nocht xx dayis precedand, at the reif of Clerkyntoun, in Lowtheane, and slauchter of James Gray, his sister sone, and thairfore desiret John Dikesone and Rowe Scot, bailies for the tyme, to kepe him to underly the lawis for the oppressiones foirsaidis and utheris, sic as suld be opponit to him, and als desyret that the said Will Elliot, his assistaris and partakkaris, suld be accusit quhen tyme occurrit of the law, and that Williame Vache, sherif deput of Peblis for the tyme, intromettit with the said theif, and that he suld ansuer for him."<sup>1</sup>

The change in the holder of the office of sheriff-depute appears to have occurred in consequence of the death of Thomas Hay of Smithfield,<sup>2</sup> who was second cousin of Lord Yester, each being grandson of John third lord of Yester. An instrument, dated 4th February 1559-60, sets forth that John Stewart of Traquhair, with consent of William lord Hay of Yester, Gilbert Hay and William Hay, brothers-german of the

<sup>1</sup> *Ib.*, f. 163.

<sup>2</sup> Dr Chambers (*History*, p. 333), states that Thomas Hay died before 1570, and the information hitherto available did not supply a nearer date. The instrument about to be quoted is more precise, and likewise amplifies our knowledge in other respects.



late Thomas Hay, also with consent of Margaret Govane, relict of the late Thomas, Alexander Horsbruk of that ilk, and John Govane of Cardrono, delivered to Lord Yester certain keys assigned to his keeping at the time of the death of the said Thomas Hay of Smeithfeild, with which keys his lordship opened a chest or cabinet (*cistam*), commonly called "ane gardiviot," and the notary took a list of the things enclosed therein, "viz., ane chakker<sup>1</sup> with table men, ane hat pasmannit about with wyre gold, ane lynnyng sark, ane dowblat of canves, ane Franche quhingare, ane bag to the pestilat, ane swerd belt, ane payr of bufale hois, ane pair of blak hois lynit with blew, ane freis cot frenzeit, ane ledder dowblat, ane payr of yello hois lynit with quhite, ane blak sating dowblat, ane velvot bonet, ane blak takhat dowblat, ane payr of doune velvot schone, ane blak freis klok, ane pair of blak stemmy hois frenzeit with grene silk poyntis, ane tyn lavar, ane basing, ane maryskin cot of blak ledder, ane payr of blak hois stokkit with velvot, vij yello silk poyntis, ane certen frenzies for curtingnis, ane dossone of new Franche powder plaittis, ane dossone of cunter futtis, ane dossone of trynseouris, ane instrument of saising of umquhile Thomas Hay hail landis of Smeithfeild, Posso, Swynhope, Corscunnyfeild, Cattorsane, &c., ane confirmatione of James erle of Arrane, governour for the tyme, of all and sindry his landis of Smeithfeild, Corscunnifeild, Cattorsone, Swynhope Milne, half barony of Posso, Flat, &c., under our Soverane Lady greit saill; tua compt bukkis, j in Gilbert

<sup>1</sup> Chessboard.

Hay hand; ane buffill cot, ane payr of quhite hois, ane gray hud, ane blak riding pe [gown], ane pair of slevs of plait." The articles having been thus seen and noted, Lord Yester delivered them and the keys into the custody of Gilbert Hay, for behoof of the heirs and others having right thereto. The instrument bears that these things were done in the "oratorio de Smeithfeild," about 3 p.m.<sup>1</sup> Smithfield House, as is well known, occupied the site of the present mansion house of Venlaw. Another residence, on the adjoining lands of Soonhope, is referred to on 20th May 1562, when Gilbert Hay came to a hall (*aula*) at Swynehope Burne, sometime occupied by Margaret Govane, relict of the late Thomas Hay of Smeithfeild, and in that dwelling found the following articles, "viz., twa pecis of ane bed in the hall, ane geist in the said hall, ane widdy cruk, thre geistis in the bitlare, with certane small baxtreis, to the nowmir of xxvj treis, ane drevare, xiiij steppis of ane uther drivare, in it tua hingand durris, ane in the hall, ane uther in the bitlare, ane lowis dure."<sup>2</sup> These notices of personal belongings and other gear, may be supplemented by a reference to the stock and plenishing in one of the Posso holdings. On 13th March 1563-4, Nicholas Bard, in Kirkhope, in the barony of Posso, assigned to John Hay, brother german of the late laird of Smithfield, four oxen, four cows, one bullock, and the following household gear, "viz., iij blankettis, tua pair hois, ane sueyrd, ane steill bonet, with covering and tepot, tua sarkis, tua lang cursayis, contenand ten quarteris in everilk coursay of lenth, tua

<sup>1</sup> MS. Reg., 1549-65, f. 159.

<sup>2</sup> *Ib.*, f. 222.

barneis cottis, ane thre quart pan, ane irne cruke, ane russet cot."<sup>1</sup>

Nicholas Quhippo, a notary, is named as one of the witnesses to the proceedings which took place at Neidpath Castle in July 1552. He appears to have died in or before 1562, as on 15th October of that year, William Quhippo, his son and heir, "received out of a chest (*cista*) in Nepeth, belonging to the late Nicholas, the moneyis following, viz., ane Ynglis testane, ane balbe, ane sows, iij<sup>xx</sup> ij pece of gold, uther xij angell nobillis, v double doucatis, v Scotis xl s. pecis, ij half ducatis, xx s. pecis, xix half ducatis, tua half angellis, tua half rydaris, vij crocet ducatis, ij pecis with flour delices apone thame, ane pece of the haly gaist, thre crownis of the sone, ane pece of the Empriour." Along with other witnesses, Lord Yester was present at this inspection, and it was at his desire that a record of the proceedings was preserved.<sup>2</sup>

There is reason to believe that Neidpath Castle was honoured by a visit from Queen Mary in August 1563. After a tour in the west of Scotland, the Queen was at Dumfreis about the 18th of the month, and from thence she passed by way of Drumlangrig, Crawfordjohn, and Skirling, to Peebles, which is supposed to have been reached on the 27th. Next day she was at Borthwick, in Mid-Lothian, but as letters of protection to the Town Council and community were subscribed with her own hand "at Peblis, the xxviiij day of August,"<sup>3</sup> it may be inferred that the Queen passed

<sup>1</sup> MS. Reg., 1549-65, f. 272.

<sup>2</sup> *Ib.*, f. 235.

<sup>3</sup> Printed Rec., pp. 71-72. The scribe who wrote out the letters

the previous night in Peebles or its vicinity. At that time accommodation for royalty could scarcely have been obtained elsewhere than under the hospitable roof of her ever loyal supporter, the Lord of Yester. It was probably on account of his lordship being provost that the town was taken under royal protection, as expressed in the formal "letters" just alluded to. By some unfortunate mishap, the document is not now extant, but it was transcribed by General Hutton, who likewise made a tracing of Queen Mary's signature.

of protection must have had before him the letters granted by the Queen's father, James V., in 1539 (*Ib.*, p. 57), as, with exception of dates and the granters' names, the one document is an exact transcript of the other. Even the designation "baillies, counsale, and communitie" is retained, though in the interval between 1539 and 1563 a change had been introduced by the institution of the provostship.



## VI.

LORD BORTHWICK'S PROPERTIES — ASSISEMENT — SHIELGREEN—  
 GLENTRESS COMMON—SWYNHOPE COMMON—EARL OF MORTON—  
 ESCHIELS—ENCROACHMENTS ON ROADS AND PASSAGES—COM-  
 MISSIONERS TO EDINBURGH—WINKSTON—ST LEONARDS HOS-  
 PITAL AND LANDS.

LORD BORTHWICK, who owned land at Sheillgreen, had a property on the east side of Northgate, adjoining the town wall, the line of which was "inwith my Lord Borthik wallis." On 8th February 1551-2, John Dikesone succeeded his father, Adam Dikesone, in "ane waist land lyand within the burgh of Peblis, on the Northgait, on the eist syde of the samyn, betuixt the land and biggyn of John Lord Borthik on the south part, and the landis of umquhile John Lausone on the north part." The father's title was accepted "as maister Johne Hay prothogoll buik schawin thairupon portit."<sup>1</sup> The production of the Town Clerk's protocol book was a usual mode of vouching a title. A property on the south side of Lord Borthik's premises, is referred to in 1557. On 18th May of that year, a bailie gave sasine to Patrik Portus, as heir of his father, in "ane barne and yard and tail lyand within the burgh, in the Northgait, on the eist syde of the samyn, betuix the land pertenant to my Lord Borthik on the north syde, John Andersone land on the southt syde,

<sup>1</sup> MS. Reg., 1543-67, f. 91.

Jonet Govane land on the east part, and the Kingis street on the west part."<sup>1</sup>

The planting of fruit and other trees in Lord Borthwick's grounds, is referred to on 27th February 1555-6, when "Friar Gilbert Broune, minister of the Holy Rood of Peblis, came to the yards of a noble and potent lord, John Lord Borthik, lying within the burgh of Peblis, in the Northgait, on the east side thereof, and there caused a gardener to plant sixty-one growing trees, viz., planes, escheis, pluntreis, and cheritreis. Done in the said yard about 5 p.m., in presence of Sir John Tuedy, Sir John Bullo, chaplains," and others.<sup>2</sup> What was the object of the work being done in this ceremonious way is not apparent.

John, fourth Lord Borthwick, who is said to have succeeded his father in 1542, was a son of Margaret, eldest daughter of John, first Lord Yester. His lordship's possessions included Little Ormistoun, Heathpool, and Quhitfield. By a charter, granted at Edinburgh on 4th July 1550, John Lord Borthwick, baron of the barony of Louchorrat, and lord of the lands of Scheildgrene and Quhytfauldhill," granted to John Stodert, burgess of Peebles, part of the estate, described as "the lands of Scheildgrene and Quhytfauldhill, with the pertinents, lying in the shire of Peblis;" and on the 17th of the same month, George Borthwick, the baron's bailie, appeared on the lands, and gave sasine to Stodert.<sup>3</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 130.

<sup>2</sup> MS. Reg., 1549-65, f. 91.

<sup>3</sup> *Ib.*, f. 14-15. On 11th August 1552, Archdeacon Dick, parson of Peebles, acknowledged that he had received the teind sheaves

On 10th November 1551, John Fresale resigned six acres of land lying at "Croce Bourn (Crossburn) and the Lytill Medow," in the hands of John Lord Borthik, for new infettment to be given to Marion Dikeson, spouse of the resigner.<sup>1</sup> Lord Borthwick was thus superior of these lands.

It is recorded that, on 2nd October 1552, John Stewart of Traquair, appeared in the burgh of Peebles, this being the day assigned by John Lord Borthwick for Stewart receiving assithment for the cruel slaughter, in the Deware Swyre, by the progenitors of Lord Borthwick, of the late . . . . ,<sup>2</sup> then being in the retinue of the late William Stewart of Traquair, father of John. Stewart remained in the burgh from 11 a.m. till 3 p.m., but neither Lord Borthwick nor others in his name appeared to fulfil his promise.<sup>3</sup> A settlement seems to have been effected at a meeting held in the Cross Kirk on 30th September 1554, when it was arranged that the brothers of the deceased should appear in the Kirk in the following week, and deliver an acquittance.<sup>4</sup>

On 17th January 1553-4, John Stodert "resigned the lands of Scheilgrene and Quhitfauldhill in favour

of Scheilgrene till 1551; and also that he had, by the hands of John Stodert, been fully paid of all the lambs and wool of the said lands (MS. Reg., 1549-65, f. 34).

<sup>1</sup> MS. Reg., 1549-65, f. 24.

<sup>2</sup> A blank is left for the name. Dewar Swyre, otherwise called Dewar Gill, is situated at the head of Leithenhopes, at the boundary line between Peeblesshire and Mid-Lothian.

<sup>3</sup> MS. Reg., 1549-65, f. 36.

<sup>4</sup> *Ib.*, f. 114. "A Peebles Aisle and Monastery," p. 36.

of John Stodert, his son," and on the 30th, he resigned in favour of William Stodert, his son, five and a half acres of the "meadow of Battis and Spottis" (part of thirteen acres of Corscunnyfeild and Cattorsane, with the "medo," and ten roods of Smeithfeild). In each case, the father reserved his own liferent.<sup>1</sup> Sheillgreen lands adjoined Glentress Common, with the inevitable result of boundary disputes arising between the proprietors and the community of Peebles. On 6th May 1555, John Stodert, "burgess of Peblis," asserted that one of the bailies, together with the council and community, came with convocation of the Queen's subjects, armed with lances and other weapons, to the lands of Scheildgrene, belonging in heritable property to him, within the burn of Swynhope, held of John Lord Borthik in blench farm, and that they felled certain alder trees in his heritage; and he protested for remeid of law, time and place convenient. This was done "on the lands of the Common of Glentress, commonly called Swynhope Common, lying contiguous to the bounds of Scheildgrene." On the part of the community, complaint was made against John Stodert, junior, and his accomplices, for forcible encroachments on Swynhope Common, called Sonyside, which was bounded by Shielgreen Burn.<sup>2</sup> From the printed records, it appears that the dispute arose in consequence of Stodert taking their spades from the town's servants who were casting turf on "Sonyside."<sup>3</sup> As

<sup>1</sup> MS. Reg., 1549-65, f. 62.

<sup>2</sup> *Ib.*, f. 75.

<sup>3</sup> Printed Rec., pp. 212-3.



Stodert was a burges, the Town Council appealed to his loyalty. On 27th June 1555, a bailie took instruments "that Johne Stodert, younger, burges of Peblis, sworne for the commoun weill to fortify and mantene the same, stud in thar contrare with my Lord Borthik, in his fortificatioun aganes the commoun weill of the said burgh of Peblis, and aganes the fidelite of his aith, makand provocatioun of injurious wordis, to gif occasioun to the said Lord Borthik to be irefull aganes thame, howbeid the baillies of the said burgh requirit him, as ane sworne nychtbour, to stand be thame and gif thame his gud counsell, conforme till his aith of creatioun quhen he wes admittit burges, quha refusit to do the samin; thairfore the said baillie allegit he had thairthrou forfaltit his fredome, and protestit that in tym cuming he mycht be secludit fra thair counsale and dischargit of his fredome." On the same day, at Swynhope Mill, William Cokbourn in Langhauch, declared to the notary and the provost, bailies, and community, that this day, at the request of John lord Borthik, he "wes requirit to peramble the just merchis and methis betuix the properte of Scheildgrene and the commontie of Peblis, and he perambulit the samin sa far as Johne Stodert causit him occupy be his narratioun, and wald on na wise tak apone him that he knew the saidis merchis betuix the said properte of Scheildgrene and commontie of Peblis, bot revokit the samin; protestand that it wes na hurt to his aith nor conscience that he had maid, becaus he knew nocht perfitelie the just methis and merchis betuix the saidis

landis, bot be the said Johne Stodert allegiance and narratioun."<sup>1</sup>

About this time, questions were raised with the Earl of Morton as well as Lord Borthwick regarding Glentress boundaries. On 15th July 1555, the town "inqueist" resolved to have the inhabitants bound "under the forme of instrument, to be subscrivit with thair handis that can writt, and with thair handis led at the pen be the notare underwritting that can nocht writt, to defend the caus and actioun of thair commontie dependand betuix the town, my Lord Mortoun and Lord Borthik, with thair bodyis and gudis, unto the finale end and decisioun of the samin."<sup>2</sup> In accordance with the order, Lord Yester, provost, the bailies, whole community, and inhabitants, assembled in the tolbooth and bound themselves "to defend with their bodies and goods, the cause or causes moved by the provost, bailies, and community, against the occupiers and tenants of Scheildgrene and Eschelis with their pertinents, molesters and disturbers of the possession of their commons of Glenters and Swynhope." Lord Yester, the two bailies, and eighteen other inhabitants, subscribed the instrument, and the notary subscribed for fifty-one persons who were unable to write.<sup>3</sup>

The questions in dispute between the town and the adjoining proprietors were such as might have been settled by the sheriff, but as Lord Yester held not only that office but also the provostship and thus "suspect

<sup>1</sup> MS. Reg., 1549-65, c. 80.

<sup>2</sup> Printed Rec., p. 216.

<sup>3</sup> MS. Reg., 1549-65, f. 88.

to be juge," the magistrates applied to the lords of council for a commission in favor of certain lawyers to act as "scherifis of the said scherefdom of Peblis in that pairt." This desire was complied with on 10th May 1555, and any two of the lawyers were authorised to decide the cause. In the application of the magistrates it is stated that previous to October 1549, when the first encroachment took place, the burgesses had been in the peaceable possession of "the commonete of Glentars, fra the est pairt unto the west pairt of the samin, . . . be pasturing of our gudis, casting of fewale, fail, and duvettis, and pulling of haddir to our dailie useis throw all the pairtis of the said commonete, within the boundis, methis, and marchis undirwrittin, continewale in tymes bigane, past memour of man, that is to say begynnand at the watter of Peblis on the west pairt, the propir landis of Winkeistoun liand contigue abone the Scheill slak, at the south pairt of the Buttir Well, evin as the samin passis to the landis of Winkeistoun, at the Baill syde, and sua passing up to the landis of Fowllage, evin up the rig abone the Scheill slak, and sua passand throw the landis of Fowllage to the commone pasture of Pilmoir down by the Blak Craig to the Vanelaw, and fra thin throw the middis of Kettilbyld to the said commone of Glentars, called Swynhupe, as the commone dike gangis on the west side of Swynhup burn, up to the Scheill Grene, passand up the burne to Somercleuch heid to ane grene know, and out at the heid of the hill on the north pairt, passand down the rig of the water fall of the hill, quhilk als pertenis to our said burgh in commonete, to

the merche dike nixt adjacent to the landis of Litill Ormistoun, occupiit be Patrik Guven, to the midsyde of Cardy, as the greit balk gais to the merche of Spittalhope on the south pairt." It was alleged that the Dicksons of Winkston had encroached upon "the said commonete at Scheilslak rig abone the Baill syde, discendand to the landis and barnyaird of Winkeistoun to Carcaddo bank;" that the tenants of Escheills had unjustly tilled "ane grete pairt of the said commone, callit Cardy and Cattilgarven brow under Kempschelis," and that the Stodderts in Scheilgreen had interfered with the town's servants when casting turf on Sonny-side; and the magistrates asked that the aggressors should be ordained to desist from these acts, and to compensate the town for the losses which had been sustained.<sup>1</sup>

On 14th October, one of the bailies and the clerk were sent to Edinburgh in regard to the "actioun and caus dependand before the juges," and to "speik with juges" and others, as to "quhat is done betuix us and my Lord Morton."<sup>2</sup> The issue of these proceedings are apparently referred to when the town council, on 18th April 1556, ordained "the commonis to be usit be nychtbouris, induellaris of the burgh of Peblis, conforme to the decretit pronuncit thairupone." On account of the large extent of land belonging to the community, portions frequently lay unused, and this gave neighbouring proprietors the opportunity of occupying land, and in course of time claiming it, on the

<sup>1</sup> Petition and indorsation thereon in the town's repositories.

<sup>2</sup> Printed Rec., p. 219.

plea of prescriptive possession. Hence the desire that the commons should be "usit." More particular instructions were given on 6th May, when it was ordained that those inhabitants having cattle, even though they held pasture from other lairds, should "ilk ane of thame get ane certane nolt and put to ane commoun herd to thair commoun feildis of Glentars, Cruchoip, Pilmore, Commoun of Swynhope, Sonyside, Somercleuch, to Gaithopeburne, as the decreit pronuncit thairupone propertis." It was intended that the rights of pasturage would thus be preserved, and for the retention of other privileges it was resolved that "twa tirl castaris or four be put to cast tirvis on all the partis of the saidis commonis, on the toun expensis, to the utilite and proffitt of the commoun weill."<sup>1</sup>

At the time when law proceedings were going on with reference to encroachments on Glentress Common, there was passed, on 14th October 1555, what is designated "ane verray gud commoun act." It was ordered that in future two visitors should be yearly chosen to inspect all properties and commonities belonging to the burgh, "at the streking of the plewis, yerelie, betuix Sanct Lucas day (18th October) and Mertymes (11th November), and at harrows streking, gif ony thairof be telit be nyctbouris adjacent, that the samin may be resistit in tyme." Those who had broken land in common roads or passages in Kirklands, Kinglands, Acomfields, and Briglands, were to allow them to lie in future "as the auld marchis thairof standis," and if any occupiers who were freemen disobeyed this

<sup>1</sup> Printed Rec., p. 228.

order, they were to be deprived of their freedom.<sup>1</sup> Keeping roads and rights-of-way open was one of the main objects here aimed at. The road to Hamilton Hill, which passed between Kirklands and Kinglands, seems to have been unsatisfactory. On 18th January 1556-7, "the auld actis of the commoun gait betuix the toun and to Hammildoun Hill," were ordered to be observed, and on 4th March following, the inquest "imputtis the wyte to the baillies, that thai ordour nocht the commoun gait betuix the Leidgait and Hammiltoun." About this time turf had been taken from the hill for Alexander Hoppringill in Chapelhill, "without licence of the baillies and communitie," and the "flaucher spadis" used in the operation were ordered to be seized.<sup>2</sup>

Commissioners were not unfrequently sent to Edinburgh on the town's affairs, and specially in connection with proceedings before the Privy Council. That body gave ear to complaints on all subjects, and pronounced its awards and orders in a circumstantial form, thus making the Privy Council register the chief repository of information regarding the social condition of the country in the latter half of the 16th century. Previous to 1561, unfortunately, the register has been preserved only in small fragments. In April 1555, one of the baillies and other three burgesses were appointed to "ryde" to Edinburgh, "to set forward all besynes thai haif ado," and particularly in connection with fair days, landward merchandice, the petty customs, and encroachments on the commons.<sup>3</sup>

<sup>1</sup> Printed Rec., p. 218.

<sup>2</sup> *Ib.*, pp. 235-6.

<sup>3</sup> *Ib.*, pp. 207-8.

As the result of the Edinburgh visit, three proclamations were made at the Market Cross on 3rd May. By the first of these, the two new fairs authorised by the Crown charter of 17th December preceding, were appointed to be held; the second referred to "regraters," persons who bought and re-sold goods in the same market, a practice which was widely denounced; and by the third proclamation, royal protection was announced to all the townspeople journeying by the accustomed roads in the vicinity of the burgh.<sup>1</sup> Questions as to encroachments were not so easily settled. On 27th May, one of the bailies and the clerk were instructed to proceed to Edinburgh on Thursday, "and ane dossone of honest men to pas done on Saturday, on thair awne expensis."<sup>2</sup> As here used, the term "honest men," meant those who could afford to travel on their own charges. Money was scarce, and for the purpose of meeting the share of expenses to be borne by the community, all outlying revenues were to be collected without delay. Expenditure in Edinburgh occasionally included gifts to the advocates and Crown officials, the practice of conferring such being common with provincial clients. Glasgow's gifts usually consisted in barrels of herring, but Peebles had to provide a different commodity. On 6th February 1567-8, the treasurer was instructed to purchase twelve hens, "and to caus vi of thame to be delyverit to Mr David Magill, thair advocat, and uthir sax to Alexander Hay, scryb to the secret counsall."<sup>3</sup>

A journey to Edinburgh in those days could only

<sup>1</sup> Printed Rec., pp. 209-11.    <sup>2</sup> *Ib.*, p. 214.    <sup>3</sup> *Ib.*, p. 306.

be accomplished on foot or horseback. After leaving Northgait, the road led up the face of Venlaw Hill, and then proceeded along the high grounds till Mid-Lothian was entered, beyond Portmore. It was no doubt by this route that, in the end of August 1563, Queen Mary and her retinue proceeded from Peebles to Borthwick Castle.

For a long time previous to March 1554-5 no record of council proceedings is preserved, and the opening entries of the book commencing at that date relate to questions between the town and Dickson of Winkston, as to their respective claims on the lands of Quhithaugh and Carcado Bank. Dickson maintained they belonged to Winkston estate, and the town held that they formed pertinents of Glentress, belonging to the town in commonty.<sup>1</sup> These questions had originated on 6th June 1552, on the occasion of the perambulation of the town's marches by the provost, bailies, council, and community, who asserted that Dickson had broken and tilled "part of the royal common of our Sovereign Lady the Queen, . . . in prejudice of our said Sovereign Lady, and no little damage and loss of the said provost, bailies, council, community and inhabitants, through the said William intending to appropriate the said arable common to himself in property." Farther it was maintained on behalf of the town "that Carcado Bank, lying between the lands of Winkistoun and the common of Glentress and the Kneland Croce to the burne fut, was of old and is now the common lonyng of the town and burgh of

<sup>1</sup> Printed Rec., pp. 205-7.



Peblis, and not part of the lands of Winkistoun."<sup>1</sup> In 1555 the community and Dickson were trying to settle the boundaries between Winkston and Glentress common, and on 14th August, Thomas Watson, burgess, one of those chosen on behalf of the town, acknowledged he heard that "the true boundary and march between the common of Glentress and the property of Winkistoun went up the hill from the gray stane lying near the Crag Well, and by the fall of the water to the just bounds of the land of Foulleche. Done on the top of the said hill."<sup>2</sup> A settlement was probably arranged, as the negotiations are not further referred to.

The lands and barony of Eshiels, bordering on Glentress Common, belonged to the Earl of Morton and were let to various tenants. As in the case of other neighbouring proprietors and tenants, charges of encroachment were often made against those of Eshiels. On 27th March 1554, one of the bailies reported that he, with the council and community, went to inspect "the ancient bounds and marches between the property of the lands of Eschelis and the royal common adjacent thereto, when it was found that the tenants of Eschiels had broken, ploughed, and sowed a great part of the said common of our Sovereign Lady the Queen, also belonging in commonty to the bailies, council, community, and inhabitants of the burgh of Peblis, as is more fully contained in the charter of the liberty thereof; all in prejudice of our Sovereign Lady the

<sup>1</sup> MS. Reg., 1549-65, f. 30, 31.

<sup>2</sup> *Ib.*, f. 82. See also Printed Rec., p. 216.

Queen, and to the no little damage of the bailies, council, community, and inhabitants, the said tenants intending to appropriate the said common to themselves in property." The bailie accordingly protested for remeid of law, time and place convenient. These proceedings took place at the Chapel of St Leonard, in presence of Alexander Horsbruk of that ilk, John Horsbruk, his brother german, Robert Horsbruk, and John Ynglis of Mennarheid."<sup>1</sup> Similar declarations and protests were made on 16th April 1555,<sup>2</sup> and 17th April 1558.<sup>3</sup>

St Leonard's Hospital, situated on the south side of Innerleithen Road, at a place called Chapel Yards, and adjoining the ruins of Horsbrugh Castle, was one of a numerous class throughout the country, designed partly for religious services and partly for the accommodation of travellers in mediæval times. Its origin is lost in antiquity, but its existence is noticed in 1327 in connection with an annual allowance it received from the revenues of the burgh of Peebles.<sup>4</sup> In 1427 King James I. appointed David Rait, his confessor, to the mastership of the hospital in room of George of Lawedre, who had been promoted to the bishopric of Argyle. This and other appointments show that the Sovereign was patron of the hospital, indicating a royal foundation. Lands adjoining and belonging to the hospital were feued in or before 1555. On 2nd June 1555, "Thomas Hay of Smeithfeld came to the chapel of St Leonard, at Eschelis, on the east

<sup>1</sup> MS. Reg., 1549-65, f. 65.    <sup>2</sup> *Ib.*, f. 74.    <sup>3</sup> *Ib.*, 125.

<sup>4</sup> See Gleanings xvii.; Peebles in Early History, pp. 40-1.

side of the burgh of Peblis, and there, upon the high altar, laid five merks Scots, in gold and silver, offering the same for the annual rent feu-ferm of the lands of St Leonards, conform to the tenor of the charter and confirmation of the lands, . . . . and Mr Patrick Bauchquhannan, principal master of the hospital, or any one in his name, not compearing to receive the money, he consigned the same in the hands of the notary, protesting that the absence of the master should not prejudice his right to the lands.<sup>1</sup> In November 1556, Hay granted to Preceptor Bauchquhannane, in liferent, an annual rent of £40, payable from the lands of Smithfield, Croscunnifeild, Cattorsan, Over and Nether Swinhope, and the half of the lands of Posso.<sup>2</sup> This grant may possibly have been made by Thomas Hay as part of the arrangements connected with the transfer of St Leonard's Hospital to his brother. About a year afterwards, Buchquhannane resigned, and John Hay, brother of Thomas Hay of Smithfield, obtained from Queen Mary a gift of the preceptory in liferent. The deed of gift is dated at "Halyrud Hous," 5th February 1557-8, and on 26th June following, John

<sup>1</sup> MS. Reg., 1549-65, f. 77. Robert Huntare of Polmude was one of the witnesses. The lands referred to are probably those contained in a charter, dated 28th December 1525 (confirmed by James V.), and granted to Mr John Hay of Smeithfeild "be Thomas Hay, maister of the hospitall of St Leonardis, of the landis of Spittelhauch, callit the Weitlandis, the Squyrehauch, callit the Spittalbank, the aiker of St Leonardis besyid the chapell, thrie ruid of landis besyid the Quhytanehill, thrie ruid of landis lyand besyid the Croce Kirk, and thrie auld ruinous houssis within the toune of Peiblis" (Decreet of Improbation, 1624).

<sup>2</sup> MS. Reg., 1549-65, f. 102.

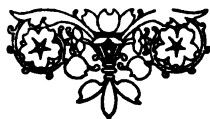
Hay received investiture and induction "by delivery of the missal book, chalice, casuble, alb, and other vestments of the chapel of St Leonard. This was done at the high altar in the chapel, among the witnesses being William Thomson and William Smaill, inmates of the hospital.<sup>1</sup>

Spittal Hope, which took its name from the neighbouring St Leonard's Hospital, was the subject of various protests in 1562. On 22nd December, John Horsbruk, treasurer of the burgh, "in name and behalf of our Soverane Lady Majestie, for her graces entres, and als in name and behalf of the baillies, counsale, and communitie of Peblis, protestit that the land pleabill betuix my Lord Mortoun his tennentis of Spittelhoip, and the lard of Horsbruk, suld nocht be hurtfull nor prejudiciale to thame nor thair title, rycht, and entres that thai haif in and to the saidis landis pleable. . . Alexander Horsbruk of that Ilk protestit that it suld nocht be hurtfull nor prejudiciale to his rycht and title of the saidis landis pleable. . . . George Douglas, capitane of Douglas, tuk instrument that the saidis landis debaittable pertenet to my lord of Mortoun heretabillie, as he allegit, and that his lordschip tennentis of Spittelhope, wes in possessioun of the same be pasturing of thair gudis thairupone lang tyme bigane. . . . Gilbert Hay, in name and behalf of Johne Hay, his broder sone, apperand air to umquhile Thomas Hay of Smeithfeild, tuk instrument that Thomas Edmond, ane of the tennentis and occupiaris of the landis of Spittelhope, confessit that the saidis landis debaittable betuix

<sup>1</sup> Printed Rec., pp. 250-1.

the foirnemmit parties pertenit to the landis of Sanct Leonard, gif thai pertenit till ony man, and nocht to the lard of Horsbruk."<sup>1</sup> Subsequent charters show that "Spittelhope" became part of the Haystoun estate.

<sup>1</sup> MS. Reg., 1549-65, f. 239.



## VII.

FRENCH ASCENDANCY IN SCOTLAND—SPREAD OF REFORMED DOCTRINES—RENEWED HOSTILITIES AGAINST ENGLAND, AND SUBSEQUENT ENGLISH TREATY—LORDS OF CONGREGATION—DETACHMENT OF THEIR ARMY AT PEEBLES—SIEGE OF LEITH—DEPARTURE OF FRENCH AND ENGLISH—CONFESSION OF FAITH RATIFIED BY PARLIAMENT.

SCOTTISH chroniclers, in an uncritical age, had on their list a connected line of more than a hundred Kings, and as implicit reliance was placed in these annals, the effect on patriotic sentiment was the same as if every statement was based on reality. In actual experience, for several centuries preceding the sixteenth, the nation had steadily maintained its independence, and though during the temporary ascendancy of Edward I., the country was treated as a province of England, the experiences of that period had only nerved the people to resist, with greater determination than ever, any attempt to introduce the rule of a foreigner. Hitherto the national feeling had been mainly directed against English encroachment, but it turned out to be as sensitive to interference from other quarters. Even when acting as allies against the English invaders, harmony between the French and Scottish soldiers could not always be maintained, and after the common foe was out of the way, co-operation became more irksome. With the Scottish Queen affianced to the future King

of France and brought up at the French Court, with the prospective Regent under the influence of her brothers, the Duke of Guise and the Cardinal of Lorraine, there was a tendency towards the country becoming a province of the continental kingdom. On 12th April 1554, the Queen Mother was proclaimed Regent, and thereafter French ascendancy made greater progress than ever. The more important of the state offices were filled by Frenchmen, causing no little dissatisfaction and murmuring among the people. An act of parliament, passed in June 1555, "anent the speaking evil of the Queen's Grace or Frenchmen," gives some indication of the direction of public feeling. In the autumn of that year, John Knox visited Scotland and passed about ten months in the country, preaching the new faith and gaining support among all classes. A charge of heresy against the great Reformer, in May 1556, marks the beginning of a more decided attitude of the ruling authorities against those who favoured the new doctrines. In consequence of this turn in the course of events, patriotic Scotsmen and those favourable to the Reformed tenets were regarded as acting on one side, and the Papists and French usurpers on the other. The Regent submitted a scheme for the establishment of a standing army to be maintained by taxation, but the barons would not listen to the proposal and it was abandoned. Spain and France went to war in 1557, and the Regent was disposed to assist the latter by attacking England, the ally of Spain. A large army was brought together at Kelso in October, but the leading nobles, though ready

to defend their own country, would not act as aggressors, and the main forces were soon disbanded, though desultory warfare on the Borders continued for some months. A contingent to this Kelso army was sent from Peebles, as may be gathered from entries in the records.<sup>1</sup> On 14th August 1557, a nightly watch was appointed "in tyme of the oist . . . quhill thair returnyng hame agane," and timber for strengthening the ports was to be purchased. On 8th October, the town council and community appointed the inhabitants to "provide furnissing, sic as breid, aill, flesche, fische, aittis, hay, stray, pultre, and all necessaris, to our Soverane Lady liegis, passand and repassand to the army, on resonabill prices." On 27th October, it was ordered that twelve men should watch nightly. During several succeeding months, special precautions were continued for defence of the town, the ports were carefully guarded, the fortifications manned, and outposts set to detect the approach of invaders. As the summer wore on these measures were relaxed, but on 6th June 1558, the bailies were instructed to renew

<sup>1</sup> On 3rd October 1557, John Hay, dwelling in the burgh, appeared in presence of William Barry, Queen's messenger, "offer and him to be ane of fourty men quhilkis suld haif payit the haill taxt of xlviij li. divisit and ordanit to fe xij fut men of weir to the army, hurtand na pivie inhabitantis of the said burgh of Peblis; howbeid thair tholit him nouthir to use fredome nor common bot as ane anailiare, he nevir faltand nor na falis socht on him incontrare ony fredome of the toune, nor na thing allegit nor persewit on him, and protestit for remeid of law." Hay was willing to undertake the responsibilities of burgess-ship, but there seems to have been an objection against his enjoying the privileges (MS. Reg., 1549-65, f. 117).



the watch in the event of their being notified of any danger "be incursiones of thevis, robaris, or Ynglis-men."

On 24th April 1558, Queen Mary was married to the Dauphin of France, but the tide of that country's influence over Scottish affairs, now about its height, was soon to take a turn. Queen Mary of England (wife of Philip of Spain), died on 17th November 1558, and was succeeded by Elizabeth, who reigned as a Protestant Sovereign. This gave the Scottish patriots and reformers an opportunity of procuring invaluable assistance in promoting their common objects. So early as December 1557, some of the nobility had entered into a covenant for the promotion of Protestantism, and since then accessions to their ranks had been continuous. Known in history as the lords of the congregation, these nobles and their adherents negotiated not only with the Regent, but in the last resource with Queen Elizabeth whose intervention they ultimately secured. John Knox finally returned to Scotland on 2nd May 1559, and before the end of that month events of an alarming nature had occurred. The Reformers rose in arms against the Regent, and the "rascal multitude" commenced those acts of violence which resulted in the destruction not only of Church ornaments but also of valuable buildings and other property. In August, Knox was authorised by the "congregation" to arrange for a treaty with England, and a commissioner from that country conducted negotiations for some time, but it was not till the end of February 1559-60 that, as the result of Maitland of

Lethington's diplomacy at the English Court, commissioners between the two countries arranged terms of settlement. By the treaty then concluded, Elizabeth allowed an English army to enter Scotland and assist in the expulsion of the French soldiers who, since the preceding autumn, had been secure within their principal fortifications at Leith. On 4th April, the English and Scottish armies joined forces at Prestonpans, from whence they proceeded to operate against the Leith garrison.

In connection with these military movements, ecclesiastical affairs in Peebles came to a crisis. Hitherto indecision seems to have prevailed. About the time when the Protestants were assembling in the north, there appears to have been a contingent of the army at Peebles, where, however, their presence was not considered desirable. On 5th May 1559, "the inqueist ordanis the sojarris and allegit men of weir,"<sup>1</sup> to leave the town without delay, but from that time till the following March the records give no indication that Peebles was subjected to such disturbances as were being experienced in other parts of the country. On 3rd March 1559-60, the two bailies publicly objected to "novationes of commoun prayeris or preaching," and announced that they would "stand under the faith and obedience of thair Prince berand authorite for the tyme," but at same time, in view of possible contingencies, they protested that this was done "in na contemptioun of the lordis of congregatioun." Eight

<sup>1</sup> Printed Rec., p. 253. The rubric of the act is "weirmen and vagabondis."

days afterwards, arrangements were made for the ports being kept in order and the appointment of a nightly watch, and before the end of the month a detachment of the Reformers' army visited Peebles, and took possession of the Cross Kirk. On 30th March, the minister of the Church, Friar Gilbert Broune, "trembling and fearing," appeared before a notary, and declared that John, master of Maxwell, with certain esquires in his company, on behalf of the lords of the congregation, had come to him and that he had changed his white habit for a "gray keltour gounne," and had put on a "how blak bonet." This change of dress was meant as symbolic adoption of the new faith, but the minister now protested that it had been done for fear of his life and destruction of his monastery, and not from any hatred of his old religion.<sup>1</sup> The master of Maxwell, commander of the detachment which visited Peebles, had for some time been associated with the Reformers. On 8th February he was at Glasgow, and from thence he proceeded to Berwick, which he reached on the 23rd of that month. On 6th April he was in the camp of the allied forces at Restalrig,<sup>2</sup> and therefore it is probable that his march thither from Berwick had been by way of Peebles. Some disturbances were occurring in the town about this time, and on 1st April, orders were issued for suppression of any "fray or suddand tulye," and special penalties were imposed on those who drew "ane knyfe or uther wappin to baillie or uther officer in executioun of thair office."

<sup>1</sup> Printed Rec., p. 259.

<sup>2</sup> Bain's Calendar of Scottish Papers, I., pp. 313, 321, 349.

Three weeks afterwards a nightly watch, "weill armit," was appointed in the town, "and ordanis the out wachis to stand still quhill the army rise, the tane to keip the Eist Port and about that part, auld usit and wont, and the uther about the Castelhill and Auld Toune." On 28th April, the two bailies, with ten men, all named, were appointed to "ryde to the oist to my Duk."<sup>1</sup> This appears to have been a contingent sent to the besieging force at Leith, in response to a proclamation by the Duke of Chatelherault and Earl of Glencairn, directing all manner of men, "bayth to burgh and land," to be in the camp before Leith, on 2nd May, with eight days' provisions.<sup>2</sup> A combined assault on Leith fortifications was made on 7th May, but it was repulsed with severe loss to the attacking party. How the twelve Peebles men acquitted themselves in this engagement, and whether they sustained any skaith, the records do not disclose.

Following close upon the death of the Queen Regent on 10th June, commissioners from France and England met in Edinburgh, and in the beginning of July a treaty was concluded. The chief points thus arranged were that no Frenchman was to hold important office in Scotland; the Leith fortifications were to be demolished, the French soldiers, with the exception of 120 men, were to go back to France; and, till the return of the Queen, the government was to be in the hands of twelve persons, seven appointed by

<sup>1</sup> Printed Rec., p. 260. The twelve men to have 6s daily during eight days.

<sup>2</sup> Bain's Calendar, *ut supra*, p. 383.

Mary and five by the Estates. Both the English and French forces left the country simultaneously and the Scottish people were left to work out their own destiny. For promotion of the new religion, ministers and superintendents were planted in various parts of the country and arrangements made for a further supply of preachers. The Estates met in August when the Confession of Faith drawn up by Knox and others was ratified, the jurisdiction of the Pope was abolished, and all practices contrary to the new creed were condemned. At this assembly, which was attended by unusually large numbers, an unnamed commissioner of Peebles and likewise lords Yester and Borthwick were present. In the official proceedings no dissent is recorded, though, according to a historian, lord Borthwick and two others objected, saying—"We will believe as our fathers beleaved."<sup>1</sup>

<sup>1</sup> Calderwood, II., p. 37.



## VIII.

QUEEN MARY'S RETURN TO SCOTLAND — ROYAL PROGRESSES THROUGH NORTH AND WEST DISTRICTS—PEEBLES VISITED—REBELLION SUPPRESSED BY KING AND QUEEN—DARNLEY'S VISIT TO PEEBLES—BRIGLANDS—HUNTING EXPEDITION TO MEGGATLAND—ARMY ASSEMBLED ON BORDERS—TOWN WALL—APPROPRIATION OF COMMON GOOD AND KIRK GRAITH—ALLEGIANCE TO JAMES VI.—BORDER RAIDS.

IN consequence of the death of King Francis on 5th December 1560, Queen Mary's position and plans underwent a complete change. There was no longer any necessity for her remaining abroad, and on 19th August 1561 she returned to Scotland. Religious controversy, including discussions regarding the disposal of Church property and making provision for the support of the Reformed clergy, occupied much of the public attention during the early months of the Queen's residence among her subjects. In these days parliament met only at wide and uncertain intervals, and any urgent legislation was undertaken by the privy council. One of the questions pressing for settlement was the apportionment of ecclesiastical revenues between the old and new clergy. An attempt to settle this important matter was made by two acts passed in December and February, whereby the privy council gave its sanction to the appropriation of one-third of Church benefices for the joint behoof of the

Crown and the clergy, the "auld possessours" being allowed to retain the remaining two-thirds during their lifetimes.

In the summer of 1562 Queen Mary made an extensive progress through the northern parts of her kingdom. Some opposition was manifested by the Earl of Huntly, the magnate of these parts, but the incipient rebellion was promptly suppressed, and the disturbed districts restored to tranquillity. Some weeks of the following summer were occupied by a royal progress through the western and southern shires, a more enjoyable journey than that to the north, as no rebel armies were encountered, and much of the time was occupied in the pleasures of hunting and hawking. Reaching Glasgow on 3rd July, the Queen proceeded thence to Argyleshire, passed by way of Ayr and Wigton to St Mary's Isle in Kirkcudbrightshire, and was in Dumfries on 18th August. On the return journey, after halting at Crawfordjohn and Cowdailly Castle near Carnwath, in Lanarkshire, the Queen arrived at Skirling, in Peeblesshire, on 26th August, and on the 27th left for Peebles, where, as already mentioned, she remained till the following day.<sup>1</sup>

Consequent on the Queen's marriage with Darnley (29th July 1565), the Earl of Moray and other nobles broke into rebellion, and an army, led by the royal spouses in person, was speedily raised, and took the field against the insurgents. The pursuit of the latter was managed with such celerity and vigour that flight became their only safety, and they sought refuge across

<sup>1</sup> *Antea* pp. 51, 52.

the border just in time to escape an attack by the royal forces at Dumfries. In the arrangements for the intended battle a place was assigned to Lord Yester,<sup>1</sup> and men and supplies were furnished by the burgh of Peebles. On 5th October the Town Council and community appointed twelve horsemen to ride to the King and Queen's host at Dumfries, and nine horses were also to be sent for purposes of carriage.<sup>2</sup>

Darnley visited Peebles about the end of December 1565, at a time when his relations with the Queen were becoming less cordial, and the incident has given partisans on each side the opportunity of making contradictory comments. These are dealt with by Dr Chambers in an interesting manner,<sup>3</sup> and there need only be noticed here the observation that Darnley "was in great hazard of wanting necessaries, unless the Bishop of the Orcades had casually come hither; for he, knowing the scarcity of the place, brought some wine and other provisions for his use." Adam Bothwell, the son of an Edinburgh burghess, became parson of Ashkirk, and a Canon of Glasgow Cathedral,<sup>4</sup> and in 1558, he succeeded Robert Reid in the bishopric of Orkney. It happens that the bishop owned property at Peebles. A protocol narrates that, on 18th November 1563, Gilbert Brown, minister of the Holy Cross,

<sup>1</sup> Privy Council Reg., I., p. 379.

<sup>2</sup> Printed Rec., p. 300. The word "ost" (host), is misprinted "oft."

<sup>3</sup> Hist. of Peeblesshire, pp. 100-2.

<sup>4</sup> In his journeyings between the Metropolitan Church and his rural prebend, the parson might travel by way of Peebles, and thus become acquainted with the place and its people.



with consent of the convent, received from Adam Bothwell, bishop of Orkney, feuar of the Briglands on the south side of Tweed, £20 in redemption of an annualrent which the "brethir of the Croce Kirk had from . . . Lowys of Manner."<sup>1</sup> A crown charter, dated 21st December 1570, confirming the bishop's title, shows that the lands of Briglands were acquired by him from Thomas Lowis of Maner.<sup>2</sup> Seeing therefore that Bothwell had a territorial connection with the district, it is likely enough that he was at Peebles in Darnley's company, though there may be little foundation for the rest of the story.

As mentioned by Dr Chambers, various persons in Peeblesshire were implicated in the plot which resulted in Riccio's murder (9th March 1565-6).<sup>3</sup> On 30th April, Lord Yester, as sheriff, was instructed to apprehend Hector and James Douglas in Spittlehaugh, who were denounced rebels in connection with the tragedy.<sup>4</sup> These Douglasses were no doubt retainers of the Earl of Morton, who was one of the main conspirators.

A few weeks after the birth of the Prince who was destined to become King James VI. (19th June 1566), the royal parents visited Peeblesshire together. A proclamation by the privy council, on 28th July, narrates that "the King and Quenis Majesteis, considdering the universall disordour and unquietnes within thair realme, and crewell murthure becum as it wer commoun, nocht onlie amangis thame that hes

<sup>1</sup> MS. Reg., 1549-65, f. 263.

<sup>2</sup> Reg. Mag. Sig., IV., No. 1950.

<sup>3</sup> History, p. 102.

<sup>4</sup> Privy Council, L, pp. 455-6.

querrell, bot kynnisfolk unnaturallie slayis utheris, without feir of God, reverence of thair Majesteis, and as thair wer na autoritie abone thair hedis." As a remedy, "thair Hiennesis intendis, God willing, in propir personis to pas throw the hail realme to puneis attemptattis and to establish justice universallie." A beginning was to be made on the Borders, and therefore all earls, lords, barons, freeholders, and landed men within certain shires, including Peebles, were desired, in warlike manner, and with fifteen days provisions, to meet the King and Queen at Peebles on 13th August, and thence accompany them to the Borders and till their return to Edinburgh.<sup>1</sup> It had been intended that a "justice air" should be held at Jedburgh on 17th August, but the date was subsequently postponed to 19th October, so as not to interfere with the approaching harvest, and the purposed gathering at Peebles did not take place. A hunting expedition was, however, organised, and it is probable that the King and Queen passed through Peebles on their way to Meggatland, where they were on 14th August and some days thereafter. Traquair was visited on 19th August. Sport had been disappointing, "the deir sa halelie destroyit that oure Soveranis can get na pastyme of hunting," and orders were given for enforcement of the old law forbidding the lieges "to schute at deir with culveringis, half haggis, or bowis."<sup>2</sup> A convocation of the southern shires, this time at Melrose, was appointed for 8th October, in substitution for that which had been postponed in July, and there is

<sup>1</sup> Privy Council Reg., I., pp. 475-6.

<sup>2</sup> *Ib.*, p. 477.

no trace of farther visits of the Queen to Peebles. The Kirk of Field tragedy occurred in the following February, and in June, to pass over the lurid events of the intervening months, Lochleven Castle had received its royal captive. Throughout all the vicissitudes of her career in this country Lord Yester remained faithful to the Queen. He was among those who rallied to her standard at Dunbar, and in the following year he was with her forces when the decisive struggle took place at Langside. Nor did Lord Yester's attachment to Mary cease when she left the country. At the inquiry which, in the end of 1568, commenced at York and was continued at Westminster and Hampton Court, his lordship was one of her commissioners, and so long as the people of Scotland were divided into King's men and Queen's men, Lord Yester was always found among the latter.

In October 1567 Regent Moray, in anticipation of one of his expeditions for quelling disturbances on the Border, requisitioned the authorities and inhabitants of various burghs, including Peebles, "to prepair and have in reddines bakin breid, browin aill, hors meit, mannis meit, and uther neidfull ludgeing and provi-sioun agane the viii day of November nixtocum, to be sauld and furneist to oure Soverane Lordis liegis on thair expensis."<sup>1</sup> That provisions had been supplied, but a settlement of the charges delayed, may be inferred from an entry in the records, dated 28th January 1567-8, when one of the bailies and a neighbour were appointed to "pas to Edinburgh and travell

<sup>1</sup> Privy Council Reg., I., p. 580.

for the poir werkmen silver quhilk the men of weir is auchten."<sup>1</sup> Towards the end of 1569, the Border districts were again troublesome, and in another expedition Regent Moray effectually restored order. About this time there was in England a revolt of the Earls of Northumberland and Westmorland, who were compelled to take refuge in Scotland. Knowing that the success of the English revolt would mean the restoration of Queen Mary to her kingdom, the Regent summoned the forces of the southern shires to meet him in Peebles on 20th December, "for the defence of their native cuntre, for the preservatioun of thair wyffis and bairnis, and for the liberty of the trew religioun."<sup>2</sup> Moray's mission to the Borders on this occasion was highly successful, and before the end of the month he was back in Edinburgh with the Earl of Northumberland as a captive. This proved to be the last expedition of Moray to the Border, as he was assassinated in Linlithgow on the 23rd of the following month.

In letters issued by Regent Lennox on 11th September 1570, it is stated that not only in the year 1568, but also previous to Michaelmas 1569, the late Regent Moray had written to the provost and bailies of Peebles urging them to employ "thair commoun gude and kirk graith," not to "privat uses," but towards "the bigging of ane wall about the burgh to resist the invasioun of thevis."<sup>3</sup> This explains the entry in the records on 3rd October 1569, when it was agreed that no man should be in office in the burgh "that had

<sup>1</sup> Printed Rec., p. 306.

<sup>2</sup> Privy Council Reg., II., p. 73.

<sup>3</sup> Printed Rec., p. 329.

outhir offendit the commontie or yit had ony intro-missiouin with the kirk graith," and farther, "that thai quha had ado thairwith suld mak deliverance thair of, and compt and rakkynning that it mycht be furth-cumand to the commoun weill."<sup>1</sup> Beyond instructions for repairing their existing dykes, the injunctions about building a wall did not take practical shape till after the death of the Regent. During the commotion which ensued in February and March 1569-70, the Town Council and community entered into a contract for the construction of a wall  $4\frac{1}{2}$  ells in height and  $3\frac{1}{2}$  feet in breadth, with block houses at all convenient places. The wall, probably following the line of existing boundary dykes, surrounded the town in such a way as to connect with the four ancient ports, and, as usual, excluded the district "beyond the water." Building material was, to some extent, got from the old dykes, and it was arranged that the inhabitants should fetch 200 loads of lime yearly. Of 85 persons who owned horses, 41 were to supply one load, and the remaining 44 two loads of lime each, while of 91 persons "that wantis hors," 76 were to supply one load, and the remaining 15 two loads each. Stene Robesone, bailie, and Thomas Lawder, mason, undertook to erect the wall within four years, and to meet expenditure they were to be allowed the profits of the two corn mills and the walk miln, and land belonging thereto, for the space of thirteen years, but the Town Council had the option of redeeming the tack of the mills for any year on payment of 200 merks.<sup>2</sup> The

<sup>1</sup> Printed Rec., p. 308.

<sup>2</sup> *Ib.*, pp. 311-7.

records show that, amid difficulties and interruptions, progress was made with the construction of the wall, and it probably served its purpose for the time. A small portion of the structure, including one of the blockhouses, is still preserved on the west side of the footpath leading from the Eastgate to the North British Railway Station.<sup>1</sup>

Rumours regarding misappropriation of common good and of "kirk graith" were not at once allayed. At election time in 1570, Regent Lennox and the lords of secret council renewed the charge given by Regent Moray, and all intromitters with "commoun gude and kirk graith," were charged to restore the same to the town council, for the purpose of being applied towards the "commoun weill" of the burgh, "in bigging of ane wall thairabout."<sup>2</sup> Two of the persons put on the leet for bailies were objected to by certain members of the community, "becaus thai war baith culpable of ane part of the gudis and kirk graith." One of the two, John Horsbruk, who had been chosen a bailie, acknowledged that he had got "ane part of ane chalice," but offered to make payment of its value. Thereafter, eight persons, including "John Dikesone, redare," were reported "as intromettouris, ressaveris, and desponaris of ane part of the common gudis and kirk graith."<sup>3</sup> On 24th May 1571, the town council were desired to cause the intromitters with the "kirk geir and

<sup>1</sup> See Illustration in Printed Rec., p. lxix.

<sup>2</sup> Printed Rec., pp. 329-30. The letters are dated 11th September 1570, though not engrossed in the record till 1st October 1571.

<sup>3</sup> *Ib.*, pp. 321-3.

commoun geir to thair awne particular use," to restore what they had got,<sup>1</sup> and on 11th September, when election time again came round, the Regent's letters of the previous year were referred to, and a protest taken for their observance.<sup>2</sup>

Immediately after Regent Moray's death, the border lairds, Fernihurst and Buccleuch, with the exiled Earl of Westmorland, attacked the northern English loyalists, and in revenge English forces ravaged Teviotdale and the Merse in April. These proceedings put the community of Peebles on the alert, and on 13th February orders were issued for the keeping of a nightly watch, the repair of head dykes, the exclusion of strangers, and the gathering of the inhabitants at the ringing of the common bell.<sup>3</sup> On 2nd March, out-watches posted beyond the burgh roods were to keep an outlook from "glomyng" till sunrise, and were to be armed with "speir, jak, steill bonet, swerd and buk-lare."<sup>4</sup> On 20th March six gunners were to be hired.<sup>5</sup>

For some months in the latter part of 1570, there had been a nominal though only partially observed truce between the contending Scottish factions, but in the beginning of the following year hostilities were resumed in earnest. In February 1570-1, the castle of Paisley was recovered from the Hamiltons, and by a brilliant escalade, the castle of Dumbarton was taken in April. Preparatory to these military movements the burgh of Peebles had been called on for reinforcements for an army which was appointed to assemble at

<sup>1</sup> Printed Rec., p. 327.

<sup>2</sup> *Ib.*, p. 330.

<sup>3</sup> *Ib.*, p. 311.

<sup>4</sup> *Ib.*, p. 315.

<sup>5</sup> *Ib.*, p. 318.

Glasgow on 14th February. The bailies and community were anxious to be relieved of this service, and on 10th February it was resolved that an application should be made to the Regent for liberty to "byde at hame." On 16th February one of the bailies, accompanied with five inhabitants, was appointed to "ryde to the oist to Glasgw" on a similar errand, but the result is not chronicled.<sup>1</sup> After Dumbarton, the only stronghold remaining in the hands of Mary's adherents was the castle of Edinburgh, which, with amazing tenacity, held out till 28th May 1573. The Earl of Mar succeeded to the regency in September 1571. On 28th February 1571-2, the bailies and three burgesses of Peebles, on behalf of the community, appeared at Leith in presence of Regent Mar and the lords of secret council, and there acknowledged "the King's Majestie for thair onlie Soverane," undertook to "serve and obey his Hienes, his regent and autorite, as becummis dewtifull subjectis," and declared they would have no communication with "Thomas Ker, sumtyme of Pharynhurst, knyght," and others who are named, "or ony utheris declarit tratouris and notorious rebellis." On the return of the bailies to Peebles on 1st March, the whole inhabitants approved of the undertaking which their representatives had given, and subscribed the same in token of their "obedience and acknowleging of our Soverane, his graces regent and autorite, as dewtifull subjectis."<sup>2</sup>

Even when the country was at peace with England, there was never any long continued exemption

<sup>1</sup> Printed Rec., pp. 325-6.

<sup>2</sup> *Ib.*, pp. 334-5.



from border raids. Moonlight nights were favourable for the "broken men" going on their predatory expeditions, especially if long distances had to be traversed, and accordingly a full moon necessitated increased watchfulness on the part of those who were exposed to attack. On 30th December 1556, the town council ordained "the half quarter of the toun to walk nychtlie quhill the mone grow to the proud lycht, and the quarter of the toun to walk ilk nycht sa lang as thai ar proud." From nine at night till four in the morning were the hours appointed for the watch. James Frank, keeper of the steeple, was to stay in it nightly, with instructions to ring the bell "gif ony aventure of fray or sudand fyre occurris," and for his safety in going to the steeple, the door of the adjoining Chapel was to be locked nightly at six. Closing of passages and repairing of dykes and ports likewise received attention.<sup>1</sup> One of the main purposes of the town wall was the securing of a more effective defence against attacks from the border. On 26th May 1572, before the wall was completed, special measures were organised in some emergency which is described as "this inconvenient now laitlie falling betuix the burgh of Peblis and the bordouris thevis and revaris."<sup>2</sup> On 6th January 1572-3, one "Hary Thomsone, becaus it wes notourlie knawin that he wes at the reif of the toune of Peblis" on 27th March preceding, was banished from the town, and if he returned was to be punished as "ane commoun theif and revar."<sup>3</sup> On 13th February the council resolved, if authority could

<sup>1</sup> Printed Rec., pp. 234-5.    <sup>2</sup> *Ib.*, p. 342.    <sup>3</sup> *Ib.*, pp. 350-1.

be obtained, "to take ane addres with the bordour men," in so effectual a way that the inhabitants "may do thair besynes in all thingis without ony feir or truble in tymes cuming." Commissioners were accordingly sent to Regent Morton at Edinburgh, for obtaining license to take such steps as might be necessary "for eschewing of deidlie feidis and cummeris in tymes cuming."<sup>1</sup> An entry in the records, dated 24th May 1571, refers to certain sheep belonging to "my lord Newbotle," which the inhabitants of the burgh had "red fra the thevis" and restored to his lordship.<sup>2</sup> As commendator of the abbey which gave him his title, Lord Newbotle owned lands both in Leithenhopis and at Deanshouses and Romanno in Newlands, and probably the reivers had taken their booty from one or other of these estates. In former times, the abbey lands had suffered from similar depredations, as in a charter of Deanshouses, granted by the abbot in 1532, it is stated that the lands had lain "waste and useless for many years past, because of the incursions of border thieves."<sup>3</sup>

<sup>1</sup> Printed Rec., p. 353.

<sup>2</sup> *Ib.*, p. 327. Mark Ker, second son of Sir Andrew Ker of Cesford, was abbot of Newbotle for a few years preceding the Reformation, at which time he adopted the new faith and retained the abbacy as commendator. His eldest son, also named Mark, succeeded to the lordship, and was provost of Peebles in 1599 (see *Gleanings IV.*)

<sup>3</sup> Historical Notes, p. 466.

## IX.

ERECTION OF COLLEGIATE CHURCH—ITS PROVOSTS—LYNE PARSONAGE—ARCHDEACONRY OF GLASGOW AND PARSONAGE OF PREEBLES—VICARS—ST MARY'S CHAPEL USED AS PARISH CHURCH.

THE deed of erection of the collegiate church has not been preserved, but its tenor is so far narrated in the confirming crown charter, dated 8th June 1543. From that source it may be gathered that the date of the deed itself was subsequent to 14th December 1542, when James V. died. As described in the crown charter, the deed of erection was granted by the bailies, councillors, and community, and by John lord Hay of Yester. The latter is generally understood to have been the third lord, whose death is said to have occurred in 1543, but in the absence of precise dates, there is room for uncertainty. John, the fourth lord, was formally served heir of his father on 10th October 1543. In the introductory narrative, pious expressions are used towards the two late sovereigns, James IV. and V., father and grandfather of Queen Mary (in whose name the confirming charter is granted), and other benefactors of the church, and then there is specified the establishment of a collegiate church for perpetual service at the parish church of St Andrew, by twelve prebendaries, one provost, and two youths. Each prebendary was to have an annual pension of 24

merks in money, one acre in the Kirklands, and a chamber with a yard in the Old Town. The acres in the Kirklands had been mortified by Gavin, archbishop of Glasgow, with consent of master Richard Bothuile, vicar of Peebles,<sup>1</sup> who was instituted a vicar-pensioner among the prebendaries. The first prebendaries were the chaplains of St Mary's Chapel and of the several altars in the parish church. In addition to the allowances already mentioned, the prebendaries retained various lands and annualrents, of which, owing to the loss of the deed of erection, no complete record has been preserved.<sup>2</sup>

The name of the provost of the church does not occur in the charter. Gilbert Wichtman is found in office in 1551, and probably he was the first who held the appointment. Wichtman was parson of Lyne, a benefice which he had possessed from at least the year 1527, when his name occurs in connection with a property in Glasgow.<sup>3</sup> On 25th October 1551, master Alexander Dik, archdeacon of Glasgow, having, under an arrangement with the bailies and community of Peebles, the right of nomination to all the vacant altars in the parochial and collegiate church for the space of five years, presented and nominated "Sir

<sup>1</sup> On 17th December 1554, Thomas Caverhill, designated farmer of the vicarage, bound himself to pay to Mr John Wardlaw, vicar of Peblis, 42 merks Scots of tack duty (MS. Reg., 1549-65, f. 70).

<sup>2</sup> Printed Rec., p. 61. An extract from the deed of erection containing the rental of St Mary's altarage has been preserved (Ib., pp. 407-10).

<sup>3</sup> Historical Notes, p. 161.

William Nasmyth, chaplain," to the prebend of St Laurence, and thereupon master Gilbert Wichtman, provost of the church, invested and instituted Sir William, assigning to him a place in the chapter and a stall in the choir. On the same day, and in a similar manner, Sir Walter Kelle, chaplain, was presented to and invested with the prebend of St James the Apostle.<sup>1</sup> "Sir Gavin Nasmith" (supposed to be the same chaplain previously named Sir William), demitted his prebend in 1554, and on 12th November of that year, the same archdeacon and provost presented and invested Sir John Ker, priest, as his successor in the prebend of St Laurence.<sup>2</sup> About this time, when the structure was in disrepair, service at the altars was somewhat disorganised. On 5th February 1555-6, application was made to the provost, "maister Gilbert Wichtman," for an edict to all the chaplains to make residence at their altars, under the penalty of being displaced, and vestments and chalices were to be "laid in the commoun kist quhill the kirk be biggit."<sup>3</sup> Three

<sup>1</sup> MS. Reg., 1549-65, f. 23.

<sup>2</sup> *Ib.*, f. 68.

<sup>3</sup> Printed Rec., pp. 226-7. On the eve of the Reformation, enthusiasm in church building was not keen, but a tax for the purpose seems to have been tried. On 24th March 1554-5, Dionisius Elphingstoun, in name and by authority of his tenants of Glensax, Newby, and Henderstoun, offered to pay for the building and reparation of St Andrew's church a reasonable proportion of the church tax, according to their means, goods, and degree, protesting that they should not be hindered from coming to the church, conform to the letters monitory raised upon the said parishioners by Mr John Colquhoun, dean of Peblis. This protest was made about 10 a.m. at the entrance to the cemetery (MS. Reg., 1549-65, f. 73). Notwithstanding the inconveniences caused

years later, certain proceedings indicate dissatisfaction on the part of the chaplains with regard to their emoluments. On 16th May 1559, John Dikesone, treasurer of the burgh, in name and by authority of the bailies, council, and community, appeared in presence of Mr John Colquhoun, dean of christianity, in the collegiate church of St Andrew, sitting in judgment, and there required Sirs John Ker, John Tuedy, John Bullo, Robert Hoip, Thomas Purves, and John Allane, chaplains and prebendaries of the said collegiate church, to subscribe a certain missive to the said dean and Sir John Allane, commissioners of the archbishop of Glasgow, but this they refused to do, "for certain reasonable causes to be explained by them to the archbishop when he shall happen to come to the burgh of Peblis." This resolution, the register bears, was "done chapterly in the collegiate church about 11 a.m., in presence of Sir John Forest, rector of Scraling,

by the ruinous state of the building, not only service at the altars, but also other ecclesiastical proceedings were continued in the church. On 13th April 1555, William Kid, burges, in presence of a notary and witnesses, "appeared and made purgation canonically, by the sixth hand of his neighbours (*sexta manu suorum vicinorum*), with reference to an accusation *de carnali copula penes* Marion Wylie, spouse of John Lewis, said neighbours publicly knowing his life and repute in other things; and that in the parish church in the time of divine service, in presence of Mr John Colquhoun, dean of christianity of Peblis, having first received commission for said purgation from the most reverend James, archbishop of Glasgow, as contained in the books of the said dean. Done in the vestibule of the church about 10 a.m., in presence of Mr John Colquhoun, Dionisius Elphingstoun, Thomas Caverhill, William Dikesone, senior, burges, and Andrew Litill, laic, with many others" (MS. Reg., 1549-65, f. 73).

William Portus, vicar of Kilbucho, Adam Colquhoun, curate of Lynton, and John Turnour, curate of Kirkurd, chaplains." Later in the day, the Peebles chaplains offered to subscribe the missive, provided the bailies, council, and community, their patrons, should become surety for payment of all their annualrents, oblations, and profits, in time coming. Since the burning of the town, many of the annuals had fallen into arrear, and the chaplains desired that they should get the benefit of an act of parliament which had recently been passed with reference to such burnings in Edinburgh and other burghs.<sup>1</sup>

In 1557, Wichtman, who must have been getting up in years, is found negotiating for an exchange of benefices. On 23rd April, he agreed to transfer to Mr David Gibsone, rector of Ayr, and canon of Glasgow, the parsonage of Lyne for the vicarage of Kirkurd, which Gibson was to assign to him.<sup>2</sup> At the same time "Mr Gilbert Wychtman, rector of Lyne and provost of the collegiate church of Peblis, nominated Masters and Sirs John Row, James Salmond, David Bonare, George Rowand, Scotsmen (*natione Scotos*) at Rome, and John Russell, his procurators and factors, to resign the rectory of Lyne and the provostry of the collegiate church into the hands of the Pope, in favour of Mr David Gibsone, canon of Glasgow." Gibsone appointed the same persons as his procurators to resign, in favour of Wychtman, the half of the fruits of the rectory or parsonage. These proceedings took place at the Manse of Lyne, before several witnesses, including

<sup>1</sup> MS. Reg., 1549-65, f. 145.

<sup>2</sup> *Ib.*, f. 107.

Robert Hiltson, chyrurgeon, whose presence is suggestive of the parson's bodily infirmity.<sup>1</sup>

For some reason, which is not explained, Gibson did not succeed in obtaining the benefices he had bargained for. On 4th July 1558, "Mr Thomas Archibald, cleric, procurator and in name of Mr Andrew Betoun," designated "provost of the collegiate church of Peblis, called Lyne, of new created in the new college of the said church of St Andrew, which Mr Andrew was now, by ordinary divine authority, canonically provided to the said provostry," produced letters of collation and provisioun whereby Sir John Knox, chaplain,<sup>2</sup> as executor of the letters, was authorised to induct Betoun to the provostry and rectory. Investiture was thereupon given by delivery to the new provost and rector of the keys of the church doors, and of the book, chalice, and vestments of the high altar, and by assigning to him a stall in the choir and a place in the chapter of the collegiate church.<sup>3</sup> The proceedings begun at one church were completed at the other, and it is supposed that the keys and altar just referred to were those of Lyne Church, as the symbols were delivered in token of the rector having the cure and rule of souls in Lyne parish. As the Reformation supervened shortly after Betoun's appointment to the provostry, the duties would then terminate, and it is probable that he had no successor.

Alexander Dik was archdeacon of Glasgow and

<sup>1</sup> MS. Reg., 1549-65, f. 108.

<sup>2</sup> John Knox, the Reformer, was not in Scotland at this time.

<sup>3</sup> MS. Reg., 1549-65, f. 131.



parson of Peblis<sup>1</sup> when the collegiate church was erected in 1543, and he continued in office till in or about the year 1560. On 11th December 1560, Mr William Currou, who was intromitting with the parsonage as factor on behalf of John Abercrommy, whose claims to it will be presently referred to, declared "that he had castin ane rowk of corne in the yard of umquhile maister Alexander Dik, person of Peblis."<sup>2</sup> On the 30th of the same month, "Mr Andro Beton, clerk," was inducted to the archdeaconry of Glasgow, "vacant by the decease of the late Sir Alexander Dik," such induction being made conform to letters of collation or provision granted by Mr Henry Syncler, dean and vicar general of Glasgow, dated 28th October 1560.<sup>3</sup> At this time church matters were in a transitional state in Peebles,<sup>4</sup> and Betoun does not appear to have

<sup>1</sup> As parson he had right to the parochial teinds, which were usually collected through a factor or tacksman. On 15th March 1550-1, William Kelle, priest, factor of the archdeacon, produced to Sir John Allane, curate of Peblis, letters at the instance of the archdeacon, against John Hay, burgess, for arrears of teind meal, and in presence of all the parishioners, in the time of high mass, Hay offered to account with the archdeacon or his factor before sunset (MS. Reg., 1549-65, f. 19). The dread of church censure was effective in those days.

<sup>2</sup> MS. Reg., 1549-65, f. 184. On 24th March 1560-1, John Stirling, burgess, in name and by authority of Mr William Currou, heir (*heredis*) of the late Mr Alexander Dik, archdeacon of Glasgow, acknowledged that he had received from John Dikesone, bailie of the burgh of Peblis, the following goods, viz., "ane gardewyt, ane fedder bed, tua Irische pladdis, ane wardour, tua coddis with waris, ane payr of scheitis, ane burd claith, thre serviotis, ane meit burd of aik" (Ib., f. 191).

<sup>3</sup> Glasgow Protocols, No. 1398.

<sup>4</sup> "John Dikesone, minister of the commoun prayers in our

been inducted as parson. Moreover, a rival was in the field. By apostolic bulls, granted on the 17th of the kalends of August (16th July) 1560, Pope Pius IV., John Abercrommy, was appointed a canon of the metropolitan church of Glasgow, and rector of the parish churches of Mennare and Peblis. It was not till 13th July 1562 that Abercrommy produced the apostolic letters at Peebles, and was inducted by the ceremony of entering at the gates or doors of the two churches and touching the bell cords. Sir John Allane acted as executor of the letters, and "Mr William Currou, burgess of Banf," the factor already referred to, was one of the witnesses. On 19th July, Currou, as procurator for Abercrommy, designated "clerk of the diocese of Aberdeen," produced the apostolic letters at Glasgow, and asked "Mr David Gibson, rector of Ayr and canon of the metropolitan church," to give

Kirk of Peblis," was officially recognised by the Town Council on 28th November (Printed Rec., p. 263), and a vicar had been appointed a few months previously. On 25th July 1560, Mr Thomas Archibald, designated "clerk, perpetual vicar of Peebles," produced letters of collation by Archbishop Betoun, by virtue whereof Mr John Colquhoun, dean of the christianity of Peebles, gave to him institution of the vicarage of the collegiate church and parish of St Andrew, the new vicar entering at the fore door of the church, touching the missal, chalice, and other ornaments of the altar, and the dean delivering to him the key of the sacristy and the fonts of the church. Subsequently the vicar entered the chapter house of the church, nobody gainsaying, and there the dean assigned to him the cure of souls in the parish, according to the usual custom in such cases (MS. Reg., 1549-65, f. 175). In 1569, Archibald feued the Kirklands, reserving only the portion which was subsequently used as the minister's glebe (see Gleanings, No. XXVI.)

possession of the canony or prebend called the rectory of the parish churches of Mennare and Peblis. Gibson was lying on sickbed, but "with becoming reverence," he received the letters, "and forasmuch as he was not then able to pass to said metropolitan church, the said Mr William Curroure, in his name and authority, went to the door of the choir, then shut and closed, so that he could not have entry to the chapter and stall in the choir, and no one gainsaying, he inducted, invested, and instituted the said John into the corporal, real, and actual possession of the said canony and prebend, called the rectories of Mennare and Peblis, by entering at the principal gate of the church and touching the door of the choir."<sup>1</sup>

Abercrommy being thus formally vested in the parsonage, his factor took steps for securing the fruits. On 30th August, "Mr William Curroure, as factour to John Abercrommy, persone of Mennare and Peblis, maid intimatioun of the said Johne provisioun of the said benefice, quhilk was providit to him fra the court of Rome, and als made inhibitioun to all and sindry parochianaris of the saidis kirkis of Mennar and Peblis, that nane of thame ansuerit Allane Dikesone, allegit fermorare thair of, of na dewiteis of the said benefice, and gif thai did in the contrare heirow, protestit for double payment." This intimation was made at 10 a.m. in the Cross Kirk, then used as the parish kirk, in presence of "Mr John Colquhone, provost of Bothanis, friar John Robyn, Gilbert Brown, religious, Dionisius Elphingstoun of Henderstoun," and others.<sup>2</sup>

<sup>1</sup> MS. Reg., 1549-65, f. 227.

<sup>2</sup> *Ib.*, f. 231.

Keeping in view the change of system in 1560, these proceedings by which the decrees of the Court of Rome were promulgated in a protestant church, seem somewhat anomalous, but it was a long time before the people perfectly realised the change and conformed to it in all details.

Allan Dikesone, farmer of the parsonage, against whose actings Curroure protested, is shown to have been in possession on 27th October 1560, when he gave certain instructions to William Kelle, keeper of the archdeacon's place in Peebles.<sup>1</sup> Dikesone had probably obtained his tack from Dik, and was not disposed to recognise Abercrummy as his successor. Curroure, however, subsequently gathered in the teinds, as is shown by the entry dated 11th December 1560, already quoted, and by another on the following day, when certain corns standing in the archdeacon's yard, "intrommettit with be maister William Curroure," were relieved from an arrestment which had been used by John Dikesone, minister of common prayers, in security of his stipend of £40.<sup>2</sup> In the competition for the benefice, Betoun seems to have been ultimately successful. On 6th March 1563-4, Mr Thomas Archibald, chamberlain of Glasgow, procurator and in name of Mr Andrew Betoun, rector of Mennare and Peblis, came to his place within the Old Town, commonly called "the archidene place," and there received the keys of that place and yard, and otherwise obtained formal possession.<sup>3</sup> Betoun lost his benefice in May 1570,

<sup>1</sup> Printed Rec., p. 262.

<sup>2</sup> *Ib.*, p. 268.

<sup>3</sup> MS. Reg., 1549-65, f. 272. On 29th April 1565, certain

for rebellion against the King.<sup>1</sup> A church assembly, held at Leith in January 1571-2, resolved that "all benefices of cure, under prelacies, should be disposed to actual ministers, and to no others." In accordance with this equitable provision, Archibald Douglas, brother of the laird of Cavers, was appointed to the archdeacon's benefice in 1573, and inducted as minister of Peebles. John Dikesone's £40 had been payable out of "the reddyest of the persoun guidis and geirris," and "maister Thomas Cranstoun, minister," appointed in 1570, was to be "payit of the thrid of the personage and vicarage of Mennare and Peblis,"<sup>2</sup> but Douglas was entitled to the whole fruits of the parsonage.

As is well known, the ruinous church of St Andrew was deserted at the Reformation, and the Cross Kirk adopted by the parishioners as a substitute, and it has hitherto been assumed that the occupation

formal proceedings regarding teinds took place "in Mennare Kirk, at xj houris forrow nounge, in tyme of devyn servis, or thairby, befor thir witnes, Sir Thomas Purves, redare in Mennare Kirk, William Burnet of Bernis, Thomas Patersone of Caverhill, with utheris divers." After John Scot in Hundelishope had objected to the validity of a precept presented on behalf of Thomas Scot to Sir Thomas Purves, reader, intimation was made to "the parochinaris of Mennare" that the fiar price of "teind meill of the crope 1564," was 16s. 8d. the boll, and the parishioners were ordained to make payment of their teind meal to "Mr Thomas Archibald, as factour to maister Andro Betoun, persone of Mennare and Peblis" (Ib., f. 300).

<sup>1</sup> Privy Council Reg., xiv., p. 64.

<sup>2</sup> See farther as to these early ministers in Printed Rec., pp. 263, 268-9, 275-6, 278-9, 325, 327, 333, 336. In the Register of ministers, &c., published by the Maitland Club, p. 42, Cranstoun's stipend is stated at 200 merks.

of the latter had been continuous till the new site on Castlehill was secured. It happens, however, that in the course of his investigations into ecclesiastical affairs, Dr Gunn has discovered that St Mary's Chapel in the High Street was for some time used as the parish church while the other building was out of repair.<sup>1</sup> Fuller particulars on this interesting subject are likely to be procured, and will be heartily welcomed.

<sup>1</sup> On 28th April 1597, the presbytery appointed "the minister of Peebles to teach no longer in the chapel, but to resort to the parish kirk next Sunday," and on 13th July, the following appears in the presbytery's minutes:—"It was more than a year syne the communion was administered, the want of a kirk being the occasion why it was not oftener observed. The parishioners being asked why they had not a kirk, it was answered that they were poor and unable to build a kirk, and that they had directed Mr Archibald Douglas, minister at Peebles, to Lord Yester, to obtain his lordship's goodwill of the Croce Kirk, but his lordship would not grant it. The parishioners desired the presbytery, with the brethren of the presbytery of Edinburgh, to obtain his lordship's goodwill to get the Croce Kirk to be their parish kirk, and they shall build and repair it" (Dr Gunn's MS. Extracts from Presbytery Records). These proceedings seem to explain the application for a crown charter of the Cross Kirk made by the community of Peebles in 1597, though there is no trace of such a charter being actually granted till 1621 (see "Aisle and Monastery," pp. 45, 46).



## X.

CROSS CHURCH AND MONASTERY—MINISTERS AND FRIARS—SIR  
 WILLIAM TUNNO—RENUNCIATION OF EVIL—ENDOWMENTS—  
 DEFAMATION—READERS AND MINISTERS AFTER THE REFORMA-  
 TION—SIR JOHN ALLAN, NOTARY AND TOWN CLERK—PARISH  
 CLERK—SCHOOLMASTER.

FRIAR JAMES PATERSON, who was formally inducted to the ministry of the Cross Kirk on 16th April 1528,<sup>1</sup> continued in office for about twenty-four years, and in his time the church and convent received various favours from King James V., who was a frequent visitor. There were also several minor endowments, such as those referred to in the register on 10th January 1546-7, when "frer James Patersoun, minister of the Halye Croice Kyrk of Peblis, and convent of the samyn, passit to thair land and bigging lyand in the Croce gait," and there resigned an annualrent of 8s in favour of "freire Johnne Newtoun, in the name of the said convent and thair successouris," for which the convent "sall yeirly in tym to cum do ane anniversare in the said Croice Kyrk for the saule of umquhill Johnne Mure, the day of his deceis, and for all crystyn saulis, with *placebo* and *dirige* at evyn, wyth note and messis said and sounge, as use is at Sebastiane, situat within the said Croce Kyrk, to be distribut among the

<sup>1</sup> "Aisle and Monastery," pp. 79-80.

said convent as the laif of the anniversaris ar done."<sup>1</sup> On the same day, two burgesses, Thomas Smyth and James Smyth, his son, resigned (apparently on sale) an annualrent of 20s, payable from their property on the north side of Crocegait, in favour of "frerie John Newtoun, religious man of the haly Croice Kyrk of Peblis, . . . into the nam of the convent of the said kyrk," for the doing of two "anniversaris, . . . the ane thair of for the saule of umquhile freir Thomas Lowis, minister of the said Croice Kyrk, the day of his deceis, and the uthir thair of for the saule of freir James Patersoun, now minister of the said kyrk, the day of his deceis." On 13th February 1564-5, a date subsequent to the Reformation, this annualrent was redeemed, conform to an acknowledgment by the four friars then comprising the convent, viz., "freir John Robin, frer John Newtone, freir James Lowis, freir Thomas Smyth, religious men of the Croce Kyrk of Peblis."<sup>2</sup>

Friar Gilbert Brown, who succeeded Paterson in the ministry, appears to have received his appointment prospectively in 1539, though he did not enter into actual possession till 1553. It is recorded that on 11th February 1552-3, "Friar Gilbert Brown, religious, of the order of the Holy Trinity, and future successor of the ministry of the Holy Cross of Peblis," appeared at the high altar of that church, in presence of Friar Robert Cunnyngname, minister of Failfurd, provincial general of the order of the Holy Trinity within the kingdom of Scotland, and there presented to Friar

<sup>1</sup> MS. Reg., 1548-67, f. 49.

<sup>2</sup> *Ib.*



Robert, provincial foresaid, apostolic letters of Pope Paul III., dated on the day before the kalends of May in the year of our Lord 1539, and of the Pope the 5th year, by which letters friar Gilbert Brown was appointed to the ministry of the Holy Cross of Peblis; and he now requested Friar Robert to give him formal admission. This was done accordingly, "and, farther, the said venerable father, friar Robert Cunynghame, by stretching his hands, obliged him and his successors of the said house of the Holy Cross and the convent thereof, in time coming, against all mortal men whomsoever who should in any manner disturb, molest, or trouble them, openly or covertly." At this ceremony there were present Mr John Colquhoun, dean of the Christianity of Peblis, Sir Malcolm Stensoun, vicar of Lus, William Donaldsone, burgess of Glasgw, Andrew Alexander and James Robesone, burgesses of Peblis; Sirs John Ker and John Allane, chaplains and notaries public, and others not named.<sup>1</sup> Three weeks previous to this induction, viz., on 21st January 1552-3, James Kempt, procurator for "frer James Patersone, minister of the Croce Kirk of Peblis," resigned in favour of "frere Gilbert Brown, successour to the said frer James Patersone, his land and bigging lying within the burgh of Peblis on the Cunzie Nuke, betuix the land of Sanct Leonard on the north pairt, and William Wilsone land on the south pairt," and sasine was thereupon given to "frere Gilbert Brown, *futurus* successour to the said Croce Kirk and convent

<sup>1</sup> MS. Reg., 1549-65, f. 41-42.

of the same." Immediately thereafter, Gilbert Brown, with consent of the convent, resigned in favour of "frer Johnne Robyn, religious man of the haly croce kirk of Peblis, in name of the hail convent," an annualrent of 20s furth of the land and bigging above described, for which annualrent "the said convent and thair successouris, yerely, in tym to cum, sall do tua anniversaris in the said croce kirk be the brethir thairof, . . . the ane for the saule of umquhile freir James Patersoun, minister of the croce kirk, the day of his deceis, and the uther for the saule of Jonet Purdy, the said frere James Patersoune moder, the day of hir deceis."<sup>1</sup> On 5th September 1559, "freir Gilbert Broune, minister of the Croce Kirk," conveyed the Cunzie Neuk property to John Scot and Jonet Newtown, spouses, for payment of a feu-duty, the amount of which is not stated.<sup>2</sup> Such feuing of church property was much resorted to in view of the impending changes foreshadowed by the Reformation. A conveyance of this sort is noticed on 2nd July 1559, when the minister and convent conveyed to Robert Broune, son of John Broune, in Hopprew Wester, seven acres of land, lying in "Fluris," near the burgh, but subject to an annualrent of 38s 6d, payable to friar John Newton,

<sup>1</sup> MS. Reg., 1543-67, f. 96. In the first of these documents, a procurator acts for Paterson, and in ordinary circumstances it might be assumed that the latter was still living, but it is stated that the procuratory was constituted by a writing under his hand. In the second document, Paterson is expressly referred to as "umquhile," and it may therefore be gathered that he died in or before January 1552-3.

<sup>2</sup> *Ib.*, f. 143.

in name of the convent. Robert Broune agreed to assign any part of the seven acres to John Broune in Edderstoune.<sup>1</sup>

On 30th June 1559, Thomas Hay, brother german of William, lord Hay of Yester, in name and by authority of Gilbert Browne, minister, and the convent, protested that the selling to any person of the lands belonging to the minister of the Cross Kirk, should not be in prejudice of the promise made by Browne to Thomas Hay of Smeithfeild, nor to Lord Yester's title if he had any. This was done in the cloisters, in presence of John Dikesone, younger of Winkestone, Thomas Tuedy in Nepeth, and others.<sup>2</sup> About this time it was agreed that if the minister and convent were not allowed to possess their place and property "peceabille of the auld maner," his lordship, in return for promised protection, should have the first offer of what was to be disposed of.<sup>3</sup> As ultimately arranged, the benefice of the Cross Kirk was transferred to Thomas Hay, brother of Lord Yester, under reservation of the liferent of the revenues to the friars, who probably passed the remainder of their days in comparative comfort and security.<sup>4</sup>

The records contain occasional references to the Cross Kirk friars in connection with the management of their property subsequent to the Reformation, and a few of these may be noticed. On 4th July 1562, Gilbert Broune, designated rector of

<sup>1</sup> MS. Reg., 1549-65, f. 151.

<sup>2</sup> *Ib.*, f. 150.

<sup>3</sup> Printed Rec., p. 255.

<sup>4</sup> "Aisle and Monastery," p. 42.

Kettyntnes, and minister of the Holy Cross of Peblis, with consent of the convent of that place, viz., John Robyn, Thomas Smyth, John Newtoun, and James Lowys, gave to Thomas Tueddail, as heir of the late Andrew Tueddail, his father, sasine of a house and yard called Tueddall House, lying on the north side of the water of Peblis, between the common gait leading to the Cross Church on the east, the lands of James Haldane on the west, the highway on the south, and the lands of the friars on the north.<sup>1</sup> On 10th March 1562-3, Gilbert Broune, "minister of the Holy Cross and Church, near Peblis," constituted Robert Murro, burgess of Peblis, his assignee in and to a tack for nineteen years of the lands of Burnefut, with the pertinents, renouncing all rights excepting such as were contained in a contract between them.<sup>2</sup> This transaction was not approved by the other friars, and four days afterwards friar John Newtoun, in name of the convent, complained that though friar Gilbert Broune, their superior and minister of the said church, had strictly bound himself not to take away or diminish their possessions unless with their consent, it had come to their ears that the minister had made a contract or appointment with Robert Murro, burgess of Peblis, concerning the lands of Burnefut, with the pertinents, commonly called the third of Milkenstoun, belonging to him and to the said place, by virtue of his tack made by the Prior of the Friars Preachers of Edinburgh, beyond the memory of man, under which the said friar Gilbert, the said convent, and their predecessors,

<sup>1</sup> MS. Reg., 1549-65, f. 226.

<sup>2</sup> *Ib.*, f. 243.

were in continual possession beyond the foresaid memory of man till the present time. Friar John therefore solemnly protested that the contract or appointment, which was made without their consent, should not be prejudicial to their title or possession of the lands, and that they should have remeid of law, time and place convenient.<sup>1</sup>

The reduced income of the four brethren forming the convent seems to have been considered as inadequate. By a contract, dated 20th July 1564, the minister was allowed some discretion as to payment of bygone pensions, and four persons were authorised to see if any profit could be got by "despositioun of the ornamentis, vestmentis, and jewellis, being presentlie in keeping in Nepeth and Chapelhill." A hope was likewise entertained that the third of the yearly income payable to the Queen, under the statute as to church benefices, might be discharged. If these schemes were successful, it was anticipated that each of the friars would get an augmentation of four merks yearly.<sup>2</sup> On the same day that the contract was entered into, Gilbert Brown, the minister, undertook that henceforth he should act with the consent of the brethren in all their affairs, and specially concerning the tack of the teinds, fruits, or other emoluments of the benefice, including in particular any tack of the "parsonage and vicarage of Kettings."<sup>3</sup>

In a list of witnesses at Peebles on 5th July 1565, Gilbert Brown is designed *induellar* in Tempill land

<sup>1</sup> MS. Reg., 1549-65, f. 244. *193* Printed Rec., p. 295.

<sup>2</sup> MS. Reg., f. 244.

*193*  
*Episc., G.*

of Romannos," and two of the other witnesses are "frer Thomas Smyth and John Newtoun." "James Lowis, sumtym freir," occurs on 30th August, and "John Newtoun, sumtym freir," on 20th October 1565.<sup>1</sup>

On 10th September 1558, "the brethir and convent of the Croce Kirk" were vested in an annualrent of 20s., "for ane anniversare yerely, to be done on the day of the obit of Sir William Tunno, sometime vicar of Mennare, . . . with dirige at evin, and mes sung and said as use is on the morne, and sall caus the hand bell be rounng throuch the toune at evin to the dirige and saule mes on the morne, and sicklike sall caus the great bell be rounng yerelie to dirige and saull mes, and sall caus set the hers and find walx thairto."<sup>2</sup> Sir William had been appointed vicar of the Church of Manor on 1st June 1555, as shown by a writing of that date granted by Archdeacon Dick, with consent of the archbishop and chapter of Glasgow. He is there named Sir William Turnover, priest, and is allowed a pension of 24 merks, with the several small oblations, and the toft and croft of the vicarage.<sup>3</sup> The vicar seems to have survived his appointment only a little more than two years. On 4th August 1557, "Sir William Twanno, vicar of Mennare, lying on sickbed, and nearing death, asked Mr Alexander Dik, archdeacon of Glasgow, that he should be discharged of all goods and teinds of the said Mr Alexander, intromitted with by the said Sir William," and to this the archdeacon agreed, and absolved the vicar accordingly.

<sup>1</sup> MS. Reg., 1545-67, f. <sup>ΔVε</sup> 199.

<sup>2</sup> *Ib.*, f. 139.

<sup>3</sup> Reg. W, f. 224lasg., No. 524.

Thereafter Sir William, in view of his speedy dissolution, formally renounced "all warldlie riches, honour, and erdlie plesour, the devill, his angellis, and all his werkkis, makand it knawin that he and his angellis wes reddy all tymes to induce tentationes in the tyme of his latter hour of his deid, and truble his mynde, ressonne, and spreit; protestand that quhatsumevery tentationes the said innemy and his angellis inducit in the tyme, hour, and article of deid suld nocht be prejudice to his saule in the tyme of the departing thair of fra the body furth of this vale of misery, nor sould haif na power to stope his saule the heretage of hevin, bot that the samin wer glaidlie ressavit be the angellis of God in the bosum of Abrahame, siclike as the powr man Lazarus saule wes ressavit quhen the riche man saule wes repellit." These proceedings took place "in the chamber of the said Sir William, within the burgh of Peblis," in presence of his brother, John Tunno, three burgesses, and the notary.<sup>1</sup> A similar though briefer renunciation of the deeds of darkness is recorded on 4th August 1564, when Margaret Dikesoun, lying on sickbed, renounced the devil and all his works, submitting herself, body and soul, to the mercy of Almighty God.<sup>2</sup>

Foundations of anniversaries are common enough, but the following is the only instance of a revocation which has been noticed. On 4th June 1555, John Hay, dwelling in Peblis, appeared in presence of Mr John Colquhoun, dean of Christianity of Peblis, and

<sup>1</sup> MS. Reg., 1549-65, f. 114. "The late Sir William Tunno" is referred to on 25th June 1558 (Ib., f. 120).

<sup>2</sup> Ib., f. 284.

other brother priests of the deanery, chapterly assembled, and declared that in the time of his infirmity in the year \_\_\_\_\_, he caused the late Robert Hay, his son and procurator, give sasine of sundry lands in the Old Town of Peblis, to the collectors and brethren of the collegiate church of St Andrew, for anniversaries to be done yearly on the obits of the said John Hay and Margaret Williamsons, his spouse, which foundation he now renounced, obliging himself to found another obit in place thereof. The witnesses to this declaration were Patrik Grymtoun, vicar of Lyne; William Portus, vicar of Kilbucho; John Wilsoun, vicar of Eddlestone; and Sir Thomas Purvel, curate of Traquayr.<sup>1</sup>

Sometimes the poor as well as the priesthood were remembered in the endowments. On 2nd October 1546, "Sir Robert Hoipe, chapellan of Sanct Laurence altar, situat within Sanct Andro Kyrk," resigned an annualrent of 10s. in favour of Sir John Ker, chapellan of our Ladye alter of the Geddes Ille, fundit and feftit within the said parish kyrk of Sanct Andro of Peblis, . . . . the said Sir John Ker and his successouris, chapellanis of the said altar, heirfor yeirly causand ane anniversare to be done for the saule of umquhile Thomas Hoipe, burges of Peblis, fader of the said Sir Robert, the day of his deceis." The other chaplains were to assist in the services, and if any one was absent without reasonable cause, "his wage salbe distribut to pure folks." Of the 10s, the chaplains were to get 8s., and the remaining 2s. "to be warit on

<sup>1</sup> MS. Reg., 1549-65, f. 77.



breid, and to be delt to pur folkes the day of the deceis of the said Thomas." Another annualrent of 10s. was similarly destined to "Sir John Henrisoun, chapellan of Sanct James alter, foundit and feftit within the parish kyrk of Sanct Andro," the chaplains again getting 8s., and the poor 2s.<sup>1</sup>

John Wallace, elsewhere characterised as an apostate, and the introducer of "novationes of commoun prayeris or preching,"<sup>2</sup> is perhaps to be identified with "Friar John Wallace of the order of the Holy Trinity of the Church of the Holy Cross at Peblis," who, on 23rd October 1556, appeared in the presence of "a venerable father, Sir Gilbert Broun, minister of the said church of the Holy Cross and the convent thereof, chapterly assembled, and humbly and grievously complained how it had come to his ears that *ipse carnaliter cognovisset* Margaret Scot, spouse of George Stodert, dwelling in the burgh of Peblis, all to his defamation and the no little scandal of his other brethren." At Wallace's desire, the minister and convent, chapterly assembled, took trial of the cause of defamation, when Thomas Lowys, Robert Derling, Andrew Alexander, Jonet Patersone, and Jonet Stewart, "trustworthy men and women dwelling near the said Margaret, the oath first taken on the Evangel not to conceal the truth, but to publish it," declared the said friar John Wallace to be, and to have been, innocent of the charge. These proceedings took place "in the chapter, within the Church of the Holy Cross, about 12 a.m., in presence of

<sup>1</sup> MS. Reg., 1543-67, f. 45.

<sup>2</sup> See p. 74; Printed Rec., p. 258.

Dionisius Elphingstoun, George Stodert, friars Thomas Smyth and John Robyn, religious, and Sir John Allan, notary public."<sup>1</sup>

Reference has already been made to the readers and ministers of Peebles immediately subsequent to the Reformation. "John Dikesone, minister of the commoun prayeris in our kirk of Peblis," with a stipend of £40, is referred to in November 1560, and various negotiations took place between the town council and the lords of the congregation for procuring "ane minister to schaw the trew word of God," and for modifying to him a reasonable fee for his "honest sustentatioun."<sup>2</sup> From an entry in the register, dated 23rd November 1561, it seems that John Allan, chaplain and notary, acted for a time as minister. On that day Thomas Tuedy, in name and on behalf of Cristina Millar, promised spouse of John Bullo, charged John Allan, notary, as minister of Peblis for the time, to refrain from proclamation of banns between John Bullo and Elizabeth Lauder. This was done in the Cross Church (then used as the parish church) about 11 a.m., in presence of Mr John Colquhoune, provost of Bothanis, and three burgesses. On the other hand, John Bullo asserted that he had not made a promise to Cristina Millar, and that it was lawful to him to celebrate nuptials with Elizabeth Lauder.<sup>3</sup> On 5th February following, the bailies, council, and community chose ten persons, including Denys Elphingstoun of Henderstoun, and Thomas Tuedy, captain of Neidpath,

<sup>1</sup> MS. Reg., 1549-65, f. 100.

<sup>2</sup> Printed Rec., pp. 263, 268-9.

<sup>3</sup> MS. Reg., 1549-65, f. 210.

to be "elderis and senioris, baith in burgh and land," and also seven persons to be deacons. These elders and deacons thereupon elected "Johne Allane to be thair minister in tymes cuming, conforme to John Willock and John Davidstone, ministeris in Glasgw, admissioun." John Knox, then superintendent of Edinburgh, was to be asked to corroborate the appointment, and Allane got a sum of money to enable him "to gang to Edinburgh to the preching and exercise."<sup>1</sup> Under the new ecclesiastical arrangements, Willock was superintendent of Glasgow and the western provinces. Davidson was principal regent of Glasgow University, afterwards minister of Hamilton, and long well known in connection with church affairs. How long the arrangement with Allane subsisted is not known. On 27th June 1562, John Dikesone produced a testimonial and admission, dated 20th of that month, whereby "Johne Willock, superattendent in Glasgw," appointed him "to continue in Peblis, quhair he has duelt for the space of thre yeris past, thair to use the commoun prayeris and exhortationes unto the peple, according to the portioun of his gift, to be I meyn redare and exhortare thair."<sup>2</sup> It is probable that Dikesone was the only representative of the ministry in Peblis from this time till Thomas Cranstoun was admitted in 1570-1.

Shortly after the date of these arrangements about the ministry, Sir John Allane had some trouble in connection with the town clerkship, an office which he had held since 1551. In July 1563, William Dikesone,

<sup>1</sup> Printed Rec., pp. 275-6.

<sup>2</sup> *Ib.*, p. 278.

one of the bailies, took the court books out of the clerk's possession. Against this act of "spulye," John Wichtman, the other bailie, protested, because the town council and community had not consented thereto, nor discharged Sir John of his office, "considering thair was na notour falt" imputed to him, and the protesting bailie desired his colleague to restore the books to their custodier.<sup>1</sup> At election time in the following October, John Dikesoun and John Allan were "creat clerkis ay and quhill thai war dischargit." On 10th December, the council "ordanit Sir John Allan to delyver the common buikis efter that thay be conferrit with thair clerk, John Dikesone," and ten days thereafter, William Dikesoun, treasurer, on behalf of the bailies and council, affirmed that Allan "was nocht wyrthy to use the office of the burro clerkship, and that he was dischargit be resonable causeis, and in special, becaus the said Johne keipit in his company ane unclene persone nocht beand joynit with him in the band of matrimonye,<sup>2</sup> . . . and farther had rebellit aganes the ordinance of the provest and bailies." Allan maintained that he had a gift of the clerkship during his lifetime, and protested against being deprived of the profits. To this the bailies replied that Allane had not produced a letter authenticated

<sup>1</sup> Printed Rec., p. 290.

<sup>2</sup> Previous to the Reformation, concubinage was prevalent among the clergy, for whom, as Hill Burton expresses it, "there was doubtless the plea that morally they led a life of married domesticity." Stricter rules were introduced by the Reformers, and on 20th December 1560, among those in Peblis who were bound in surety either "to mary or ellis abstene," Sir John Allane "fand his

with the common seal of the burgh, but only "ane frivoll allegiance," and held that he was properly discharged.<sup>1</sup> On 7th June, David Crychtoun was appointed "burro clerk," and for a few years Allane was deprived of his office, though he continued his notarial practice in other affairs. On 30th September 1566, and again on 6th October 1567, John Dikesoun was "creat clerk of court." On 4th October 1568, Dikesone was sworn to use the office of clerkship of the burgh "conforme to his gift . . . for his lyftym, under thair commoun seill." A change occurred on 30th January 1569-70, when Sir John Allane, "quha wes spulyeit of his said office be the space of sevin yeiris bygane," was restored to the clerkship. There are orders on Crychtoun and Dikesone to deliver up the books and papers to Allane, and a ratification of his appointment in 1572, but so far as the records show, the rivalries were ended, and the clerk was not farther molested in the exercise of his office. At the time of the re-appointment in 1569-70, one Andrew Frank used "injurious wordis" upon the members of court, "and speciale upone Sir Johne Allane, clerk," saying "that he suld preif the said Sir Johne ane fals and fenyeit notare." If the accusation had been true, Sir John was in a woful plight, because the statutory penalty

hand and land souertie till abstene fra Margraet Dik" (Printed Rec., p. 289). On 27th September 1564, Sir John Allane, acting as a notary, gave to Katherine Allane and Margaret Dik, her mother, sasine of a property on the north side of Bridgegate, which had been resigned by John Kirkwood and spouse in their favour (MS. Reg., 1549-65, f. 290).

<sup>1</sup> Printed Rec., p. 292.

involved the loss of his right hand. Frank was put in prison, there to remain till his words were "maid gud," but instead of adducing proof, he "brak the ward," and nothing more is heard of the incident.<sup>1</sup>

The records contain occasional notices regarding the parish clerk. In 1450, provision was made for nine chaplains "and the parisch clerk" conducting certain church services.<sup>2</sup> In 1468, it was ordained that "the perysch clerk" should take fourpence for each horse, sheep, or nolt found in the kirk yard, "and swyn to be slayne."<sup>3</sup> In 1503, application was to be made for "a dispensatione to ane chaplane to bruik the parisch clerkschip."<sup>4</sup> On 5th January 1558-9, the burgh treasurer, on behalf of the community, appeared in the choir of the collegiate church in the time of vespers, and inhibited the inhabitants from delivering any fruits, oblations, or emoluments to Sir Thomas Bathcat, chaplain, clerk of the parish of Peblis, or to his factors, or any one in his name, because these were sequestrated by James, archbishop of Glasgow.<sup>5</sup> What was the cause of these proceedings, is not expressly stated, but the instigators seem to have been the bailies and community, because, on 16th March following, they resolved, in the event of the archbishop relaxing the sequestration without their cognisance, "that the baillies provide ane preist to serf the parrochin, under apellatioun."<sup>6</sup> About this time several chaplains were likewise threatened with sequestration,

<sup>1</sup> Printed Rec., pp. 294, 307, 309-11, 319, 346.      <sup>2</sup> *Ib.*, p. 15.

<sup>3</sup> *Ib.*, p. 157.

<sup>4</sup> *Ib.*, p. 200.

<sup>5</sup> MS. Reg., 1549-65, f. 139.

<sup>6</sup> Printed Rec., p. 253.

failing their regular attendance at the altars. Non-attendance was perhaps the clerk's cause of offence. Besides the clerkship, he held the chaplainry of St Michael, and on 24th March, he offered, if the "sequestration of the fructis of the parrochyn" were relaxed, to find caution to the dean in name of the archbishop, and to the bailies "to mak continuale residence and service in the said kirk, quhow sone the rest of the brethir maid residence." The town would not at this stage consent to the relaxation,<sup>1</sup> but the changes brought about by the Reformation probably terminated the contention.

Appointments of schoolmasters, and regulations regarding their duties, are frequently referred to in the records. Previous to the Reformation, priests were always selected for the office, and for want of a special building, the tolbooth was sometimes used as a school. On 27th May 1555, the bailies agreed to settle arrears, and in future pay the schoolmaster half quarterly, "and to provide him ane chalmer quhair it may be gotting maist convenient, togidder with the tolbutth to teche his barneis in that redis and writtis Inglis."<sup>2</sup> In 1556, Sir William Tunno was appointed schoolmaster, and the treasurer was ordered to pay him 50s. quarterly, "and sall fynd him ane honest chalmer on thair expenses, with chymnay, closet, and necessariis, exceptand furnishing."<sup>3</sup> On 11th October 1559, "the inqueist admittis the scoilmaister to teiche thair bairneis as afore, and that he separat the Ynglis redaris to

<sup>1</sup> MS. Reg., 1549-65, f. 141-2.

<sup>2</sup> Printed Rec., p. 233.

<sup>3</sup> *Ib.*, p. 233.

the tolbutth fra the Latinists, and that he mak daily residence with the barnes, and gif he techis thame mair diligentlie, quhairthrow they consaif mair wisdome nor thai did of before, the tounse to haif consideratioun thair of."<sup>1</sup> In 1562, when the Reformation was responsible for stricter discipline, the schoolmaster was enjoined "to wait on the teching of the barnes, and exoner him of all other pleasouris, and thairfore to give him 40s. to help him till ane gounse."<sup>2</sup> Following on the same line, the town council, a year afterwards, ordained "the scuillmaster to wait on the bairnis, and nocht to gang to hunting nor uther pleasuris in tyme cuming, but lescence of the aldirmen, quhilk gif he falsye that he salbe deposit of his office."<sup>3</sup> Shortly afterwards, the schoolmaster was instructed to get a "doctor" under him, and to "taik na hear waigis fra the landwart bairnis nor he dois fra the tounes, only it be of benevolence."<sup>4</sup> A Grammar School is referred to in 1557, when "maister Johne Lowys" was allowed 20 merks of fee for teaching there, "and to provide his chalmer himself."<sup>5</sup> In the following year Walter Haldane was appointed "to teche thair Grammar Scoill" till Lammas to see if he was qualified, and should another qualified teacher be secured Walter was either to be removed or to be retained as "doctour."<sup>6</sup>

<sup>1</sup> Printed Rec., p. 257.<sup>2</sup> *Ib.*, p. 287.<sup>3</sup> *Ib.*, p. 293.<sup>4</sup> *Ib.*, p. 299.<sup>5</sup> *Ib.*, p. 243.<sup>6</sup> *Ib.*, 244.



## XI.

LANDS OF CAIDMUIR—MODE OF OCCUPATION—DISPUTES WITH  
ADJOINING PROPRIETORS — KINGSMUIR — QUESTIONS WITH  
ELPHINSTONE OF HENDERSTON—FRANKSLAND—TWEED BANKS  
—DALETHO—VENLAW.

IN 1477, four acres of Caidmuir were assigned to a chaplain for seven years;<sup>1</sup> but a more extensive grant to another chaplain is recorded on 28th May 1552, when the provost, bailies, and council conveyed to "Sir Robert Hoip, prebendary of the altar of St Cristofer the martyr, founded and situated within the collegiate church, and his successors, chaplains of the said altar," the lands of Innerhill of Caidmure, then occupied by the bailies and other burgesses.<sup>2</sup> This arrangement, however, does not appear to have lasted long, as, within four years, all the hills were again let to tenants without any reference to the chaplain of St

<sup>1</sup> Printed Rec., p. 182.

<sup>2</sup> MS. Reg., 1549-65, f. 29. The following are the boundaries given in the charter:—"Beginning on the east at the Lonyngdaillis fute, ascending thence towards the west to the well at the hill end; thence turning towards the south by the old ditch (*fossam*) under the Bony Crag; thence descending by the foresaid old ditch to the Cowane syde scheill, and thence descending by the foresaid old ditch to the Crufe Burn; thence ascending by the said Crufe syke towards the west, going up by the foresaid old ditch to the Doid swyre; thence turning towards the north to the Windelaw Know and Crag, with the lonyng on the west side going down by the fall

Christopher's altar. On 4th July 1555, the chaplain was vested in an annualrent of 10 merks, payable from the lands of Horsbruik,<sup>1</sup> and this was probably in lieu of revenue from the Innerhill, which may have been relinquished for the purpose of being let to tenants at same time as the other quarters of Caidmuir. The rent and annualrent were equal in amount.

In 1555-6, the Innerhill, Burroleyis, The Dode, and the Wester Hill, being the four quarters of Caidmuir, were set to burgesses and their sub-tenants, on four several tacks for five years, the rent for the three former being each 10 merks, and for the Wester Hill, 8 merks yearly. A provision that all corns grown on the several quarters should be brought "to the toun to be set and stakkit, and to nane uther places," shows that the hills were used for raising grain crops as well as for grazing. The following clause inserted in the tacks is suggestive of the scarcity of ready money:—  
 "And gif it happynnis ony tax or contributioun to be rasit be our Soverane Lady Quene, Governour, or ony utheris on the said toun, within the saidis termes of five yeris, or yet to be put in greit soumes of monei throu eschaetis or compositiones of justice air or courtis, than and in that cace the saidis persones and thair

of the waters of the said hill by the foresaid old ditch to the Hagane swyre, and thence going down by the old and ancient ditches, as the lonyng passes for driving animals to the other three hills of Caidmure, by the bounds of the lands of Midlaw, belonging to the lord of Yester, as the lonyng bourne runs to the Lonyng-dailis fut, turning towards the east by the Kingis Mure to the bounds of Bonnytoun."

<sup>1</sup> MS. Reg., 1549-65, f. 80.

subtennentis sall help to furnis the samin, quhilk salbe allowit in thair foirmaill of the landis foirsaidis; and gif thai refuse and will not do the samin, utheris persones to be placit in thair stead quhilk will furneis the samin, and than thair takkis to be foirfaltit and of nane availl, force, nor effect."<sup>1</sup>

On 25th June 1557, James Gledstanes, eldest son of John Gledstanes of Coklaw, and his accomplices, assaulted Robert Cleuch, the town's servant, and cast down and destroyed the "scheillis" and houses on Caidmuir;<sup>2</sup> and about the same time other neighbours were occupying part of the hills. On 16th July, one of the bailies went to the Wester Hill, and found pasturing thereon 280 sheep belonging to William Lowys, in Kirktown, and other tenants of Hallyards. The bailie led the sheep to the Burroleyis, another part of Caidmure, but the wife of Lowyis begged him to let them go, obliging herself, in the absence of her husband, that in future no sheep belonging to the tenants of Hallyards should pasture on Caidmure.<sup>3</sup>

On 21st January 1557-8, the bailies and community directed the inhabitants to pass to Caidmuir with all their available ploughs, and till so much of the ground, each freeman within the burgh being entitled to use the grass on the remainder, and on 6th June thereafter, the "hail nychtbouris" were ordained "to pasture thair gudis on the four hillis of Caidmuir," and not to receive for pasture any stock belonging to unfreemen.<sup>4</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 124-6.

<sup>2</sup> Printed Rec., pp. 238-9.

<sup>3</sup> MS. Reg., 1549-65, f. 113.

<sup>4</sup> Printed Rec., pp. 243, 247.

The purposed tilling of the ground was violently interrupted by James Gledstanes and his accomplices, who "houche and slew" the townsmen's "oxin of four pleuchis to the nowmer of xxxij oxin."<sup>1</sup> Another company, led by Walter Gledstanes of Colifurdhill, went to "ane uther part of our said heritage, apprehendit our nychtbour, Thomas Peblis, quhair he was doand his lesum besynes, and thair, without feir of God or man, slew the said Thomas cruellie without ony mercy." A farther outrage was committed by the Gledstanes in July 1561, when they came to Caidmuir, "and thair, upone set purpos, cruellie slew and murtherit William Bell, ane of our nychtbouris, . . . he cryand for the lufe of God to tak him and sauf his life, quha refusit it simpliciter, bot slew him cruellie like bludy tyrannis." Proceedings were taken before the privy council, and claims for compensation put forward by the community and the relatives of the slain men. In 1562, James Gledstanes and his party, "movit with repentance for a formare wickitnes," offered "for the slauchter of the said umquhile William Bell and Thomas Peblis," £100 each, with such farther damage as might be determined by four arbiters. In the claim for the community, it was stated that since January 1557-8, Caidmuir had lain waste and untilled, "to the greit disfamete and hunger of xvij<sup>xx</sup> of householders,<sup>2</sup> that thai nor nane of thame durst for feir of

<sup>1</sup> This indicates that each plough was drawn by eight oxen.

<sup>2</sup> Taking an average of five for each of the 360 householders, the population of Peebles at that time may be approximately set down at close upon 2000.

thair livis, teill or saw ane boll aittis apone our said heretage, for the quhilk caus thai ar uterlie hungerit, heriit, and depauperat, quhilkis hillis wald haif sawin till us xvij<sup>xx</sup> bollis of aittis be the space of five yeris bygane yerelie, estimat to the third corne,<sup>1</sup> price of ilk boll with the fodder xxx s., extending to the sowme of [£8100], quhilk sowme we desyre to be satifyit and mendit, and that for sustentatioun and releving of the poore houshaldaris that sustenit the saidis skaithis." William Bell's children and next of kin claimed loss of profit for five years of (1) the produce of 60 bolls seed oats; (2) "pasturing of sax score milk yowes, proffit of ilk pece yerelie in woll, lamb, butter, and cheis, extending to sax s. viij d.; (3) pasturing of sax score wedderis, extending ilk pece yerelie in woll and utheris proffittis to iij s. iiij d.;" (4) 8 oxen slain, valued at 10 merks each, besides loss of profit; (5) 2000 merks as "assithment of the slauchter" of William Bell. It is stated that William Bell and his predecessors had occupied the Burroleis, as tacksmen, for 60 years, and that in July 1557, James Gledstanes "and his complices maisterfullie and violentlie kest done and destroyit the said umquhile scheill and somer hous biggit upone the saidis landis, for keping of his gudis thairupone, and hurt and wondit his hird and servand in divers partis of his body." The children and next of kin of Thomas Peblis, who occupied a quarter of the Dod, claimed compensation for (1) 8 oxen slain, valued at

<sup>1</sup> In a work on Scottish Husbandry, published ten years before the Union, it is stated that the yield of corn was from three to four times the quantity of seed.

10 merks each, besides loss of profit; (2) produce of 20 bolls seed oats, yearly, for five years; (3) "the profit of pasturing of sax ky, lxxx yowis, and lxxx yeild scheip;" (4) 2000 merks to the "barneis, thre in nowmer, all pupillis and neir thair infancie," as "assithment of the slauchter of thair said umquhile fader." What was the result of these claims has not been ascertained, but it appears that negotiations were still proceeding on 4th November 1564, when an offer by "James Gledstanes and the rest of his frendis" was not accepted.<sup>1</sup>

Questions between the town and the laird of Henderston regarding the ownership of Kingsmuir, were of long standing. On 30th May 1558, Dionisius Elphinstoun, on behalf of George Elphinstone, his elder brother, appeared before a notary and declared that the bailies and community had inspected the ancient marches and bounds between the lands of Caidmure and Kingsmure, and the contiguous lands of Henderstoun, belonging to George Elphinstoun, and Dionisius asserted that Kingsmure belonged to his brother. On the other hand, the bailies and community maintained that, in virtue of their charters, the lands of Caidmure and Kingsmure belonged to them, and they had peaceably possessed the same, beyond the memory of man, in pasturing of their stock, ploughing and sowing and reaping of crops, asserting that they were grievously oppressed in their possession

<sup>1</sup> Printed Rec., pp. 273, 279-81, 297. See an interesting letter from William, Lord Hay of Yester, regarding the laird of Gledstane's encroachments, printed in *Historical Notes*, pp. 367-8.

of the lands by Dionisius and his servants.<sup>1</sup> Dionisius Elphinstoun succeeded his brother, and was vested in the barony of Henderston in 1559-60. On 3rd June 1560, he and the town renewed their respective assertions as to Kingsmure, the latter protesting that the community had been in peaceable possession of the lands "in pasturing of thair bestiale, scheip, and nolt thairupone, casting of tirvis, wynnyn of stanis and leding away of the same without ony impediment, conforme to divers confirmationes maid thairupone be our Soverane maist nobill progenitouris be the space of vij<sup>xx</sup> yeris bygane or thairby, and be vertu thairof the said Denis had na entres thairto."<sup>2</sup>

On 31st May 1563, at the "ganging of the merchis," there were protests on both sides as to the occupancy of Kingsmuir. Denys Elphingstoun "tuk instrument that the baillies and communitie forceabillie put his gudis of the said Kingis Mure, quhilk the said Denys allegit are part and pertinent of his properte and barony of Henderstoun, and protestit for remeid of law." On the other hand, the town treasurer, on behalf of the community, "tuk instrument that the gudis quhilkis wer pasturand on the Kingis Mure, pertenant to the toune of Peblis in propertie, as ane part and pertenantis thairof, wes thairupone alanerlie of tollerance of the said communitie, and of the said Denys, insafare as he wes burges and freman of the said burgh and na utherwayis. And als the said thesaurare allegit that the said Denys forceabillie, in thair contemptioun, brocht thre nolt, in presens of

<sup>1</sup> MS. Reg., 1549-65, f. 127-8.

<sup>2</sup> *Ib.*, f. 169.

the baillies and communitie, to be pasturit on the said mure, and that in contemptioun of our Soverane Lady privelege of the said burgh. Farther the said thesaurare . . . turnit the said Denys gudis of the said mure becaus the said Denys denyit that his saidis gudis wes pasturand thairupone of tollerance of his libertie and burgeschip, and allegit he had na title to haif entres to the said Kingis Mure bot alanerlie throuch vertu of his burgeschip."<sup>1</sup> On 3rd June, the treasurer took another instrument, setting forth "that Denys Elphingstoun of Henderstoun, confessit he led certane tirvis of the propertie and heretage of the toune of Peblis, *alias* callit the Kingis Mure, and speciallie tirvis cassin be fremen of the toune of Peblis, . . . and allegit the said Kingis Mure pertentit till thame in propertie be vertu of thair instrumentis geving to thame be divers Kingis of before, and hes bene in possessioun thairof, like as thai ar yit, be the space of ten score yeris bygane, and protestit for remeid of law. Actit at the lonyng beyound Tued brig, and at thre houris efternoure or thairby." At same place and time, "the said Denys allegit and tuk instrument that the said Kingis Mure pertentit to him heretabille, and that he intromettit thairwith be vertu of his title."<sup>2</sup> A settlement regarding the ownership seems to have been eventually arranged, as "the lands called the King's Muir, which pertained to the late Cuthbert Elphinstone of Henderstone, and John Elphinstone, his son," were included in the crown charter granted to the town in 1621.<sup>3</sup>

<sup>1</sup> MS. Reg., 1549-65, f. 251.

<sup>2</sup> *Ib.*

<sup>3</sup> Printed Rec., p. 89.



"Frankialands," adjoining Kingsmuir, had belonged to one William Frank, but his title deeds were burnt in the troublous time of pest, no doubt in accordance with the usual practice followed in such emergencies for preventing infection. To supply a new title, James Frank, as heir of William, got a crown charter on 4th September 1546, in which the blench farm duty is stated to be six heads of garlic yearly.<sup>1</sup> James Frank conveyed three acres of the lands to John Wychtman on 20th May 1557,<sup>2</sup> and on 10th June 1562, James and Andrew Frank renounced their right of reversion.<sup>3</sup> On 8th December, James Frank conveyed the lands, as described in the charter of 1546, to John Wichtman, who thereupon obtained confirmation from the crown.<sup>4</sup> Other three roods, "lyand in Frankland," with the "commoun lownyng" as the west boundary, were acquired by Wichtman from William Wallace on 30th August 1567.<sup>5</sup>

Considerable inconvenience was caused by Tweed overflowing its banks between the cauld and the bridge, and heightening became necessary to cause all the water to pass through the arches. In 1556, an arrangement was made with Stephen Robisoun, burgess, who undertook "to hald in the water to Tuede brig sufficientlie, sua that the toun and counsall sall nocht be cummerit thairwith in all tymes cuming." On the other part Robesoun got an annualrent of £16,

<sup>1</sup> R.M.S. IV., No. 1.

<sup>2</sup> MS. Reg., 1549-65, f. 109.

<sup>3</sup> *Ib.*, f. 224.

<sup>4</sup> R.M.S. IV., No. 1435.

<sup>5</sup> MS. Reg., 1543-67, f. 225. See also, "Peebles in Early History," p. 76, No. 41.

payable from the Auld Mill,<sup>1</sup> together with land on the south side of Tweed, including those portions gained by the banking of the river. This land is described as the town's "heretage, lyand beyound Tued brig, betuix the watter of Tued on the north, me lord of Erskine land callit the Briglandis, and me lord Yester on the south, and commone ground on the west, . . . reservand to the provest, baillies, and counsall thrie streitis, ane to pas to the Farnihaucht, ane to Henderstoun, and ane to Ederstoun, ilk streit xliiij fut of breid." Robeson was also to get a day's work from each inhabitant to support the work, or in lieu of such service, each inhabitant who had no horse was to pay 18d., "and the horsmen iij s."<sup>2</sup>

In the printed records, the let of the lands of Dawlethow is noticed in 1469-70, and a few years later the revenues were assigned to the chaplain of St James' altar.<sup>3</sup> If the latter arrangement subsisted till 1556, some modification must then have been made, as on 9th July of that year, the bailies, council, and community let the lands to John Wichtman for 19 years, in return for 19 merks Scots paid to them "for the defending of our actioun and caus, intentit betuix my lord Mortoun tennentis of Eschelis and ws, of our commontie of Glentars, revin furth and telit be the Eschelis." It was made a condition of the let that the tacksman "sall lef ane large passege in the hie gait betuix the Lang Acre and the saidis landis of Dalletho,

<sup>1</sup> The Auld Mill was not on Tweed, but on "Pebelis Water."

<sup>2</sup> Printed Rec., p. 301; MS. Reg., 1543-67, f. 207-8.

<sup>3</sup> Printed Rec., pp. 161-2, 180.

of fourty futtis of passage, that ane cart ladit may eselie ga by ane uther unhurt or trublit."<sup>1</sup>

Venlaw is included in the earliest charters as a possession of the burgh. Being close to the town, it was convenient for the practice of archery, and butts were erected there in 1486.<sup>2</sup> On 6th May 1555, a keeper of the hill was appointed, and all cattle and sheep were ordered to be removed, so that it might be reserved for "hors and sowkkand stirkis."<sup>3</sup> This order was not strictly observed, and in 1557 instructions were given that a lamb should be taken from each man who pastured sheep on the hill. All stock was prohibited except "stirkis, caulffis, and hors." The horses were to be "langillit," *i.e.*, the fore and hind legs were to be tied together to prevent them from running, and the keepers were not to allow the stirks to trespass on other grounds. In 1572, when the common good was absorbed for the construction of the town wall, Venlaw was ordered to be set for the highest avail, the rent for so many years being converted into "gers-sowmes," and paid in advance.<sup>4</sup> The lands continued in the possession of the burgh till about the end of the 18th century, when they were disposed of under reservation of certain servitude rights, which are still retained.<sup>5</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 124.      <sup>2</sup> Printed Rec., p. 193.

<sup>3</sup> *Ib.*, p. 213.      <sup>4</sup> *Ib.*, pp. 236, 238, 338.

<sup>5</sup> Dr Chambers' History, pp. 309-10. The servitudes consist of "the privilege of water and quarrying stones," and use of "a proper space for drying clothes and other articles."

## XII.

GROUND ON SIDES OF CASTLEHILL—GROUND ON NORTH SIDE OF  
PEBLIS WATER—ANNUALRENTS PAYABLE FOR GROUND—CUNZIE  
NEUK—NORTHGAIT—OLD TOWN—CONSTRUCTION OF HOUSES—  
AWARDS BY LINERS—MALT KILNS—LIME AND BARK PITS FOR  
TANNING PURPOSES.

PORTIONS of common ground on the sides of the Castlehill, and between it and the river, were disposed of by the town council and community from time to time. On 31st October 1555, a piece, 16 feet square, "on the west syde of Tuede Brig, as the gait gangis to the Rude Milne and dam on the west and south partis, Georde Stodert hous on the north part, and Tuede Brig on the eist part," was given to John Bold for payment "to the commoun purs" of 16d. yearly.<sup>1</sup> On 20th February 1555-6, an augmentation of 6 feet of ground was given to a "hous and smedy" adjoining Tweed Bridge, which belonged to the chaplain of St Christopher's altar, and it was stipulated that the chaplain for the time should pay "yerelie to the brigwerk, vj laiddis of stanis quhowsonne thai be requirit thairto." The chaplain thereupon feued the whole property to John Ecfurd for payment of 5s. yearly to himself, and furnishing 12 loads of stones to the "brig werk."<sup>2</sup> On 12th May 1557, a bailie gave sasine to John Stewart

<sup>1</sup> MS. Reg., 1543-67, f. 115.

<sup>2</sup> *Ib.*, f. 118.

of "ane barne lyand betuix the Castle Hill and the said Johne hous," he and his successors "payand thairfore yeirlie, on the morne efter Beltane day, xxx d. to the thesaurare of the burgh for the time."<sup>1</sup>

Various pieces of common ground at and near the north end of "Peblis brig," were disposed of in 1492, and subsequently. On 23rd February 1492-3, one of the bailies "passit to ane parte of the common land pertening to the communitie of the burgh of Peblis, lyand besyd the north end of the brig of Peblis water, abon the common gat, at the south end of the thre ruddis of land pertening to Symoun Lough," and there, with consent of the community, gave to Gilbert Williamson a piece of ground, 17 $\frac{1}{4}$  ells in length and 6 ells in breadth, lying at the south end of the three roods. An annualrent of 12d. was to be paid by the purchaser to the chaplain of St James' altar, he and his successors "prayand in thar divyn service and messis for the communitie of Peblis efter the quantite and avayl of the said tuelf pennys."<sup>2</sup> The three roods here referred to appear to be those which, in 1638, belonged to Thomas Cranstoun, and were then described as lying at the back of barns in the Auld Toun, bounded on the east by the lands of St Leonards, pertaining to the laird of Smithfield, and on the west by the lands of John Bullo (*i.e.*, Cloislands).<sup>3</sup> Elcho Street Brae now runs through or adjoins the property. Another plot was disposed of on 19th January 1494-5, when the bailies and community "avisand the common profit

<sup>1</sup> MS. Reg., 1543-67, f. 130.

<sup>2</sup> *Ib.*, 1483-1500, f. 59.

<sup>3</sup> See Gleanings, p. 257, and Map.

and uphald of divyn service in thair parich kirk," gave to William Frude a piece of "common land, with the pertinens, lyand at the est syd of the north end of Peblis brige, under the nether gait on the north parte, the fut of the mylne dam on the est parte, and Peblis water on the south parte, excepting Patrick Patersone's berne with the pertinentis." For the piece of ground thus conveyed to Frude, and which can be identified as lying between the present street through Biggiesknowe and "Peblis water," 4s. yearly was to be payable to the chaplain of St James' altar.<sup>1</sup> After Frude obtained the ground, he gave off to Patrick Patonsone (or Pater-sone), a strip extending 40 feet eastward of his barn, and of the breadth of that building.<sup>2</sup> The site of the barn, 40 feet in length and 20 feet in breadth, was conveyed by the community to Patrick Patersoune on 3rd April 1486, for payment of 12d. of annualrent to the chaplain of the altar of St James.<sup>3</sup> A small piece of common ground, adjoining a "blind" arch of the bridge, was disposed of in 1557. On 30th April of that year, one of the bailies, at command of "ane inqueist," gave sasine to James Crunzeane of "ane part of thair waist ground lyand on the north syde of Peblis walter, nixt contigue the eist syde of Peblis brig, betuix the blind bow and the walter, contenand xxiiij futtis in lenth." For this piece, Crunzeane and his successors were to pay "yerelie to the baillies, counsale, and communitie, 2s. of annuellrent on the morne efter Beltane day, the time of the collecting and gadding

<sup>1</sup> MS. Reg., 1483-1500, f. 77.

<sup>2</sup> *Ib.*, f. 79.

<sup>3</sup> *Ib.*, f. 6; Gleanings, p. 257.

of the burro males."<sup>1</sup> A piece of ground, supposed to be on the west side of the bridge, was conveyed to Andrew Alexander on 3rd March 1561-2. It is described as "ane part of thair commoun ground lyand in the Auld Toune, within the burgh, nixt Peblis walter, contenand xl futtis in lenth, and ten futtis in breid, lyand hard contigue the said Andro brynt berne on the north, Duncan Kid yard on the west, the said Andro yard on the est, and the commoun ground and Peblis walter on the south." From this property an annualrent of 18d. was payable to the town.<sup>2</sup> The "commoun ground" here referred to probably embraced what is now known as Cuddy Green. In 1498, the town council had ordained that "nayn of the commoun," lying between the bridge on the est, the water on the south, the land of Tom Foster on the west, and "the gait that pas to Sanct Androis Kirk on the north," should be "set in tym to cum," and this restriction was to "remain for evir."<sup>3</sup> If the ground given to Alexander was part of the "commoun," the statute of 1498 was infringed at that time, as it often has been since. The land of Thom Foster or Forester consisted of a piece 40 feet in breadth, which was given off by the town on 11th April 1496, for payment of 2s. yearly, and was bounded on the south by "Peblis water," and on the north by the "common gait strekand fra the north end of Peblis brig to the Ald Toune."<sup>4</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 129.

<sup>2</sup> *Ib.*, f. 163.

<sup>3</sup> Printed Rec., p. 197.

<sup>4</sup> MS. Reg., 1483-1500, f. 90.

The "Cunzie Neuk,"<sup>1</sup> which has preserved its identity till the present time, faced the Crossgait, and lay on the south side of Briggat. The opposite corner of Briggat, on the north side of that street and west side of Northgait, was likewise designated as a Cunzie. On 19th January 1564-5, John Hog, burgess, "passit to his land lyand on the south Cunzie of the Brigat and Noirgait," and there resigned in favour of William Dikesone and Margaret Hog, his promised spouse, the fore booth, with the loft above and the house adjacent at the hall. This transaction was in security of a marriage provision, as the spouses were only to retain the property "ay and quhill the said Johne Hog content, pay, and delyver to the said William Dikesoun and Margaret Hog thir gudis following:—tua ky, ilk ane of thame beand within vj yeir auld, with tua stirkis, ilk ane of thame ane yeir auld; and ane of the said ky to be with kalf in the instant quhen the said Johne Hog delyveris the same to the said William Dekisoun and Margaret, his promist spous. The premissis beand fulfillit, the land sall regrais to the said John Hog, his airis or assigneis, but fraud or gill."<sup>2</sup>

Among the properties on the west side of Northgait, the records mention two belonging to the rectors or parsons of Lyne and Stobo respectively. The former of these holdings was conveyed to the community of Peebles so far back as 20th April 1448, conform to a charter by Sir John Blounte, rector of Lyne. The boundaries are the street on the east, the tenement of

<sup>1</sup> Each of these words means corner, and the use of more than one is superfluous.

<sup>2</sup> MS. Reg., 1543-67, f. 188.



Mr Robert of Peblis on the south, and the tenement of Sir John Symson, chaplain, on the north;<sup>1</sup> but the precise site is not defined by this description. The position of the other parson's property is more clearly indicated. On 2nd September 1504, William Newbie resigned to John Newbie, "a land and biggin" in the Northgait between the land of William Bullok on the north, and the parson of Stobo's land on the south."<sup>2</sup> The south property is perhaps that which, on 8th May 1488, is described as "ane land and byggin," lying betuixt the land of William of Newby on the north, the Northgait on the east, and "ane commoun vennell" on the south.<sup>3</sup> The vennel here referred to was Usher's Wynd.<sup>4</sup> Between the parson of Stobo's property and the vennel there was a piece of common ground belonging to the community, and it is possible that this was the piece acquired from the parson of Lyne in 1448. On 30th July 1554, the provost, bailies, council, and community gave to Margaret Reidschaw, spouse of Andro Kirkhope, "ane part of the commoun ground . . . lyand in the Northgait, on the west syde of the samin, betuixt the land of umquhile the persone of Stobo on the north part, the commoune vynale besyde Mongo Williamsone land on the south part, and the rest of the said commoun grounde passand to Peblis walter on the west part, contenand in lenth auchtene futtis, and fourtene on breid." Margaret and Andro were bound "to big ane hous" on the ground,

<sup>1</sup> Printed Rec., p. 12.

<sup>2</sup> MS. Reg., 1500-30, f. 52.

<sup>3</sup> *Ib.*, 1483-1500, f. 20.

<sup>4</sup> See Gleanings XVI., p. 264.

and to pay an annualrent of 18d. to the bailies.<sup>1</sup> Similar transfers of adjoining lots are noticed in the register. Newby's property came by inheritance to Sir William Newby, chaplain and town clerk. On 12th August 1551, a bailie gave sasine to Sir William as heir of William Newby, his father, and John Newby, his brother. The property is described as "the double land, houssis and biggin, with the yard lyand within the burgh, on the west syde of the Northgait, quhilk pertenit to umquhile William Newby and John Newby, his son, in heretage," bounded by the land of John Bullo on the north, "Peblis walter" on the west, "the persone of Stobo land" on the south, and "Kingis Streit" on the east. These proceedings took place in the "nether chalmer" of the said land, where the chaplain lay, afflicted with an illness of which he died on the 1st of the following month. On being vested in the property, Sir William resigned it in favour of William Dikesone of Wynkestoun, who transferred it to his son John, reserving his own liferent. At the disposal of the property, "the said Sir William maid his aith, the haly Evangelistis tuichit, that he analit nocht the said land in fraude of na rychtwise airis, bot for verray necessite."<sup>2</sup> According to an old law, which remained in force till 1871, all deeds affecting heritage were reducible if executed on deathbed. Newby's conveyance to Dikesone came within the scope of this law, and the property fell to the crown as last heir (*ultimo heredi*). The original intention, however, was carried into effect, as Dikesone got the property by

<sup>1</sup> MS. Reg., 1543-67, f. 108.

<sup>2</sup> *Ib.*, 1543-67, f. 89.

crown charter, dated 21st August 1554.<sup>1</sup> On 8th December following, "William Dikesoun of Winkestoun," appeared before the bailies and renounced the sasine given to him in 1551, "becaus the said umquhile Sir William Newby gaif the samin on his deid bed, and never convalestit furth of his infirmite, and that the Quenis grace appropriat the samin [property] till her as nerrest air to the said umquhile Sir William, quha deit without lauchfull air to succeed till him." Thereafter Dikesone produced the crown charter, and obtained sasine in terms of its precept.<sup>2</sup>

A few transfers of property in the Old Town may be noticed. On 16th April 1560, a bailie gave to Christian Robesone, daughter and heir of Dutho Robesone, burgess, her father, sasine of a "land and bigging on the south raw, betuix the land pertenant to the archidene of Glasgow on the west, Peter Scheill land on the est, the walter of Tuede on the south, and the Kingis streit on the north."<sup>3</sup> The building on this property was probably that which was erected under the arrangement set forth on 30th July 1554, when Dutho Robesone "is contentit, gif James Stewart makkis ony bigging within the cail yard lyand in the Auld Toun, . . . to gif the said James Stewart, his airis and assignais, sax yeris tak thairof efter the said bigging, and failyeand that he mak nocht the tak of the said yard and biggyn thairof, he bindis and obliissis him, his airis and assignais, to content and pay to the said James, his airis and assignais, the expensis maid on

<sup>1</sup> Reg. Mag. Sig. IV., No. 954.

<sup>2</sup> MS. Reg., 1543-67, f. 111.

<sup>3</sup> *Ib.*, f. 148.

the biggyn thairof, be the sycht of v or sax nychtbouris and workmen."<sup>1</sup>

On 28th May 1560, "Johne Hay passit to his waist brint land, lyand within the burgh, in the Auld Toun, on the north raw, betuix William Lowys land on the eist part, Sir Robert Hoip land on the west part, the croftis betuix the kirkis on the north part, the commoun streit on the south part," and there resigned the property in favour of Thomas Caitcheoun. In warrandice, Hay conveyed his other property in the High Street adjoining the almhouse.<sup>2</sup> On the east side of William Lowys' land was "ane waist land and yaird of umquhill Sir Edward Patersoun, chaplain." On 16th December 1548, Thomas Smyth, one of Patersoun's heirs, got a sasine in the property, which was described as "lyand in the Auld Toun, on the north side the Kingis streit thairof, Sanct Michael land on the est, William Lowis land on the west, and the commoun gait that lyes betuix the kyrkis on the north."<sup>3</sup> The abbot of Melrose's land has already been referred to.<sup>4</sup> On 12th October 1566, Riche Mathesoun resigned in favour of Jonet Pattersoun, spous to James Stuart, textour, a "yaird" lying in the "Auld Toune," to the east of the abbot's land, between the "Kingis streit" on the south, and the Leidgait on the north. Stuart undertook to give Mathesoun "ane furnest cupill quhen the said Rechart biggis the houssis quhilik

<sup>1</sup> MS. Reg., 1543-67, f. 108.

<sup>2</sup> *Ib.*, f. 149. The almhouse was at the west end and on the north side of High Street, bordering on Peblis Water (*Postea*, p. 159).

<sup>3</sup> *Ib.*, f. 69.      <sup>4</sup> *Antea*, p. 5.

pertynis to him. For the quhilk caus the said Rechart giffis to the said James and his spous . . . the fowr treis that grow in the said yaird, and dischargit the said Rechart of the said treis for now and ever."<sup>1</sup>

It is not often that the description of a property is more specific than "tenement" or "land and bigging," but there are a few exceptions. On 15th July 1555, the "half land and bigging of umquhile William Stensone," is said to consist of "ane chalmer, with ane sellare thair under, lyand nixt the fer houssis, ane hall and keching lyand contigue, done throuch thairto, quhill it cum to the nether hall, the berne under the said nether hall fra the over cheik of the windo done to the yard, and the half of the yard thairto, with the pertinentis."<sup>2</sup> On 1st June 1557, the bailie gave to James Gowane, as heir of Patrick Gowane, his father, sasine of a property on the south side of Crocegait, and extending to "Tuede Grene," viz., "the haille foirhous, the haille bitlare, byris, stabill, bernis and yard on the eist syde of the clois, corse berne and yard on the fut of the clois, and the new chalmer on the west syde of the clois, . . . with fre ische and entre up throw and done throuch the clois."<sup>3</sup> An adjoining property was described as "the land, tenement, and bigging of umquhile Cristian Balkesky, lyand on the Crocegait, on the south syde of the samin, betuix James Gowane land on the est, William Peblis land on the west, and Tuede Grene on the south; and als houssis on the eist

<sup>1</sup> MS. Reg., 1543-67, f. 211.

<sup>2</sup> *Ib.*, 1543-67, f. 114; also, 18th June 1560; *Ib.*, f. 150.

<sup>3</sup> *Ib.*, f. 131.

syde of the said umquhile Cristian clois, lyand betuix the land of the said James Gowane on the north and south." On 10th December 1556, a bailie gave to Thomas Hoppringill (as heir of Cristina Balkesky, his mother) and his successors, sasine of these properties, "togidder with fre ische and entre with thair sleddis done the said William Peblis clois in hervist, with thair cornis to thair yard and thair pertinentis."<sup>1</sup> The east property, also extending from Crossgait to Tweed Green, belonged to William Peblis of Cruxtoun, whose son and heir, bearing the same name and designation, got sasine on 24th November 1559, and thereupon resigned the "land and biggin . . . in favouris of himself and Jonet Vache, his promist spous, in hir pure virginitie."<sup>2</sup>

On 24th June 1551, "Maister Johne Colquhoune, dene of Peblis, prebendare of Sanct Peter and Paule altare, situat within the Colledge Kirk of Sanct Andro in Peblis," agreed to discharge "John Hay, in Peblis," of certain annuals, "for the quhilkis the said Johne Hay sall big and edyfy to the said maister Johne and his successouris of the said altare, tua barnes at the North Port, in tymmer, dur, wyndo, thak, and wallis sufficientlie, and the tane of the saidis barnes to be biggit betuix this and Mertymes next to cum, and the tother betuix this and Mertymes cum ane yeir."<sup>3</sup>

As an illustration of the care exercised in guarding the rights of owners, the proceedings in "the divisioun of Johne Thomsons wester gavill," may be quoted:—"3rd June 1557—Johne Newtown, Ronald

<sup>1</sup> MS. Reg., 1549-65, f. 122.

<sup>2</sup> *Ib.*, f. 145.

<sup>3</sup> *Ib.*, f. 79.

Scot, Nicholl Vache, Johne Wilsone, textour, Johne Stewart, masone, Andro Alexander, elder, and Thomas Persone, masone, being electit and chosing be avise of the said Johne Thomsone, and als be avise and consent of Thomas Caverhill, the quhilkis persones wes sworne in presens of James Wilsone and Thomas Peblis, baillies of the burgh of Peblis for the tyme, lelelie and trewlie to lyne and devide the wester gavill of Johne Thomsone foirhous, as thai wald ansuer to God on the day of jugement, without ony feid or favour of ony party. The foirsaidis persones beand ryplie and earnestlie avisit, havand God and gud conscience afore e, and lang consultatioun tane be thame be the agit and eldest men beand on life within the toun for the tyme, fyndis and deliveris, all in ane voce, that the said west gavill wes biggit be umquhile Patrik Thomsone, fader to the said Johne Thomsone, be Johne Stewart conscience, masone for the tyme, lyand instantlie on his deid bed; and siclik fyndis be Thomas Persone conscience, masone and wricht, that in the yeir of God j<sup>m</sup> v<sup>o</sup> and fiftie yeris, James Caverhill of Fulleche, causit Johne Threpland and him breik the said gavill, without ony licence or faculte of the said Johne Thomsone, efter the towne birnyng, and laid Thomas Caverhill tymber thairintill, and fand that the said Thomas tymber staid afore the toun byrnyng on propys. And thairfore fyndis the hail west gavill to pertene to the said Johne Thomsone alanerle, and that Thomas Caverhill hes na entres thairwith. And this divisioun we mak manifest till all and sindry quham it efferis, day, yere, and place forsaid, befor thir witnes,

James Wilson, Thomas Peblis, baillies; Adam Gilleis, Mungo Williamsone, burro serjandis, John Dikesone, younger of Winkestoun, and John Dikesone in Northgait, and Sir Johne Allane, chaplane, notare publict, commoun writtare of the said burgh, with utheris divers."<sup>1</sup> By an award, pronounced on 21st June 1553, by "masones and lynouris, sworne to lyne the gavill betuix Adam Hog and William Dikesone of Winkestoun, in Briggait," it was ordered that the "gavill salbe equalie biggit on baith the parties expensis, and skew stanis to be biggit on Adam Hoggis syde of the gavill, and to mak ane spowt betuix thame on baith the partiis expensis, and ilk ane of thame to kepe utheris skaithles in tyme cuming, under the pane of ten merkis of money, to be payit be the party failyeand, viz., v merkis to the commoun werk of the said burgh, and five merkis to the party observand."<sup>2</sup> The setting of march stones in garden ground is thus referred to on 20th May 1566:—"Mungo Williamsoun, Adam Gillis, burro serjandis, James Lethquo, Johne Robin, Johne Williamsoun, agit men, sworn in presence of the bailies, to deside the yaird and to sait the marches betuixt Phillop Wallace land and Robert Browne, . . . the said persones set in thre greit marche stanes, lyand fra the said Robert Broune west pount of his gavill to the heid yaird, providin that the said Robert droip be frie; quhilk stanis forsaid beand set be the said sworn men, the said baillies ordanit the same suld stand as merchis for evir, sua that nane of the said heritouris suld tak up ony of thame, nor yeit

<sup>1</sup> MS. Reg., 1543-67, f. 132.<sup>2</sup> *Ib.*, f. 102.



thair successouris, bot the same remanit dividit; and that Phillop Wallece ocupe fra James Wilsoun syd dik to the said stanis, and the said Robert to haif fra the said stanis, on the west pairt his yaird, to the said dyk of Thomas Foster, quhilk devides thair yairdis."<sup>1</sup>

In old descriptions of town properties, frequent references to malt kilns and their accessories occur. Many people brewed their own malt, using kilns of their own, while those who did not possess such conveniences required to hire from their neighbours or resort to a common kiln. On 9th May 1547, the town council and community, in consideration of the payment of 4d yearly, gave to Andro Alexander, burgess, a piece of ground, 8 feet square, part of their common ground, "lyand on the north side of Peblis watter, at the brig end." The ground was to be used as "the steid of ane step fat,"<sup>2</sup> i.e., a vat in which to steep malt. A kiln for drying the grain sometimes adjoined the "step fat." A rental of the town's common good, made up in 1506, and transcribed in 1550, contains two "stepfats," a "kyll and stepfat," and "the auld kill," all paying rent to the town. If the "Alexander stepfat, iiij d." be the one referred to in 1547, the rental must be a continuation of that of 1506. This is farther indicated by the entry "Robert Hesilhop, kyll and stepfat, iij s."<sup>3</sup> On 23rd October 1548, the town council and community, in consideration of an annualrent of 3s., gave to Robert Hesilhop, a piece of their commoun, adjoining the "kill

<sup>1</sup> MS. Reg., 1543-67, f. 206.

<sup>2</sup> *Ib.*, f. 55.

<sup>3</sup> Printed Rec., pp. 203-4.

of Dutho Patersoun, to big ane kill thairupoun, and on the west side of the said kill als mekill of the said ground to be ane stepfat and draw well."<sup>1</sup> On 27th July 1553, the town council gave to Robert Hesilhope, burgess, a piece of ground, 32 feet in length and 16 feet in breadth, for payment of 32d. yearly. The ground is described as "lyand betuix the killis at the eist end of the burgh, on the south syde of the samin, betuix James Patersone kill on the eist part, John Johnstone kill on the west part, and the mill dam on the south part."<sup>2</sup> This dam was used in connection with the Walk Mill, which gave its name to the present Walkershaugh. A piece of "commoun ground" lying outwith the North Port, and bounded by "Peblis watter on the west part," had been "recognoscit," or resumed by the community, "lang of before for inlak of payment of the burro males, as the commoun buik schawin thairupoun proportit." This ground, "with fre ische and entre up throuch and doune throuch," the town council and community, on 23rd April 1554, conveyed to Stein Greife, for payment of 5s. of annual-rent, and on condition that he should build on the ground "ane kill for his awne weill and commoune weill of the toune."<sup>3</sup> On 12th November 1554, the town council and community gave to John Wychtman "ane part of thair proper heretage and commoun ground lyand in the Auld Toun, within the burgh of Peblis, at the eist end of Andro Alexander berne and Sir Robert Hoip berne, on the north part, the Kingis streit on the south and eist partis, with the pertinentis,

<sup>1</sup> MS. Reg., 1543-67, f. 68.

<sup>2</sup> *Ib.*, f. 99.

<sup>3</sup> *Ib.*, f. 105.

contenand in lenth xvij futtis, and als mony futtis in breid." On this ground, Wychtman "bindis and oblissis him and his airis, to repare, big, and edify ane kill, als sone as he or thai may provide all necessaris thairto, and siolike . . . to defalk of every kill of victuales dryit thair in tyme cuming, vj d. les nor ony uther kill within the fredome of the burgh payis, and to keip all nychtbouris skaithles thairthrough in tyme cuming, as the use of burgh is in siclik caces; and sall mak als ample and esy passage as wes of before. And sall pay to the thesaurare of the said burgh for the tyme, to the utilite and proffitt of the commoun weill, xvij d. gud and usuale money of annuellrent, in augmentatioun of thair commoun gudis, yerelie at Mer-times."<sup>1</sup> On 19th December 1554, a piece of ground, 26 feet in length and 18 feet in breadth, "lyand beyond Peblis walter, betuix William Lowys steipfat on the eist, his barne on the west, and the commoun gait passand throw Peblis walter on the south," was given by the town council and community to William Lowys, burgess, for payment of 26d. of annualrent, and on condition that Lowys should there "big and edify ane kill for the commoun weill of the said burgh, als sone as he may gudelie provide all necessare graith thairto."<sup>2</sup>

Lime pits, used in the preparation of hides for tanning, and also bark pits for another stage in the same process, are occasionally noticed. On 30th April 1549, the town council and community gave to James Douchell, burgess, a piece of ground 16 feet square, being part of their common ground, "lyand betuix

<sup>1</sup> MS. Reg., 1543-67, f. 110.

<sup>2</sup> *Ib.*, f. 111.

Pebelis walter and the Auld Mylne dam, contenand in lenth and breid saxteen futtis, . . . the said James makand thair of tua hollis, that is to say, ane lym hoile and ane bark hoile," and paying to the town 6d. of annualrent.<sup>1</sup> On 14th April 1561, Douchell got another part of "thair commoun ground lyand on the Grene, betuix the tre briggis on the Auld Milne dam syde, nixt contigue round about his lyme hoillis, contenand xvij futtis of lenth west fra the saidis hoillis, and xvj futtis of breid." For this portion, Douchell had to pay to the town 18d. of annualrent, "in augmentatioun of their commoun gudis."<sup>2</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 75.

<sup>2</sup> *Ib.*, f. 156.



## XIII.

ACCOUNTS OF THE BURGH—COLLECTION OF CUSTOMS—WALKMILL—  
MARRIAGE CONTRACT—SOLATIUM—PROPERTIES OF ST MAR-  
TIN'S CHAPLAINRY—HAYS OF SMITHFIELD AND THEIR TOWN  
PROPERTIES—SOONHOPE AND SMITHFIELD.

At the end of October or beginning of November, yearly, the community assembled in the tolbooth to receive from the treasurer an account of his intromissions for the previous twelvemonth. On 9th November 1555, the treasurer reported that the revenue for the past year consisted of (1) Multures of the two common mills, £116 4s 9d; (2) Caidmuir maills, £13 5s 5d; (3) annuals and entry money of burgesses, 34s 8d; (4) "staulanges," or dues received from stallholders, 8s 6d; (5) small customs, £12; total, £143 13s 4d. The expenditure amounted to £141 18s, thus leaving 35s in the treasurer's hands.<sup>1</sup> Details of expenditure are not given, but it happens that there has been preserved the account for the previous year, a period for which the council records are not now extant. This account, submitted to the assembled community on 10th November 1554, showed a revenue from the mills of £118 11s 4d, and an expenditure therefrom of £117 19s 5d, leaving 11s 11d in the

<sup>1</sup> Printed Rec., pp. 220-1.

treasurer's hands.<sup>1</sup> The Queen-Mother's regency began in the spring of 1554, and a parliament was held in April of that year. Among the earlier items in the accounts (unfortunately the particular dates are not given), are 2s. paid to "ane powrsont [pursuivant] that warnit yow to the perlament," and 27s 8d given "to James Wylsoun and Stevin Robesoun for fowre dayis bein in Edinburgh quhan thay sould haif haidin the perlament." This looks as if a parliament had been summoned and not held. Farther on, 2s. are again given "to ane powrsefand quhane ye war sowmand to the parlament at Edinburgh," and 48s. 4d. paid "to James Wylsoun and Stevin Robesoun for v dayis bein yat the perlament." The bailies had to settle yearly with the lords of exchequer for the duties payable to the crown, and it is in connection with this accounting that 2s. are paid "to ane persefand quhane he sowmownd the bailyeis to the cheker." At the settlement, £8 3s 4d were paid "for the cowstowm of the town,"<sup>2</sup> besides 4s. "to the clerk and to the portowr," and £5 10s "to me self for fowre dayis bydin in

<sup>1</sup> A few pounds additional were received for Caidmuir maills, customs, burgess money, &c., but particulars of the corresponding expenditure are not given.

<sup>2</sup> The money is stated to have been paid "to the controler ser- vand in Peblis," and the exchequer rolls show that one Andrew Henderson rendered the account in name of the bailies. The fermes payable under the burgh's charters amounted to £9 6s 8d, and there was a sum of 3s 4d described as "an annualrent of land belonging to umquhile William Doby." Out of the cumulo £9 10s the master of St Leonard's Hospital got £1 6s 8d, and the balance of £8 6s 8d was paid to the comptroller (see "Peebles in Early History," pp. 39, 40).

Edinburgh yat the scheker." According to the old border laws, the wardens on the opposite marches and their attendants met at intervals to adjust claims, and punish delinquents. An assembly or court for this purpose was called a "day of truce." When Lord Yester was warden of the Middle March,<sup>1</sup> he was sometimes attended by representatives from the burgh on the days of truce. On one occasion, a sum of £3 6s 8d was paid "to Johne Wychtman and his colleigis at the first day of trew with my lord;" and subsequently 40s. were given "to Thomas Tuede, Nycholl Waich, Johne Fresaill, quhane thay raid to the day of trew."

Of local expenditure, the mills come in for a considerable share. "Stray" and "devits" are procured for "thekin" the roof of the Old Mill, the "quheills" and "spolkis" of both mills are mended, timber is bought for repairs, and millstones are purchased. For the bridges, sand, stones, and lime were procured, and there are several payments to workmen. James Pownt was paid 33s. "for viij dayis lawbor at the brig and at the croce." For the bridge work, John Stewart was paid for 6 days; Andro Stewart, 6 days; Joke Welamsoun, 8 days; Jame Maitland, 7 days; and Edward Pownt, 2 days. A sum of 3s. was paid "to Andro Thorbrand and his wyf for redelin of sand and berin;" Jame Maitland and Maille Thomesown got 1s. 2d. "for reidlin of sand;" Andro Frank got 4s. "for dychtin of the pelleris;" two men were paid 4d. for carrying the Croce Kirk "lyder" to the brig; and 3s.

<sup>1</sup> *Antea*, p. 42.

were given for "drink silver at the brig werk."<sup>1</sup> There are also payments for work at Tweed cauld and the mill dams, for nails, bands, and work at the ports; the schoolmaster gets 50s.; "William Smayle of Sanct Lenardis," probably keeper of the almshouse, gets 15s. "for ane chamebir to the pyper;" and amusements are represented by a payment of 40s. "to Robert Hud."<sup>2</sup> An expenditure of 6s. 8d. on "paper and enk to wreat your comptis with," secured material whose good qualities are still in evidence.

On 8th April 1555, instructions were given for procuring a "copy of the petty custummis of Edinburgh," for the purpose of remodelling the exactions to be made in Peblis;<sup>3</sup> and on 1st February following,

<sup>1</sup> It is supposed that these entries refer to the bridge over Tweed. The bridge over "Peblis water" is usually specified by name. Thus, on 18th January 1556-7, "the inqueist ordanis to gadder stanis to Peblis brig egis, and to serche the walter first and gif ony wantis to leid mas" (Printed Rec., p. 235).

<sup>2</sup> On 6th May 1555, the entry money of a burges was given "to my lord Robene Hude" (Printed Rec., p. 212). In this year, the legislature prohibited the choosing of Robin Hood, Little John, the Abbot of Unreason, or the Queen of May, under severe penalties; and women or others disturbing the lieges by singing "about simmer treis," were likewise to be punished (Acts of Parliament, 1555, c. 40, II., p. 500). Robert Murro, the burges whose admission dues were given to "Robene Hude," was at one time disposed to be troublesome. On 14th October 1556, the bailies were instructed "to punis Robert Murro at their plesour, becaus thai find him windy in his takkyng." This apparently refers to court proceedings, and he was not to be allowed to speak in future except through his procurators, "under the pane of festynning him in the irnes" (Printed Rec., p. 232).

<sup>3</sup> Printed Rec., p. 208. See farther as to customs in "Peebles in Early History," pp. 22, 23.



Andrew Ra, "custummer," was authorised to collect the custom, conform to the "consuetude of the burgh of Edinburgh," for payment to the bailies and community of 19 merks for the year.<sup>1</sup> On 2nd April 1560, Adam Gilleis, sergeant and burgh officer, appeared at the market cross, and at the request of John Dikesone, younger of Winkestone, proclaimed a five years' tack of the small customs granted to him by the Queen Regent, under her subscription and signet, at Edinburgh on 27th March preceding, inhibiting all and sundry subjects and lieges of our Sovereign Lord and Lady, that they render the said customs to the said John during the currency of the tack.<sup>2</sup> Notwithstanding the terms of the Regent's writing, it is recorded in the burgh court book, on 10th February 1560-1, that John Dikesone was admitted to collect the small customs for one year thereafter, he paying therefor 18½ merks, and it is provided that he "sall raise na novationes, utheris nor hes bene thir hundreth yeris bygane."<sup>3</sup> Whether the forbidden "novationes" had reference to the five years' tack, or to some new duties or the like, is not explained. On 4th February 1561-2, "the baillies, counsale, and communitie hes set thair small customes of the burgh to Johne Dikesone, younger of Winkestone, for ane yere," for payment of £20.<sup>4</sup> In 1571-2, the customs were let for 45 merks, and in 1572-3, for £55.<sup>5</sup>

On 22nd May 1556, the town council and community set their Walk Mill and mill lands, now called

<sup>1</sup> Printed Rec., p. 226.

<sup>2</sup> MS. Reg., 1549-65, f. 163.

<sup>3</sup> Printed Rec., p. 272.

<sup>4</sup> *Ib.*, p. 275.

<sup>5</sup> *Ib.*, pp. 334, 362.

Walkers' Haugh, to Robert Hesilhop, burges, on a tack for five years, for payment of £10 Scots yearly. The tacksman was bound to "uphald the said mylne sufficientlie in aik, irne, and all necessariis pertenant thairto," and "sall fynd gud, honest, sufficient, qualifiit servandis to wirk nychtbouris wirk substantiouslie, and to thair best and maist substantious proffittis, under the pane of viij s., ilk playnt that is maid, and recompensatioun of the skaith sustenit be the plenyere. And siclike ordanis that everilk craftisman of the wobster craft deliver thair wobbis wolving be thame to be deliverit to the said Robert and his servandis to be wrocht, under the panes contenit in the actis maid thairupone of before. . . . And to hald in thair part of the caule, conforme to the act maid thairupone."<sup>1</sup> New machinery appears to have been put into the mill in 1562, as the treasurer was instructed to "bring hame the Walk Milne stok with oxin, on the toune expensis als sone as he may."<sup>2</sup> Four months afterwards, three tacksman, to whom the mill was let, acknowledged that "the Walk Milne was als gud and sufficient ane milne as wes in all Scotland."<sup>3</sup>

A marriage contract, entered into on 18th November 1553, contains these provisions:—"It is finalie aggreit and contractit betuix honest persones, . . . Besse Finlaw, William Kid, hir sone and apperand air, and Helene Kyd, hir dochter, on that ane part, and Robert Scot, on that uther part. . . . The said Robert Scot, God willing, sall in all gudlie haist

<sup>1</sup> MS. Reg., 1543-67, f. 125.

<sup>2</sup> Printed Rec. (7 July), p. 279.

<sup>3</sup> *Ib.*, p. 288.

solemnizant matrimonye with the said Helene Kyd, betuix the dait heirof and the feist of Sanct Mongo nixt heirefter following, or soner gif the saidis partiis can be providit heirto; for the quhilkis the saidis Besse Fynlaw and William Kid, hir sone and apperand air, sall content and pay in touchir gud with the said Helene Kid, to the said Robert, the soume of four score merkis gud and usuale money of Scotland, in penny and pennyworthis, [viz., £20 in hand, and the balance in half-yearly instalments of 10 merks each], and sall deliver to the said Robert and Helene, quhen thai gang to thair awne, tua furnist beddis, ane better ane uther war, ane pot, ane pan, ane chandeller, ane silver ring ourgilt, with utheris thingis pertenant to ane houshold, as the said Bessie thinkis caus, ane acre of croft land besyde the toun, he payand maill thairfore, ane acre of feild land mail fre."<sup>1</sup>

In another case of contemplated matrimony, a money solatium was resorted to for the smoothing of difficulties. On 23rd June 1564, Margaret Stewart, daughter of the late John Stewart, burgess of Peblis, renounced all rancour of her heart against Thomas Marchell, royal sergeant (*seriandus regius*), *pro pollutione sui corporis*, and consented to his contracting lawful marriage with any woman, subject to no interruption or obstacle in any time coming, providing, nevertheless, that Marshall should pay to her £40 as a reasonable composition *sue pollutionis*; and thereupon the parties shook hands in token of remission of the former fault, and of remaining friendly in time coming.

<sup>1</sup> MS. Reg., 1549-65, f. 61, 62.

These proceedings took place upon the Castlehill, at the west end of the burgh, about 3 p.m., in presence of John Hay, Gilbert Tuedy, Thomas Tuedy, Robert Walkare, and friar John Newtoun.<sup>1</sup>

From proceedings narrated in the register on 1st November 1564, it appears that John Grahame, indweller in "Fawkirk," and his spouse, had become possessed of the benefice of St Martin's chaplainry, and that it had been sold to John Oswald, burgess of Canogait. Graham accordingly, with consent of Elizabeth Williamsoun, his spouse, by a contract and procuratory executed at "Wester Saltcoittis," on 1st September 1564, acknowledged that Oswald, who was "son and heir of the said Elizabeth," had paid a sum of money, and they resigned in his favour four properties in Peebles belonging to the chaplainry. These were (1) a tenement, waste and burnt, with orchard, yard, and close, called the "New Haw," lying between Crocegait and Tweed Green; (2) "ane waist and burnt land, callit the steipfat, barns and yaird, in Briggat fut,"<sup>2</sup> on the south side of the "water of Peblis," and

<sup>1</sup> MS. Reg., 1549-65, f. 280.

<sup>2</sup> A property on the north side of Bridgegait was, on 15th June 1554, feued by "Sir John Bullo, chaplain of Sanct Martyn altare," to Thomas Hoppringill, for payment of 10s. yearly to the chaplain for the time. It was described as a "waist land lyand betuixt the land and bigging of William Banerman on the est syde, Robert Murro land on the west syde, and John Esfurd land on the north syde, pertenant till him (the chaplain) in patrimonye, be vertu of recognitioun led thairupone be umquhile Sir Gilbert William, chaplane of the said altare of Sanct Martyn, predecessour to the said Sir Johnne." Forfeiture for non-payment of duty has long been a condition in feu rights, and here it is thus expressed:—"And

west side of the "vennel callit . . . Wynd;" (3) "ane taill and yard and pertinentis in the Northgait;" and (4) an acre of land lying at the east end of the burgh between the street on the south and Venlaw on the north. After sasine had been given to Oswald, he resigned all the properties in favour of John Wychtman, burgess. Thomas Hoppringill of Melkeinstoun, however, had some claim to the last mentioned property, and he protested against his rights being prejudiced.<sup>1</sup>

The transfers of properties at the Castlehill and elsewhere clear up some points in the genealogy of the Hays of Smithfield. On 24th January 1548-9, "Jonet Scot, the relict of umquhill maister Johnne Hays of Smythfeld, passit to hir land, bigging, and yarde lyand outoutht the West Port of the burgh of Peblis, on the wast side the Kingis streit, the land and bigging of Johnne Stewart on the northt pairt, the Castlehill on the west pairt, and the gait that passis to the Rud Mylne on the southt pairt;" and there resigned the property in favour of "Thomas Hays, sone and air to umquhill maister Johnne Hay and to the said Jonet." Thereafter the property was conveyed to George Stodert for 16s. of yearly feu-duty, payable to Jonet Scot during her lifetime, and Thomas Hay heritably. The feuar undertook to "beit, mend, and uphald the said failyeand that thre termes annuellis pas by unpayit be the said Thomas, his airis or assignais, the said land, yard, and pertinentis, returne againe to the chaplane of the said altare and his successoris for the tyme, and the said Thomas Hoppringill, his airis and assignais, to be secludit thairfra for evir" (MS. Reg., 1543-67, f. 108).

<sup>1</sup> MS. Reg., 1543-67, f. 185-7.

houssis, lands, and bigging, sufficiently in thak, tymmir and wallis in tym to cum."<sup>1</sup> "Maister Johnne Hay of Smithfeild," owned properties on the north side and at the west end of High Street, adjoining St Mary's Chapel, including the old almshouse founded in 1462-4,<sup>2</sup> and to these Thomas Hay, his son, made up a title as heir on 30th October 1549. One of these properties is described as "ane land and tua voltis pertenant to umquhill maister John Haye, lyand out-with the West Port," and is bounded on the west by "the commoun gait passand to the brig of Peblis," on the north by "Peblis walter," and on the east by "the almous hous and yarde." The adjoining property is described as the "land callit the almous hous," bounded on the north by "Peblis walter," and on the south by "our Lady Chapel." A third property, to which Thomas Hay at same time succeeded as heir of his father, was situated near the east end of High Street. It is described as a "land liand on the Cunzie," and is bounded by the "commoun street" on the north and

<sup>1</sup> MS. Reg., 1543-67, f. 70. As already mentioned, there are indications that the Rood Mill was burned by the English in 1549. A similar fate seems to have befallen the houses conveyed to Stodert. At a burgh court, held on 22nd April 1555, the bailies "ordanit George Stodert, be his awne consent, to pay termelis to Jonet Scot, relict of umquhile maister Johnne Hay, the annuell of his hous at the brig and on the Castelhill in tymes cuming, efferand to the deliverance of the actis maid afore the Thre Estatis of the brynt annuellis;" and failing regular payment, the property was to revert to the relict and her heirs (Printed Rec., p. 208). The acts here referred to related exclusively to lands and tenements "burnt be the auld enemeis of England."

<sup>2</sup> As to this almshouse, see Printed Rec., pp. 146, 151, 170.

east, the land and tenement of William Dikeson on the west, and the "land pertenand to the minister and convent of the halie Croce Kyrk of Peblis" on the south.<sup>1</sup> East of the almous house were a "land and biggyn" belonging to one John Hay, who has not been identified as belonging either to the Yester or Smithfield families. On 12th June 1553, John Hay wadset this property to Alexander Hay, burgess, and Agnes Horsbruk, his spouse. It is described as "his land and biggyn lyand within the burgh, on the north syde of the samin, on the hie gait, betuix the land of James Frank on the eist part, the almous hous on the west part, and Peblis walter on the north part." Out of this property, the chaplain of our Lady Chapel was entitled to an annualrent of 7s.<sup>2</sup> Dr Chambers says that John Hay of Smithfield, son of the third Lord Yester and his second spouse, the heiress of John Dickson of Smithfield, succeeded to his mother's property in 1525. It is farther stated that of his three sons, James, Thomas, and John, the second succeeded to the first, who died without issue.<sup>3</sup> This may have been so in the case of Smithfield lands, which were confirmed to James by crown charter in 1542-3,<sup>4</sup> during his father's lifetime, but the transfers of 1548-9, above quoted, show that Thomas was then heir of his father, so that James must have died before that time. Thomas, who was served heir in the estates in 1549,<sup>5</sup>

<sup>1</sup> MS. Reg., 1543-67, f. 78.      <sup>2</sup> *Ib.*, f. 99.

<sup>3</sup> Dr Chambers' History, p. 333.

<sup>4</sup> Reg. Mag. Sig., III., No. 2871.

<sup>5</sup> "Peebles in Early History," p. 81.

seems to have been then a minor. On 7th October 1550, there was produced a tack by Thomas Hay of Smeithfeild, whereby he, "with consent and assent of maister Thomas Hay, archipreist of Dunbar, his tuteur," set to Arthur Jonkesone, burgess, for all the days of his life, five acres of "croft land lyand within the boundis of Corscunnyfield and Smeithfeild." The rent was 50s. Scots yearly, "with service, auld usit and wont, and yeirlie ane payr of blak hois, or ellis ane pair of quhite carsay."<sup>1</sup>

On 5th June 1555, there is notice of the pointing of certain goods of Thomas Hay of Smeithfeild, "rebel at the horn," conform to letters by the privy council. The goods referred to were on the lands of Swynhope, and in the tower of Smeithfeild, viz., "insyght gudis, 8 cows, £20; 2 cows, £4; with followers, 13s. 4d.; 100 old sheep with 30 lambs, price £7 the score; 30 bolls seed corn; 4 bolls barley, 25s. the boll; 1 riding horse, £15; another horse, £6."<sup>2</sup> The proceedings here referred to were taken at the instance of "Thomas Middilmast of Greiston," and probably related to nothing more serious than the recovery of a debt. After a King's messenger in such cases served the order for payment, accompanied by the formality of three blasts on a horn, the debtor was technically a "rebel," but relaxation could be obtained by settlement of the claim. As previously mentioned, Thomas Hay was sheriff-depute at the time of his death, which occurred in 1559-60.<sup>3</sup>

<sup>1</sup> MS. Reg., 1549-65, f. 15.

<sup>2</sup> *Ib.*, 1549-65, f. 78.

<sup>3</sup> *Antea*, pp. 46-50.



The last of the two property registers from which much of the information for this book has been gathered, terminates a few months after the close of Queen Mary's reign, and that section of the court books and town council proceedings which begins in 1554 does not go beyond the spring of 1573. Between the latter date and 1604, all that is preserved of the local records is embodied in two or three entries in October 1578, where reference is made to the burgh's "deidlie feid with the bordour."<sup>1</sup> Perhaps border warfare, or the "grate fyir in Peblis town," which occurred in July 1604, may be to some extent responsible for the loss, but, whatever be the cause, the result is that for more than thirty years little is known concerning the affairs of the burgh. Following on that comparatively obscure period, historical material again becomes available, and this has been utilised in another publication,<sup>2</sup> which may now be regarded as a continuation of the present volume.

<sup>1</sup> Printed Rec., pp. 355-6.

<sup>2</sup> Gleanings, 1604-52.





## **APPENDIX.**



## APPENDIX.

### I. *EXTRACTS FROM SIR JOHN ALLANE'S PROTOCOLS.*

MOST of Sir John Allane's protocols (MS. Reg., 1549-65) are connected with proceedings conducted within the shire but beyond the burgh, and accordingly do not altogether fall within the scope of a book dealing specially with burgh affairs. Full of information regarding persons and places in the country districts, these protocols are well worthy of publication, and it may be hoped that they will yet be made available in adequate form. Meanwhile, space may be found here for a few extracts in chronological order.

#### BARONY OF SKIRLING.

8 August 1550.—William Cokburn of Scraling (Skirling), in his character of lord of that barony, gave sasine of various lands to William Lauder of Haltoun, as heir of Alexander Lauder of Haltoun, his father, who was killed at the battle of Pinkiecleuch (f. 14). On 16th February 1551-2, sasine in the barony of Skirling was given to James Cokbourn, as heir of William Cokbourn of Scraling, knight, his brother. One of the witnesses was "Sir John Forrest, rector of Scraling" (f. 25).

#### VICAR PENSIONER OF THE CHURCH ST BEGE OF KILBUCHO.

31 October 1550.—Sir William Portus, chaplain in the parish church of St Bege of Kilboucho, in the diocese of Glasgow, produced letters of collation by John Stewart, canon of the metropolitan church of Glasgow, and commissary general of Mr Gavin Hamiltoun, dean of the said church and vicar general of the vacant see, directed to the dean of christianity of Peblis, or any chaplain within the diocese, concerning his (Sir William's) institution as vicar pensioner of said parish church; by virtue of which letters the notary<sup>1</sup> gave to Sir William real, actual, personal, and corporal possession of the vicar-pensionary, with all its rights, oblations, and

<sup>1</sup> Sir John Allane was also a chaplain, and at one time held the altarage of St John in the Collegiate Church. Printed Rec., pp. 273, 305.

pertinents, and instituted him by his entering the door and touching the font, and by delivery to him of the book, chalice, and ornaments of the great altar; and committed to him the cure of souls, and the rule and administration of the vicarage. Done in the parish church, at 11 a.m., in presence of William Portus of Glenkirk, Walter Tuedy of Mote, and Sirs John Hoggart and James Steill, chaplains (f. 18).

#### POUNDING IN BARONY OF GLENQUHOME.

23 December 1550.—William Kid, officer and King's sergeant of the shire of Peblis, went to the lands of Quhitalaid, lying in the barony of Glenquhome, belonging sometime to James Tuedy, and then to William Tuedy, to distrain and pound the lands for fines in respect of the absence of these lairds from the courts of the shire; which pounds the said William took, viz., eleven oxen, and led them from the lands to the ford of Brochtoun, without impediment of any person; and there appeared Archibald Weir in Drumelzear, and violently took the said pounds from the said William, and despoiled him thereof, and took the same with him, contrary to the tenor of the acts of parliament of our Sovereign Lady the Queen and her predecessors. The officer thereupon declared himself deforced, and in token thereof broke the wand (*virgam*) which he carried in his hand (f. 18).

#### OXGATES IN BARONY OF STOBO.

15 August 1551.—Andrew Ronno renounced to John Nycholl all right to an oxgate of land in Harrow, within the barony of Stobo. Thereafter Ronno ratified the sale of the oxgate to Patrick Mathesone and Jonet Mechelsone, his spouse, in these words:—"I gif my kyndenes of the oxgang of land sauld be me of before to John Nicholl, to Patrik Mathesone and Jonet Mechelsone, his spous, als frelie as ever it wes myne, with Goddis benesone" (f. 20, 21). Stobo barony is the only estate mentioned in the extant rental book of the archbishops of Glasgow, in which the holdings are reckoned by oxgates. All the other lands are described by money value. In the Stobo rental, the name Ronno occurs twice. James Ronnay was "rentalit in ane oxgang" in 1528;<sup>1</sup> and in 1545,

<sup>1</sup> Diocesan Reg. (Grampian Club), I., p. 64.

“Mowngw Ronno is rentalit in tua oxgang of land in the Halraw of Stobo, vacand be decease of his fadyr.”<sup>1</sup>

#### TOWER OF MANOR ON PESSO LANDS.

17 August 1552.—Thomas Hay of Smeithfield, in terms of decree of the lords of council at Edinburgh on 3rd March 1549-50, restored Elizabeth Bard, one of the heirs of the late John Bard of Pesso, to the possession of the tower of Manor, on the lands of Pesso, and the following goods therein:—Two “brokyng quhelis, ane meit almery, price v li; ane pres almery, price iiij li; ane stand bed, xxx s.; ane burd compter and forme, xl s.; ane meill ark, xl s.” Elizabeth also acknowledged receipt of £30 Scots (f. 34).

#### COMPOSITION FOR SLAUGHTER OF A CHAPLAIN.

20 February 1553-4.—Archibald Lowys and William Johnston, burgesses of Peblis, nearest kinsmen of the late Sir Martin Ewmond, chaplain, sometime ago killed, discharged and quit-claimed Alexander Tait of Pyrne, and his heirs, for all debts and sums of money for which he became cautioner for composition of the slaughter of Sir Martin, perpetrated by John Murro, son of William Murro of Romannos, as is contained in the book of adjournal of our Sovereign Lady the Queen, in the last justice of ayre of Peblis, held in 1551 (f. 63).

#### REMOVAL FROM WELSCHOUSIS.

17 April 1555.—William Lausone in Hundelishope, officer and sergeant of Katherine Wilson, relict of the late Ninian Lowys, conjunct owner of the lands of Welschoussis, in barony of Hundelishope, gave notice of removal to the occupiers of the lands, and in token thereof he removed certain things and goods, “viz., lie stressis, clod, and stane” from the lands (f. 74).

#### DISPENSATION OF MARRIAGE.

10 July 1555.—Robert Huntare of Polmude, and Katherine Hay, his promised spouse, produced a dispensation of marriage (necessary on account of the parties being within the fourth degree of consanguinity), obtained from John, archbishop of St Andrews,

<sup>1</sup> Diocesan Reg., I., p. 68. Halraw or Hal Raw, is the early form of Harrow.

primate of Scotland, possessing from the Pope the powers of a legate *a latere* (f. 81).

#### ASSIGNMENT OF GOODS AND GEAR.

23 July 1555.—John Rannik, dwelling in Stanhope, assigned to John Rannik, his son, his oxen, sheep, cows, household gear, gold, silver, grain growing on the land, and other goods (f. 81).

#### QUARTER, CHAPEL, AND GLENCOATHO.

31 July 1555.—John, lord Hay of Yester, superior of the lands of Quarter, Chapel, and Glencotho, offered to give sasine thereof to James lord Fleming, conform to the old infeftments, provided he paid what was due therefor. Done in the church of the Holy Cross of Peblis, about 2 p.m. Witnesses:—Mr Thomas Hay, provost of Bothanis; Nicholas Quhippo of Kidlaw; Thomas Hay of Smeithfeild; and Sir George Thomesone, chaplain and notary public (f. 81).

#### LANDS OF GLENUMFURD.

At the same time and place, Robert Huntare of Polmude, resigned (in the hands of James Tuedy of Drummelzeare, the superior), in favour of Katherine Hay, his promised spouse, the lands of Glenumfurd, in the barony of Drummelzeare. Witnesses:—Mr Thomas Hay, provost of Bothanis; Archibald Weir, and Thomas Hay of Smeithfeild (f. 81, 82).

#### VICARAGE OF STOBO.

30 January 1555-6.—Robert Douglas produced Papal bulls or letters of provision of the perpetual vicarage of the parish church of Stobo, in the diocese of Glasgow, by the resignation of Sir Ninian Douglas, last vicar, in the hands of the late Pope Julius III., and now granted by the present Pope Paul IV. to the said Robert Douglas; and also letters ordinary by James, archbishop of Glasgow. Douglas was thereupon given possession of the vicarage of the parish of St Kentigern of Stobo, and of the principal manse of the church, by entry at the door, and touching the font, book, and ornaments of the great altar. One of the witnesses, Sir Thomas Neilsons, who was chaplain and curate and also vicar pensioner of Stobo, protested that the admission of the vicar should not be in



prejudice of his pension of the vicarage, given to him by Sir Ninian Douglas, predecessor of Robert (f. 89).

#### COMMISSARY BOOKS OF STOBO.

The books of the commissariat of Stobo (*libri commissarii jurisdictionis de Stobo*)<sup>1</sup> are frequently referred to for deeds recorded therein and otherwise; but these records, so far as can be ascertained, are not now extant. The commissary books of Carnwath are also mentioned (f. 89, 91).

#### TEMPLE LANDS.

Lands which had belonged to the ancient order of Knights Templars, and latterly to the Knights of St John, are met with in all parts of the country. One of these properties adjoining Winkston, and bearing the name of Temple Bar, is referred to on 11th February 1555-6, when the officer of lord James of St John of Torphichen, acknowledged receipt from Jonet Wylie, relict of the late Richard Dikesone of Melvingland, of 5s. 8d. Scots of annualrents for the lands of Tempil land, lying near the lands of Winkeston (f. 90). On 14th March 1557-8, sasine was given to William Dikesone of Winkstoun, his son, and spouse, on a precept by Andrew Dudingstoun of Southous, of the latter's Temple lands of Winkstoun (f. 124). This appears to have been in security of an advance of money, as on 4th June 1561, Duddingstoun renewed a reversion (dated 5th March 1557-8) for 40 merks over the Temple lands of Winkstone, and augmented the same by £40, received by him, making the new reversion 100 merks in all (f. 196). The lords of St John, like lords of regality, had jurisdiction over their own vassals, and claimed the right to repledge them from other courts for trial in their own. In 1556, two tenants on St John's lands of Terpeddo and Stanhope, had been brought before the bailies of Peebles for forestalling the market in hurt of the burgh's privileges and loss of the Queen's customs. The bailie of St John asked that the accused should be repledged to his court for trial, but the town's bailies declined, on account of some informality in the proceedings. About the same time, eleven of Lord Morton's tenants were repledged from the burgh court to the regality court of Dalkeith, on a

<sup>1</sup> The "register of the testamentis within the jurisdiction of Stobo," was produced in the burgh court of Peebles on 22nd April 1555 (Printed Rec., p. 209).

guarantee that justice would be administered. In 1555, Lord Yeater's bailie repledged James Tuedy of Frude, from the burgh court to his lordship's court of Oliver Castle, and in 1559, the bailie of Agnes Somervell, lady of Kailsie, repledged Walter Thomsone to her court of Kailsie.<sup>1</sup>

#### LETTER FROM EARL OF MORTON AS TO FARM STOCK.

24 October 1556.—James Douglas, bailie of the earl of Morton, produced the following missive:—"James Douglas in Spittelhauche.—Forsamekle as it is appoyntit be contract betuixt me and Robert Carncoors that I suld put him in poecessioun of the landis of Quhitayde, and in takyn thair of suld caus remoit my gudis of the ground of the same, and he inlikmanner is oblist to me, nochtwithstanding the gudis being removit of the ground, he sall incontinent put thame on agane, and thair to be kept be my scheiphird to be tane nixt. Heirfoir my will is that ye meit the said Robert Carncoors at the Quhitayde quhen he advertissis yow, and caus sic thingis be done as I haif writting heir befor, and this ye failt nocht to do, and sa fair ye weill.—At Dalkeith, this x day of October. *Sequitur subscriptio*: James, erle Mortoun." The removal and return of the stock were thereupon proceeded with in terms of the earl's instructions (f. 100).

#### VALUATION OF FARM STOCK.

23 April 1557.—George Elphingstone of Mannisland; Alexander Wod in Wormistoun; John Wilsone in Adamlan; Thomas Lowys in Haltoun; John Thorbrand in Hairhope; Arthur Johnkessone, burgess of Peeblis, sworn, made the following valuation of stock assigned, in "steilbow," by Robert Hoppringill to Thomas Hoppringill, his son, for the period of his tack, viz., 48 hoggis, at 8s each; 5 score yowes, with lambs, at 12s 6d each; 6 plough oxen, at £4 8s 6d each; 6 cows, at 5½ merks each; 40 bolls of seed oats (price blank); 17 bolls croft oats, at 16s each; 4 bolls of seed barley, at 36s each (f. 106-7).

#### THE LAIRD OF THIRLESTANE AND HIS MEN.

14 February 1556-7.—Bond of Manrent, whereby Robert Soot of Riskinhope; Rolland Soot, burgess of Peeblis; Archibald Soot

<sup>1</sup> Printed Rec., pp. 214, 227, 229, 264.

and James Scot, brothers, "becum verray men and servandis of special retinew and manrent to ane honorabill man, Robert Scot in Thirlstane, for his gud and favouris done and to be done to us, as gud maister to his men, and oblissis us lelelie and trewlie . . . to be leill and trew men till the said Robert induring all the tyme of our lives, and sall nevir heir nor se his skaith, bot we sall warne him thairof, and lat and stop it at our gudellie power, and sall gif him the best counsale we can quhen we ar requirit, and conceill his counsale that he schawis till us, and sall tak afald part with him in weir and peax in all and sindry his actionis and querellis, as man aw to do till his lord." On the other part, Thirlstane undertook to be "gud maister" to his men, and to defend them in all their actions "baith in peax and weir, as gud maister sucht to do till his servandis, at my gudlie power" (f. 115).

#### THE PROVOSTRY OF BOTHANS.

On 11th February 1558-9, Mr John Colquhoun, dean of christianity of Peblis, and provost of Bothanis, renounced and revoked the promise made by him to John Stewart of Traquhair, Thomas Hay of Smeithfeild, and Thomas Middilmest of Greistoun, concerning the provostry of Bothanis, because it was a simoniacal engagement extorted from him under fear of death; and he declared a former promise made to the earl of Morton and the curators of William, lord Hay of Yester, to be lawful, but so far invalid (f. 140). On 8th June 1562, Colquhoun renounced all assignment of the provostry of Bothanis, granted by him to William, lord Hay of Yester, except so much as was contained in an assignation, dated 26th October 1558 (f. 224). Mr John had a son whom he desired to have as his successor in the provostry of Bothans. A protocol, dated 4th March 1563-4, narrates that Mr John Colquhoun, dean and provost, for the natural love which he bore to his son, Sir Adam Colquhoun, exhorted in Lyntoun, and for many favours rendered to him in his urgent necessity and old age, assigned to his son the benefice of Bothans after his (the father's) decease, and also the goods in his possession at the time of his death. This was done in the chamber of the notary at Peblis, in presence of Sir John Tuedy, . . . Bullo, John Robyn, John Newtown, Sir Robert Hoip, priests; and James Gibsone, burgess (f. 271). On 21st June thereafter, in the house of Sir Adam, in the town of Lyntoun, Mr

John Colquhoun ratified and approved of the assignation made in March (f. 279).

#### DELIVERY OF WEARING APPAREL.

2 May 1559.—Thomas Tuedy, burgess of Peblis, acknowledged that in name and by authority of Marion Tuedy, daughter of the late James Tuedy of Drummelzeare, conform to the bequest and last will of the said late Marion Tuedy, he had received from John Dikesone of Winkestone, executor of the late Marion Tuedy, his spouse, “ane pe begardit with velvot, tua Franche blak kirtillis, bordourit with velvot and stumptit with velvot; ane pair of blak velvot slevis, lynit with herne; ane velvot patelot, ane uter half of ane worsset kirtill without lynyn, ane aprone of lilis worsset, ane silk hat, tua colleris of Holand claith, ane collar of hame maid claith, ane reid crammasy stomok, thre schort fret cursayis, tua sarkkis” (f. 143).

#### DISPUTED OCCUPATION OF KIRKLANDS.

10 June 1559.—Letter from Oswald Portus, burgess, to Bessie Finlaw, relict of the late Duncan Kid:—“Besse, I haif hard and gotting word that ye manure my land yit, quhilk ye haif nathing ado with, nor na rycht thairto; for ye knaw that I warnit yow with ane precept, and als I tauld yow myself that I wald manure it to my barneis weill and myne, and ye promist to help me thairto, and gif ye help to reif me, I sall gar the best in Scotland wit of it, and dout nocht bot it sall be weill payit and I leif; and quhidder I leif or de, I sall leif ane that salbe als scharp on yow evin as I. Thairfore heir be this my awne handis writt, I discharge yow of the manuring or occupying of my land, and that ye laubour nor teill na mair on that land; and gif ye do, ye sall sit as violence. And be sure gif ye manure or occupy that land ony mair, I sall nocht fail to call yow afore the strictest juges in Scotland quhill I get justice on yow. I aw yow nathing, thairfore do as ye think caus, and gif ye haif ony rycht to my land, schaw it to Johne Dikesone, younger of Winkestone, and Thomas Dikesone, quhilkis I maid doaris, and gaif thame my power to manure that land to my barneis proffit and myne, and thai will gif yow ansuer, and nocht ellie as now, bot God kepe yow. At Rensbrig, the xxij day of Februaire, yere 1559, be me, Oswald Portus, wyth my hand” (f. 148). On

25th April 1561, John Dikesone of Winkestoun, in name and by authority of Oswald Portus, then in distant parts, appeared in presence of Mr Thomas Archibald, perpetual vicar of Peblis, "and offerit to him, in five schilling testanis, xxviiij s. of money, in name and behalf of the said Oswald Portus, rentalare of certane Kirk land of Peblis, desyring him effectualie to imput the said Oswald in the rentale, becaus he wes, as he is yit, presentlie possessour of the saidis landis with the pertinentis, be divers and sindry vicaris bygane, and gif he rentalit Besse Fynlaw thairintill, or ony uther, that it suld nocht be prejudiciale to the said Oswald ryocht, becaus the said Besse was, as echo is yit, bot ane subtennent to the said Oswald, and that be vertu of ane contract maid betuix thame, quhilk contract is expirit in the self lang syne" (f. 193).

#### DEFENCE AGAINST INCURSIONS OF THIEVES.

13 October 1559.—Nicholaus Langtoun of Erlishauch, rescinded a tack of the 9 merk land of Howleuch, made to him by William Johnstoun of Howleuch, and spouse, as inserted in the commissary books of Stobo: "Providing always that the said Nicholl tennentis sall occupy the same landis with the pertinentis quhill Witsunday nixtocum without ony truble; and the said William oblissis him to defend the saidis tennentis thairof in the mene tyme fra all incurSIONES of thevis and tratouris, and thair servandis that duellis on the landis of Wamphra or Drife; and gif the saidis thevis or thair servandis stelis ony gudis of the saidis tennentis of the said steding of Howleuch, with the pertinentis, quhill the said feist, sua the said Nicholl will speir thame, the said William oblissis him to caus the saidis gudis reft and stolling be restorit agane to the saidis tennentis; and failyene thairof, to caus his broder, the laird of Johnstoun, and his freindis, concur and assist with the said Nicholl freindis to tak als mekle of the saidis thevis and tratouris gudis agane to the saidis tennentis, or burne thame, as the said Nichole plesis" (f. 156).

#### A SERVANT AND HIS CONCOUBINE.

5 November 1559.—Elizabeth Colquhoun, relict of Thomas Damahoy, and Mertyn or Alexander Thomsone, her servant, agreed as follows:—"The said Alexander Thomsone is bound and oblist, and be the tenour heirop bindis and oblissis him, lelelie and treulie, be

the faith and trowth of his body, be overmoun of his hand, never to haif company nor intrometting fra this hour furth, with Mergrat Murro, his concubyn, nor with nane of hir gudis, under the pane of forfalsing of his maling and tinsale of his gudis, moveable and unmoveable. And inlikemaner the said Elizabeth Colquhoun is bound and oblist, and be the tennour heirop bindis and obliesis hir during hir lifetyme never to remoif the said Alexander Thomsone nor his gudis fra his said steding and maling of Harcae, quhilk he occupyt in umquhile Thomas Dammahoy tyme, sua he wald haif na intromission nor company with the said Margret Murro, his concubyne, nor hir gudis" (f. 156).

#### PURGATION ON A CHARGE OF SLAUGHTER.

13 July 1560.—William Logane, royal messenger, with consent of James Grahame, son of Robert Grahame, and others, his friends, took purgation of John Law, dwelling in Lyne Milne, within the shire of Peblis, summoned to underly the laws of our sovereign lord and lady, the King and Queen, for the alleged and cruel murder of the late Robert Grahame in Slipperfeld; which John Law, with the underwritten men, viz., Thomas Tuedy, captain of Nepeth; Robert Scot, bailie of the burgh; four burgesses of Peblis; and John Broune in Eddistoun, with consent and assent, touching the holy Evangels of God, by their great oaths sworn and diligently examined, declared that the said John Law was, as he is at present, immune and innocent of art and part of the foresaid cruel murder or slaughter of the said deceased Robert, because at the time of the murder the said John was in their good fellowship within the burgh of Peblis, sitting at the table enjoying and drinking together (*in tabula gaudendo et convivendo*). Done in the burgh of Peblis at the fore gate of William Lewis (f. 174).

#### VESSELS AND VESTMENTS OF STOBO CHURCH.

14 July 1560.—Sir Thomas Nelsone, curate of Stobo, with consent and assent of the parishioners of Stobo assembled for hearing divine service, delivered to Adam Tuedy in Dravay, a silver chalice, gilt, weighing 16 ounces, valued by the parishioners at 24 merks Scots. If in time coming, masses and divine services should be celebrated in the usual manner, as they were before, Tuedy and his heirs were bound to restore the chalice, to remain for ever for

service to be done at the high altar of St Kentigern in Stobo, as it was wont to remain before the present day. Tuedy and his heirs were also bound to pay said 24 merks for the reparation and building of the church, when required by the parishioners or masters of work of the church, and to return the sacred cloths and vestments of the altar likewise received by him. These proceedings took place in the choir of the church, at the high altar, about 11 a.m., in presence of Mr John Colquhoun, rector of Stobo, and others (f. 174).

## HIRE OF OXEN.

14 July 1560.—Leonard Merchell in Kilbucho, “settis in hyre-gang to James Tuedy in Kilbucho, five oxin, the price thair of £20 Scots; for the quhilkis the said James Tuedy bindis and obliasis him to content and pay to the said Leonard Merchell, the sowme of five bollis of malt at Fasternesevin nixt, togidder with the saidis v oxin, sufficient, or ellis the price of xx li. abone writting, at upwerk and casting of the pleuch, about Sanct Colme day nixt, quhilik the said Leonard best plesis” (f. 174).

## SASINE TO WILLIAM, LORD HAY OF YESTER.

28 August 1560.—William Vache of Kingsyde, sheriff depute of Peblis, gave (in terms of crown precept) to William, lord Hay, as heir of his father, John, lord Hay, sasine of the lands of Wester Hopprew, Lyne, and Jedburghfield, with the office of sheriff of Peblis (f. 178).

## ELPHINGSTOUN FAMILY.

15 February 1560-1.—George Elphingstoun, younger, in Glasgow, produced to Mr John Colquhoun, rector of Stobo and canon of Glasgow, letters whereby Jonet Elphingstoun, daughter of the late George Elphingstoun, with consent of Elizabeth Colquhoun, her mother and curatrix, assigned to George Elphingstoun, younger, the sum of 23 merks falling to the said Jonet through decease of the late John Elphingstoun, son of George Elphingstoun and the late Cristina Colquhoun. Done in the house of Sir Thomas Neilson, minister of the church of Stobo for the time, about 4 p.m. Witnesses—Sir Thomas Neilson, vicar of Stanhous; Robert Salmond, burges of Glasgow; Fergus Donaldson, servitor of the said rector (f. 189).

## RECTOR OF STOBO'S MANSE IN GLASGOW.

17 February 1560-1.—Mr John Colquhone, rector of Stobo, bound himself to pay to Robert Salmond, burgess of Glasgow, his servitor, £10 yearly, as his fee and expense in the repair and upkeep of the walks in his yard in the city of Glasgow, and that during his tack of the orchard, or during the good-will and pleasure of the rector. Done in the stall within the choir of the church of Stobo, about 7 p.m. Witnesses—Sir Thomas Neilsone, vicar of Stobo, and Fergus Donaldsone, servitor of the rector (f. 189).

## PARISHIONERS OF GLENHOLM.

21 June 1561.—John Portus, younger of Glenkirk, in name and by authority of the parishioners of Glenquhome, came to the market cross of Peblis, and there “tak instrument, under protestatioun, that the denunciatioun of hornyng maid upone the parishioners of Glenquhome at the instance of Elizabeth Huntare, relict of umquhile Charles Geddes of Rauchane, allegit takkia-woman of the teyndis, baith of the personage and vicarage of Glenquhome, be William Kid, officer of the sherefdome of Peblis, this present day, wes of nane strenth nor effect, becaus the said William Kid, executour of the denunciatioun of the saidis letteres, wes nocht messenger nor officiare of armes constitute thairto, conforme to the actis of parliament, and for that caus the said denunciatioun is of nane effect; and als becaus the said William denuncit the saidis parochinaris in generale, and nane in speciale nor nominatim. Farther, becaus the said William, executour of the said denuncia-tioun of the saidis letteres, this present day maid the last charge, and instantlie, the same day, passit to the said mercat croce of Peblis, and generalis denuncit the saidis parochinaris our Soverane Lady rebellis, and put thame to hir gracis horne, and nocht in speciale as said is, howbeid the said denunciatioun of the saidis letteres, efter the ferd and last charge, suld nocht haif bene denuncit quhill thre dayis nixt thairefter followand, conforme to the tennour and effect of the saidis letteres and daily practik of this realme” (f. 199).

## DIVISION OF GOODS AND GEAR.

24 and 25 June 1561.—Andrew Ker of Faldanesyde, William Hoppringill in Newhous byre, Mark Ker in Kippelaw, Thomas



Borthik of Princado, Nicholas Carncoors and Robert Wallace in Melros, chosen to divide the goods belonging to Andrew Clarelaw, spouse of the late Marion Hoppingill, and the children of the late William Carncoors, falling to them through the decease of Marion Hoppingill. The heirship goods were taken by Robert Carncoors, except certain goods, about which there was a controversy, including "ane croce of gold, ane ring of gold with ane bleu saphyre, quhilk is referrit to the persone of Lauder, quhethir the saidis croce and ring wes laid in wed to him in umquhile William Carncoors tyme, or his wiffis efter his deceis." The goods divided were these:—" xvij oxin, ane kow, price of every pece ourheid, £6; Item, viij ky, tua young oxin, sax stirkis, estimat in the hail, £67; ten ky, tua young oxyn, v stirkis, extending to £67; Item, vij ky and caulffis, estemit to £42; and vij ky and caulffis of the samin price. In Comislie: vijxx lammes, the teynd tane of, price of the score, £6; lvij gomer and dummond, price of the score, £12; xxxij yeild yowes, price of the score, £12. In Wowplat, 9 score yeild scheip, yowes, tuppis, and wedderis, price of the score, £15. In Langlie: xij score four milk yowes, price of the score, £14. Item, vj score ten wedderis, price of the pece, 16s. Summa, £104. Item, tua ky left apone ground, ane allegit pertene to Robert Carncoors in airschip, ane uther left in caec the said kow be nocht finding to pertene in airschip to the said Robert, to be marrow to the said kow, to be delt equalie betuix the said Andrew Ker and forsaidis barneis. Item, in Langlie, x ky and cauffis, price of ilk kow, £6. . . . The said gudis put afore drivaris, quha draif the same of the groundis of Wowplat, Colmislie, and Langlie, our Tueid, and dischargeit the said Robert Carncoors and the saidis umquhile William barneis thairof, for now and ever" (f. 199, 200).

#### ORDINANCE ABOUT A GATE.

4 August 1561.—John Dikesone of Winkestoun, in name of the council and community, asked that Thomas Lowys should fulfil an ordinance about a new gate, and stated "that Thomas said he suld gar his jowkry and falsset be knawin till all men in tymes cuming." Lowys also alleged that if "his yet afore reherset wer tane doune, that the said Johne Dikesone was the causare thairof" (f. 205).

## SHEEP COMPRISID BY AN OFFICER.

6 June 1502.—Elizabeth Huntare, one of the executors, or at least intromitter with the goods of the late Charles Geddes of Rauchane, and William Geddes, his son and apparent heir, declared “ that William Kid, officiare of the sherefdom of Pebliis, tuk certane scheip quhilk scho allegit na wayis pertenit till hir, howbeid thai wer of hir keill, to comprise at the instance of John Huntare in Polmude, be vertu of our Sovereane Lady letteres and sheref precept direct thairupone, and said scho suld preif the saidis xxxix yowes and scheip pertene till utheris persones and nocht to hir, bot that scho had thame in milking and keping, howbeid thai wer of hir keill as said is. . . . The said William Kid tuk instrument that the said Elizabeth Huntare, executrix, or at the least intrometrix foiresaid, confessit the saidis xxxix scheip merkit with hir keill ” (f. 223).

## MARGARET LIVINGSTOUN, LADY YESTER.

6 January 1562-3.—William Stensone, officer of Lyne, “ in name and behalf of ane nobill and potent lady, dame Margreit Levingstoun, lady Yester, passit to the landis and ground of Weester Hopprew, lyand within the sherefdom of Pebliis, and possessit in and apone the said ground callit the Langsyde, sax hoggis, quhilkis pertenit to George Broune, quhairfra thai wer tane; protestand thairthrow that the said dame Margreit Levingstoun, nor hir servandis in hir name, suld incur na spulze, nor yit na proffittis mycht be requirit thair of in tymes cuming, considering the saidis sax hoggis wes enterit, restorit, and possessit to the said ground agane; and thaireftir the said officiare maid intimatioun thair of at the said George Broune dwelling-place in Hopprew, and in his absence requirit his spous, Elizabeth Huntar, to ressave the saidis hoggis, quha refusit the samin. . . . This was done on the said ground of Langsyde, and at the said George dwelling-place, at x houris before nowne or thairby, befor thir witnes: Andro Ronno, John Mathoson, elder; Johne Mathosone, younger ” (f. 240).

## VICARAGE OF LINTON.

22 June 1563.—Sir Adam Colquhoun, exhorter of the church of the parish of Lintoun, protested that the sasine given by William Tuedy, burgess of Edinburgh, to John Tuedy, brother german of

William Tuedy of Drumelzier, of 12 merks annualrent furth of the church lands of the vicarage of Lintoun, lying on the west side of the water of Lyntoun, called Lyne, should not be in prejudice of the title of the earl of Morton, and the possession of the said Sir Adam. The documents also refer to the pasturage of 12 soums of animals, and the third part of a 20s. temple land lying in the town and territory of Lyntoun (f. 253).

## CASTLE OF ARMETAGE.

28 June 1563.—John Steuart of Tracquhair, knight, keeper (*custos*) of the lands of Liddesdail for the time, by virtue of letter of our Sovereign Lady the Queen, delivered to Robert Elliot of Reidheucht, the Castle of Armetage, “with four hakbuttis of crok, tuelf lance stauffis, sax kilveringnis, ane of thame revyn with schutting; ane barrell of grof pulder, except samekle as is servit furth of it of kilvering powder, quhilk wes deliverit with the said barrell, viz., half ane stane, and this foirsaid munitioun wes deliverit furth of the Quenis Majestie munitioun hous. Item, deliverit to the said Robert Elliot, quhilk wes ressavit fra Watte Murro at the said lard entre in the said hous of Armetage, aucht cutthrottis with vij chalmeris, tua hakbuttis of crok, ane brewin leid, thre greit fattis, ane stand, ane dowble garnell, ane litigant bed, tua meit burdis, ane with furmes, ane uther wantand furmes; four lokkit burding durris, tua paddok lökkis on the tua irne yettis, ane bakin burd in the baik hous, thre new set up glasing windois. And apone the deliverance of the said castell, munitioun and gudis, and als ressait of the samin, the said Johne Stewart askit instrument. This was done within the said Castell of Armetage, at sax houris efter nounge or thairby. And als deliverit the keyis thair of to the said Robert. Before thir witnes: Thomas Trumbull of Bedderoule, knyght; Johne Govane of Cardrono; John Murro in Kirkhous; Walter Trumbill of Bewlie; Hectour Trumbill, tutour of Mynto, witnes specialie requirit heirte” (f. 254).

## PARISHIONERS OF INNERLEITHEN.

5 September 1563.—William Stewart of Caprastoun, in name of the parishioners of Innerlethane, “causit Sir Patrik Sandersone, exhortare, to warne my lord of Kelso, his takkiamen, thair assignais or factouris, havand maist rycht to the teind schavis of the

parrochin of Innerlethane, to assigne thame ane speciale day for teinding of thair cornes, quhilk and thair refusit, protestit for remeid of law, and for intromissioun with thair awin teindis, becaus sindry inhibitiones of the lordis of counsale, be thair deliverance, wer execut thairupone, and thairthrow knew nocht quha had the just rycht thairto." Done in the church of the parish of Innerlethane, about 12 m. Witnesses—"James Tait in Innerlethane; Alexander Hering and Adam Dawgleis. . . . Alexander Hering, servand to Sir Thomas Ker of Pharnyhurst, knycht, in name and behalf of the said Sir Thomas, and William lord Hay of Yester, requirit the saidis parochineris to assigne him ane speciale day, and thair suld haif thankfull teinding"<sup>1</sup> (f. 259).

#### PUBLICATION OF LETTERS AT THE CROSS.

25 September 1563.—John Horsbruk, town treasurer, in name of the community, went to the market cross and "requirit the copy of the letters, in all the four formes, execut be William Berry, messenger, quhilk pertenet to Sir James Davidsons, and allegit that William Berry foirsaid wald nocht deliver him the samin." Thereafter Berry "tuk ane copy of the principale letteres of the croce quhilk wes affixit be him thairupone, and offerit the samin to the said Johne, quha refusit the ressait thairof, becaus he had nocht ane uther to deliver him, by the principale affixt on the croce, and allegit the said Johne Horsbruk and John Wychtman gaif him injurious wordis, and wald nocht thole him use his said office in executioun of the saidis letteres" (f. 260).

#### PRICE OF MEAL.

8 February 1563-4.—"Henry Yule, meilman, grantit him to haif sauld ane laid of meill to James Patersone of Hartstane, for xxvj s. the boll, and that the commoun price of the mercat wes sua this present day. . . . Done in the mercat of Peblis," at 3 p.m. (f. 268).

#### KIRK LANDS OF EDDLESTON.

17 September 1564.—Sasine of the church lands of Eddelstoun, given to William Hay, brother of Mr George Hay, rector or parson

<sup>1</sup> A similar request was made to "Sir Patrik Sandersone, exhortare," by Alexander Horsbruk of that ilk, on 10th September 1564 (f. 287).

of Eddestoun. By charter, dated 19th January 1560-1, the rector (with consent of the dean and chapter of Glasgow), for a certain sum of money paid for reparation of the parish church, granted to William Hay, in feu-farm, the church lands of the parsonage of Eddilstoun, consisting of a four merk land, old extent (about 140 acres), with houses and yards, for payment to the rector of 4 merks of old farm, and 6s. 8d. of augmentation.<sup>1</sup> As the warrant for sasine, this charter was produced to the notary, who transcribed the signatures, but owing to the worn condition of the paper, some of the names have disappeared, and others are imperfect:—"Sequitur subscriptiones—A. Douglas, prebendarius a Douglas; . . . . succentor; Georgius Hay, rector de Eddilstoun, manu mea; Mr . . . . de Renfrew; Mr Robertus Richartson, archidiaconus Teved[ail] . . . . rector de Ancrum; Joannes Colquhone, rector de Stobo; Mr Adam . . . . [preben]darius Glasguen.; Mr John Wardlaw, Moffet; Jacobus Hammiltoun . . . . [Claudius Ham-]miltoun de Cambuslayng; Subdecanus Glasguen.; Willelmus Baillie, [prebendarius] a Provant; David Gibsoun ab Air, rector; David Stewart, rector de Erskyn" (f. 287-8).

## II. DECREET IN FAVOUR OF THE COMMUNITY OF PEEBLES AGAINST THE PROPRIETORS OF SHIELGREEN.

The decret referred to on p. 60, was pronounced on 19th March 1555-6, in the "sheriff court of Peblis, in that part, held in the tolbooth of the burgh of Edinburgh by honourable men, masters Alexander Mauchame and Robert Creychtoun, sheriffs of the said shire, in that part, specially appointed by commission of our Sovereign Lady the Queen." An extract of the decret, put up with the Shielgreen titles, runs thus:—"The quhilk day, auent the actioun and caus perseuit befor the saidis sheriffs in that pairt, be the provest and baillies of the burgh of Peblis aganis Johnne Stoddart in Scheilgrene, and Johnne Stoddart, his sone, be vertew of the said commissioun and precept direct thairupone, makand mentiou that the said burgh, communitie thairof, and thair successouris, ar infest of auld be oure Soverane Ladeis maist noble

<sup>1</sup> Confirmed by crown charter, dated 23th April 1566 (Reg. Mag. Sig. IV., No. 1615).

progenitouris, quhame God assoilse, in all liberteis, seingis, privilegiis, and possessiones had and usit be thame and thair predecessouris of befoir, with commone pastuir, fre ische and entre to the commontie of Glentree, as thair infetment beris, be vertew of the quhilkis thair predecessouris, burgessis of the said burgh, and thai, haif bene in peceable possessionun of the samin be pasturing of thair gudis, casting of fewale, fail, and dovettis, and pulling of hadder to thair dalie usis, throw all the pairtis of the said commontie within the boundis, methis, and merchis undirwrittin, continualie in all tymes bigane past memour of man, that is to say, begynnand at the watter of Peblis on the west pairt, the propir landis of Winkestoun liand contigue abone the Scheilslak at the south pairt to the Buttir Well, evin as the samyn passis to the landis of Winkistoun at the Baileyde, and sua passand up to the landis of Fowlage, evin up the rig abone the Scheilslak, and sua passand throw the landis of Fowlege to the commone pastuir of Pilmure, down the Blak Craig to the Vanelaw, and frathine throw the middis of Kettilyld to the commone of Glentree, callit Swinhope, as the commone dyke gangis on the west syde of the Swinhoip burne up to the Scheilgrene, passand up the burne to Somerclouch heid to ane grene know, and sua passand estirwart be Lethinhowpis, and frathine be the auld methis and merchis to Gathopburne, and out at the heid of the hill on the north pairt, passand doun the rig of the watter fall of the hill, quhilk alsua pertenis to the said burgh in commontie, to the marche dike nixt adjacent to the landis of Litill Ormestoun, occupit be Patrik Guven, to the midsyde of Cardy, as the grete balk gais to the marche of Spittalhoip, on the south pairt: quhill that Johnne Stoddart in Scheilgrene, Johnne Stoddart, his sone, and thair complices in thair names, of thair causing, command, assistance, and rathibitioun, upone the sext day of Maij last bipast, come to the Sonnyeside within the saidis provest, baillies, and inhabitaris commonetie foirsaid, upone Robert Andersone and Martyne Craufurde, thair servandis, quhair thai wer castand turvis and pulland hadder to thair usis, and tuke thair spaiddis fra thame, and maid impediment to thame to win the saidis haddir and turvis, and sua than wranguslie molestit and trublit, and as yit molestis and trublis the saidis provest, baillies, and inhabitaris in bruing of the said pairt of thair said commonetie, and will nocht ceis thairfra, as at mair lenth is contenit in the said commissioun and principale precept direct thairupone. The saidis Johnne Stoddert and Johnne

Stoddert being oft tymes callit and nocht comperand, and the saidie provest, baillies, and inhabitaris comperand be maister Johnne Spens, thair procuratoure, the richtis, resones, and allegations of baith the saidis pairteis being, be the saidis shereffis in that pairt, hard, sene, and undirstand, and thair thairwith, togidder with the depositiones of divers famous witnesses producsit for the pairt of the saidis provest, baillies, and inhabitaris, being ryplie and at lenth avisit, fand (be cognitioun takin) that the said burgh, communitie thairof, and thair successouris, ar infest of suld be oure Soverane Ladies maist noble progenitouris in all liberties, sesingis, privilegis, and possessiones had and usit be thame and thair predecessouris of befoir, with commone pasture, fre ische and entre of the said commone of Glentres; and that be vertew thairof, thair predecessouris, burgessis, and communitie of the said burgh, and thair, haif bene in peceable possessioun of the samin be pasturing of thair guidis, casting of fewale, fall, and dovetis, and pulling of hadder to thair dalie usis, throw all the pairtis thairof, within the boundis, methis, and mercheis abone writtin, continualie in tymes bigane, past memoir of man. And that the saidis Johnne Stoddert and Johnne Stoddert, his sone, and thair complices, in thair names, of thair causing and command as said is, upone the said sext day of Maij last bipast, come to the Sonneyside within the saidis provest, baillies, and inhabitaris commontie foirsaid, upone the saidis Robert Andersone and Martyne Craufurde, thair servandis, quhair thair wer castand turvis and pulland hadder to thair usis, and tuke thair spaiddis fra thame, and maid impediment to thame to win the saidis hadder and turvis, and sua wranguslie molestis and trublis thame in braking of the said pairt of thair commontie foirsaid, and thairfoir decernis and ordanis the saidis Johnne and Johnne to desist and ceis thairfra in tyme cuming, and the saidie provest, baillies, communitie, and inhabitaris to be keptit and defendit in possessioun of thair said commonetie in tyme cuming, ay and quhill thair be lauchfullie callit and ordourlie put thairfra, according to justice."

On the extract decret there is the following endorsement, apparently referring to an inspection of marches:—"15th May 1665.—John Flenderlaith, proveist; Robert Thomsonsone, John Williamsone, baillies, with the counsell and commounetie, past and visite the coumuntie of Glentars, beginand at Pebles Water, up Carcado to the Butter Well, from that up water fall and water sched of the

hill till the Collilaw syke heid; doun the Collilaw syke till Fouladge, up the Flatt burne till the Cram sykes, and back doun the said burne throw the loaning, perteaning to the toun, betuixt Hathpoole and Fouladge and Melvingland, till the stone called the (*blank*) stane, and back betuixt the proppertie of Melvingland and Hutcheonfeild, and the tounes commountie of Pilmure, and so to the Pitlawgait, leiding betuixt Pebles and Hethpoole." About this time, the community entered into negotiations with Lord Tweeddale for the purchase of Shielgreen, and these were successfully concluded before the end of the year. The town council proceedings on this subject, printed among the extracts which appeared in the *Peebleshire Advertiser*, 1871-2, are of considerable interest.





**GLOSSARY AND INDEX.**



## GLOSSARY.

- Abone (60), above.  
Afald (171), honest, upright.  
Aik (154), oak.  
Air (6), heir.  
Aittis (72), oats.  
Almery (167), press or recess for house utensils or provisions.  
Angill nobill (51), gold coin worth about 24s.  
Anniversar (7), annual service.  
Assithment (55), compensation.  
Atour (4), moreover.  
Aucht (14), eight.  
Aulde (13), old.  
Aw (171), ought.  
Awand restand (36), resting owing.
- Bairmkyn, barmkin. See p. 19.  
Balbe (51), halfpenny.  
Barneis cottis (51), children's coats.  
Bax (25), roof, loft.  
Baxtreis (50), wooden beams for lofting.  
Beand (15), being.  
Begardit (172), trimmed.  
Benesone (166), blessing.  
Bigging (11), building.  
Bitlare (50), the buttery.  
Blind bow (134), dry arch.  
Boith (10), booth.  
Brint (3), burned.
- Brokyng quhelis (167), broken wheels.  
Bruking (182), using, enjoying.  
Bufale hois (49), hose of buffalo skin.  
Buk (3), book.  
Burd compter (167), counter or table of boards.
- Carsay (160), woollen cloth.  
Chalmer (10), chamber.  
Chepmen (40), pedlars, itinerant merchants.  
Cloich (10), close, wynd.  
Coddis (97), pillows.  
Compt bukkis (49), account books.  
Cowparis (40), traders.  
Crammasy (172), crimson.  
Crown of the sone (51), coin marked with emblem of the sun.  
Cummerit (129), troubled.  
Cunter futtis (49), pieces of metal used in counting money, a set fitting into each other.  
Curtingnis (49), curtains.
- Deletis (8), cancels.  
Diocy (7), diocese.  
Dirige (103), dirge. See footnote, p. 7.  
Dossone (49), dozen.

- Dovettis (182), sods, turf.  
 Dowblat (49), jacket.  
 Draif (177), drove.  
 Drevare, drivare (50), perhaps a driving wheel.  
 Ducat (51), gold coin worth about 15s.  
 Dummond (177), a wether in second or third year.  
 Dur (142), door.  
 Egling (40), intending.  
 Erde and stane (10), earth and stone.  
 Fals and fenyeit (117), false and feigned.  
 Fasternesevin (175), Shrove Tuesday; 7th Tuesday before Easter.  
 Fat (145), vat.  
 Fe (72), hire.  
 Fefted (7), legally put in possession.  
 Few fyrm (10), feu farm, feu-duty.  
 Flour delices (51), fleurs-de-lis.  
 Foirboith (14), fore booth.  
 Forfaltyn (10), forfeiting.  
 Fra (15), from.  
 Frenzeit (49), fringed.  
 Fret cursay (172), head dress of network.  
 Frer (103), friar.  
 Fundit (7), founded.  
 Futtis (19), feet.  
 Gaderit (23), assembled.  
 Gait (11), road, street.  
 Gardiviot (49), cabinet.  
 Gill (15), guile.  
 Gomer (177), a ewe two years old.  
 Graith (147), furnishings.  
 Gud (10), good.  
 Haddir (59), heather.  
 Hald of Nepetht (46), Neidpath Castle.  
 Hakbut (17), gun, musket.  
 Halmushous (11), almshouse.  
 Hecht (10), high.  
 Haile (10), whole.  
 Hee (14), high.  
 Herne (172), coarse cloth.  
 Hers (110), frame for wax candles.  
 Hoggis (170), young sheep.  
 Hud (50), hood.  
 Ilk (14), the same.  
 Jowkry and falset (177), trickery and deceit.  
 Kalf (136), calf.  
 Kilveringnis (179), culverings, pieces of artillery.  
 Kirtill (172), a close fitting garment.  
 Kist (93), chest.  
 Ky (136), cows.  
 Kyndnes (166), title of a rentaller.  
 Laif (8), remainder.  
 Landwart (40), outside burgh.  
 Lawchfullie (8), lawfully.  
 Ledder (49), leather.  
 Lilis worsset (172), worsted from Lille.

- Lowis dure (50), loose door.  
 Lyand (11), lying.  
 Lyder (151), ladder.
- Maister (12); Mr (93); master  
 of arts. See pp. 3, 4.  
 Manrent (191), homage to a  
 superior or master.  
 Manure (172), possess, culti-  
 vate.  
 Maryskin cot (49), coat of Mo-  
 rocco leather.  
 Messis (7), masses.  
 Mister (34), need.
- Nomerat (16), counted.  
 Nychtbour (10), neighbour.
- Oblist (10), obliged.  
 Oist (72), host, army.  
 Ofgang (166), about 13 acres of  
 land.
- Pakyng and pelyng (40), buying  
 and selling, acting as mer-  
 chant and tradesman.
- Pane (10), penalty.  
 Paroche (15), parish.  
 Pasmannit (49), decorated.  
 Patelot (172), a kind of ruff.  
 Pe (172) loose coat or gown.  
 Peax and weir (17), peace and  
 war.  
 Pestilat (49), pestle.  
 Pig (41), earthen vessel.  
 Pece and weir (25), peace and  
 war.  
 Placebo (103). See footnote, p.  
 7.  
 Powrseland (150), pursuivant.
- Prebendar (13), prebendary,  
 holder of a prebend or church  
 benefice.
- Quha (180), who.  
 Quhair (10), where.  
 Quhilk (10), which.  
 Quhinger (49), short sword.
- Ratihibitioun (182), confirma-  
 tion.  
 Regrais (136), regress, return.  
 Reiff (30), plunder.  
 Religious (114), a person bound  
 by monastic vows.  
 Revaris (30), plunderers.  
 Rowk (97), rick.  
 Rydar (51), a coin worth about  
 22s.
- Sanct Colme day (175), St Col-  
 umba's day (9th June).  
 Sark (172), shirt.  
 Sasine (3), act of giving posses-  
 sion.  
 Schir (11), Sir. See pp. 3, 4.  
 Scho (5), she.  
 Sebastian (103), perhaps St Se-  
 bastian's day (20th January).  
 Serf (43), serve.  
 Seatings (5), sasines.  
 Sic (72), such.  
 Siolike (10), also.  
 Sicky (15), sure.  
 Slak (59), hollow between hills.  
 Sone (14), sun.  
 Sows (51), a French coin.  
 Spanye freis (45), Spanish  
 frieze.  
 Steide (9), stance, steading.

- Steilbow (170)**, farm stock belonging to landlord.  
**Steill bonet (50)**, helmet.  
**Steipfat (20)**, vat for steeping malt.  
**Stemmy (49)**, woollen or worsted.  
**Stirk (136)**, a young bullock or heifer.  
**Stomok (172)**, article of dress called a stomacher.  
**Streikand (135)**, stretching, going.  
**Streking of the plewis (61)**, commencement of ploughing.  
  
**Takhat (49)**, perhaps tacked.  
**Takkyng (152)**, talking.  
**Telit (61)**, tilled.  
**Tepot (50)**, tippet.  
**Testane (51)**, a silver coin worth about 4s.  
**Thak (10)**, thatch.  
**Thairaboun (10)**, above the same.  
**Tholit (72)**, suffered.  
**Thring (40)**, press, thrust.  
  
**Tinsale (174)**, loss.  
**Tirvis (61)**, pieces of turf.  
**Tother (10)**, other.  
**Trynseouris (49)**, trenchers, plates.  
**Tymmir (10)**, timber.  
**Tyn lavar (49)**, tin basin.  
  
**Umquhill (10)**, late, deceased.  
  
**Vent (39)**, vend, sell.  
**Veaying (17)**, inspecting.  
  
**Walter (134)**, water.  
**Walx (110)**, wax.  
**Wappynis (17)**, weapons, arms.  
**Waygers, "c waygers" (33)**, 100 hired soldiers.  
**Wed (177)**, pledge.  
**Wedderis (177)**, wethers, rams.  
**Werk (25)**, work, fortification.  
     See pp. 19, 20.  
**Widdy cruk (50)**, a twig crook.  
**Wolving (154)**, woven.  
**Wyte (62)**, blame.  
  
**Yowes (177)**, ewes.

## INDEX.

- Abbot of Unreason, 152.  
Abercrommy, John, 97-100.  
Accounts, annual, 149-52.  
Acomfields, 61.  
Alderston, William, 45.  
Alexander, Andrew, 113, 135,  
143, 146; burgess, 105, 145.  
Allan, John, 6; Sir John, priest  
and town clerk, 6, 7, 16, 94,  
97-8, 105, 114-8, 144, 165-84;  
curate, 97; minister, 115.  
— Katherine, 117.  
— William, burgess, 23.  
Almshouse in Bridgegait, 11,  
33.  
— in High Street, 36, 37,  
140, 152, 158-9.  
Alnwick, 27.  
Ancrum, rector of, 181.  
Ancrum Moor, 29.  
Anderson, John, 53.  
— Robert, 182-3.  
Angus, earl of, 28, 31.  
Anniversaries, 7, 8, 103-6, 111-3.  
Apparel, wearing, 49-51, 172.  
Archibald, Mr Thomas, 96;  
chamberlain to archbishop,  
100; vicar of Peblis, 173.  
Argyle, bishopric of, 66.  
Argyleshire, 79.  
Armetage, castle of, 179.  
Arms and ammunition, 17, 18,  
179.  
Arran, earl of, regent, 27, 49.  
See Chatelherault.  
Ashkirk, 80.  
Assythment for slaughter, 55,  
124-6, 167, 174.  
Atzine, William, 10.  
Ayr, 79.  
Ayre, justice, at Peblis, 167.  
Baill syde, 59, 60, 182-4.  
Baillie, William, prebendary of  
Provand, 181.  
Balkeky, Cristian, 141-2.  
Banerman, William, 156.  
Bard, Elizabeth, 167.  
— John, 167.  
— Nicholas, in Kirkhope, 50.  
Bark holes, 147-8.  
Barns, 46.  
Barry, William, messenger, 72.  
Bathcat, Sir Thomas, parish  
clerk, 118.  
Battis, 56.  
Beaton, archbishop, 3; cardinal,  
29.  
Bell, Thomas, bailie, 3.  
— William, 124-6; bailie, 3.  
Beltane day, 134.  
Berry, William, messenger,  
180.  
Berwick, 31, 75.  
Betoun, Mr Andrew, provost of  
Collegiate Church, 96-100.

- David I., King, 1, 21.  
 — II., King, 15.
- Davidson, Sir James, chaplain, 35, 36, 180.  
 — John, minister in Glasgow, 115.  
 — Thomas, 36.
- Dawgleis, Adam, 180.
- Dawlethow, 130.
- Deanshouses, 90.
- Derling, Robert, 113.
- Devil, renunciation of, 111.
- Dewar Swyre (Dewar Gill), 55.
- Dick, Mr Alexander, archdeacon, 12, 54, 92, 96-100, 110.  
 — Margaret, 117.
- Dickson (Dikesoun), Adam, 53; bailie, 3, 5, 9.  
 — Allan, farmer of parsonage, 99, 100.  
 — Sir James, chaplain, 10.  
 — Sir John, chaplain, 11.  
 — John, 53, 138, 144; of Winkston, 144, 153, 177; younger of Winkston, 107, 172-3; of Smithfield, 159; bailie, 48, 97; town clerk, 116-7; treasurer, 46, 94; reader, 86; minister of common prayers, 97, 100-1, 114-5.  
 — Margaret, 111.  
 — Marion, 55.  
 — Richard, of Melvingland, 169.  
 — Thomas, 172.  
 — William, 6, 136, 159; burgess, 94; bailie, 115; treasurer, 116; of Winkston, 64, 138-9, 144, 169, 172.
- Doby, William, 150.
- Dode, 122. See Caidmuir.
- Donaldson, Fergus, servitor, 175-6.  
 — William, burgess of Glasgow, 105.
- Douchell, James, burgess, 19, 147-8.
- Douglas, Archibald, archdeacon and parson, 101-2; prebendary of Douglas, 181.  
 — George, captain of Douglas, 68.  
 — Sir George, 31.  
 — Hector and James, in Spittlehaugh, 81, 170.  
 — James, 170.  
 — Sir Ninian, vicar of Stobo, 168-9.  
 — Robert, vicar of Stobo, 169.
- Drife, 173.
- Drumelzier, barony, 168.
- Drumlanrig, 51.
- Dryburgh, 3.  
 — Abbey, 29.
- Dudingston, Andrew, of Southous, 169.
- Dumbarton Castle, 87.
- Dumfries, 51, 79, 80.
- Dunbar, 45, 83.
- Dunglas, 33.
- Dwelling-houses, construction of, 141-2.
- Eastgate, 6, 19, 86.
- East Wark, 20, 34, 76.
- Ecfurd, John, 132, 156.
- Edderstone, 130.
- Eddlestone, church lands of, 180-1.



- Eddleston, parson of, 180-1.  
 — vicar of, 112.  
 Edinburgh, 2, 3, 6, 32, 41, 44,  
   54, 60, 62, 63, 76, 81-2, 90,  
   115, 150-3, 167, 181.  
 — Castle, 88.  
 — Friars Preachers of, 106.  
 Edmond, Thomas, 68.  
 Edward I. of England, 70.  
 Elcho Street, 133.  
 Elizabeth, Queen, 73.  
 Elliot, Robert, of Reidheucht,  
   179.  
 — William (Blak or Gray  
   Will), 46-8.  
 Elphinston of Henderston—  
   Cuthbert, 128; Dionisius, 16,  
   93-4, 99, 114, 126-8; George,  
   126; John, 128.  
 — George, of Mannisland,  
   170; younger, in Glasgow,  
   175.  
 — John, 175.  
 — Jonet, 175.  
 England, 28, 30, 33, 38, 71-7,  
   84.  
 Erskine, lord, 130.  
 Eschels (Eschelis, East Shiels),  
   58, 60, 65-6, 130.  
 Etrick Forest, 31.  
 Eure, Sir Ralph, 29.  
 Ewmond, Sir Martin, chaplain,  
   167.  
 Exchequer accounts, 150-1.  
  
 Fairhame, Andrew, 45.  
 Fairs, 21, 39-41, 63.  
 Farm stock, 50, 166, 168, 170,  
   177.  
 Farnihaucht, 130.  
 Ferniehurst, laird of, 31, 87.  
 Finlaw, Besse, 154-5, 172-3.  
 Flat, 49; burn, 184.  
 Fleming, James, lord, 168.  
 Forest, Sir John, rector of Skir-  
   ling, 94, 165.  
 Forthit, Edward, 11.  
 — Helen, 11.  
 Foster or Forester, Thomas,  
   135, 145.  
 Foulage (Foulleche), 59, 65,  
   182-4.  
 France, 32, 76.  
 — Dauphin of, 47, 70-1, 73.  
 Francis, King, 73, 77.  
 Frank, Andrew, 117, 129, 151.  
 — James, 129, 159.  
 — William, 129.  
 Frankslands, 129.  
 Fraser (Fresale), John, 55, 151.  
 French influence, 70-7.  
 Friars, Red or Trinity, 103-10.  
   See Cross Kirk.  
 Frude, William, 134.  
 Fruit trees, 54.  
  
 Gathopeburn, 61, 182.  
 Gawane, Edward, 14.  
 — James, 14.  
 Geddes, Charles, of Rauchane,  
   46, 176, 178.  
 — John, of Rauchan, 13.  
 — William, 13, 178.  
 Gibson, Mr David, rector of  
   Ayr, 95, 98, 181.  
 — James, burgess, 171.  
 — Marion, 6.  
 Gilleis, Adam, serjeant, 144,  
   153.  
 Glasgow, 63, 75, 79, 88, 115, 176.

- Glasgow Cathedral, 80.  
 — archbishops of, 166  
 (Gavin), 92; (James Betoun),  
 94, 118, 168.  
 — subdean of, 181.  
 Gledstones, James, 123-6.  
 — John, of Coklaw, 123-6.  
 — Walter, of Colifurdhill,  
 124.  
 Glencairn, earl of, 28, 76.  
 Glencotho, 168.  
 Glenholm (Glenquhome), 166,  
 176.  
 Glensax, 93.  
 Glentress Common, 56-61, 64-5,  
 130, 182-4.  
 Glenumfurd, 168.  
 Govane (Gowane), James, 47;  
 141-2; of Burrelfield, 47.  
 — John, of Cardrono, 49,  
 179; Jonet, 54.  
 — Margaret, relict of Thomas  
 Hay, 49, 50.  
 — Patrick, 46, 60, 141, 182.  
 — William, 47.  
 Grahame, James, 174.  
 — John, in Faw Kirk, 156.  
 — Robert, 174; in Slipper-  
 field, 174.  
 Graham Street, 5.  
 Grammar School, 120.  
 Gray, lord, governor of Ber-  
 wick, 31, 32, 33.  
 — James, 48.  
 Gray stane, 65.  
 Greenyards (Greyn Yards), 12.  
 Greife, Stein, 146.  
 Grymtoun, Patrick, vicar of  
 Lyne, 112,  
 Guise, duke of, 71.  
 Haddington, 32, 33, 44.  
 Haldane, James, 108.  
 — Walter, schoolmaster, 120.  
 Hallyards, 123.  
 Hamilton Hill, 5, 62.  
 Hamilton, Claud, of Cambus-  
 lang, 181.  
 — Gavin, dean of Glasgow,  
 165.  
 — James, 181.  
 Hampton Court, 83.  
 Harcas, 174.  
 Harrow (Hal Raw), 166-7.  
 Harvest, 122, 142.  
 Hawick, 31, 33.  
 Hay, Alexander, burgess, 159.  
 — Mr Alexander, scribe to  
 secret council, 63.  
 — Mr Andrew, notary, 46.  
 — Mr George, parson of  
 Eddleston, 180-1.  
 — Gilbert, 48-50, 68.  
 — John, 50, 72, 111-2; mas-  
 ter of hospital, 67, 140, 142,  
 156, 159; burgess, 97.  
 — Mr John, town clerk, 53.  
 — Katherine, 167-8.  
 — Robert, 112.  
 — Mr Thomas, provost of  
 Bothanis, 43, 45, 168;  
 Thomas, master of hospital, 67;  
 brother of Lord Yester, 107;  
 archpriest of Dunbar, 160.  
 — William, 48, 180; of Tallo,  
 45, 46.  
 Hay, lords of Yester:—  
 John (first lord), 54 (1544),  
 29 (1547), 31 (1554-5), 42  
 (1552), 45 (1555), 58, 168,  
 170, 175 (1543), 91.

- William, 126 (1555-6), 42, 43,  
151 (1558), 46, 171 (1559-60),  
48 (1562), 51 (1560), 77, 175  
(1565), 80-3 (1559), 107  
(1563), 180.
- Hay of Smithfield:—  
James, 159.  
John, 68; Mr John, 67,  
157-9.  
Thomas, 46, 48-9, 66-8, 107,  
157-60, 167-8, 171; sheriff-  
depute, 46, 48, 160.
- Haystoun (formerly Henders-  
toun), 69.
- Heathpool, 54, 184.
- Henderstoun, 16, 93, 126-8. See  
also Haystoun.
- Henderson (Henrison), Andrew,  
150.  
— Sir John, chaplain, 113.
- Henry VIII., King, 2, 28, 30.
- Hering, Alexander, 180.
- Hertford's invasion, 29. See  
Somerset.
- Hesilhope, Robert, 145-6; bur-  
gess, 154.  
— Thomas, burgess of Edin-  
burgh, 48.
- High Street, 6, 9, 15, 22, 24,  
33, 102, 140, 158.
- Hiltson, Robert, chirurgion,  
96.
- Hog, Adam, 144.  
— John, 6; burgess, 136.  
— Margaret, 136.
- Hoggart, Sir John, chaplain,  
166.
- Holcroft, Sir Thomas, 32.
- Holyrood House (Halyrud  
House), 67.
- Hope (Hoip), John, 36.  
— Sir Robert, chaplain, 12,  
94, 112, 121, 140, 146, 171.  
— Thomas, 112.
- Hopprew, Wester, 175, 178.
- Hoppringill, Alexander, in Cha-  
pelhill, 62.  
— Marion, 177.  
— Robert, 170.  
— Thomas, 47, 142, 156-7,  
170; of Melkeinston, 157.  
— William, in Newhousbyre,  
176.
- Horsbrugh (Horsbruk), 122.  
— Agnes, 159.  
— Alexander, of that ilk, 49,  
66, 68, 180.  
— John, treasurer, 68, 180;  
bailie, 86.  
— Robert, 66.  
— Castle, 66.
- House furnishings, 49-51, 199.
- Howleuch, 173.
- Hundellishope, 167.
- Hunter (Huntare), Elizabeth,  
176, 178.  
— John, in Polmude, 178.  
— Robert, of Polmude, 46,  
67, 167-8.
- Huntly, earl of, 79.
- Hutcheonfield, 184.
- Hutton, General, 52.
- Inchmahome, 32.
- Inglis, John, of Mennarheid,  
66.
- Innerhill, 122. See Caidmuir.
- Innerleithen, church of, 179-80;  
exhorter, 179.  
— Road, 66.

- James I., King, 66.  
 — IV., 23, 91.  
 — V., 2, 39, 52, 67, 91, 103.  
 — VI., 81, 88.  
 Jedburgh, 3, 28, 31, 32, 33, 82.  
 — Abbey, 24.  
 Jedburghfield, 175.  
 Jewelry, 177.  
 Johnston, laird of, 173.  
 — John, 146.  
 — William, burgess, 15, 167;  
 of Howleuch, 173.  
 Jonkeason, Arthur, burgess,  
 160, 170.  
 Julius III., Pope, 168.
- Kailzie, 170.  
 Kelle, Sir Walter, chaplain, 93.  
 — William, priest, 97, 100.  
 Kelso, 71-2; abbey, 29.  
 Kempseheli, 60.  
 Kempt, James, 105.  
 Ker, Andrew, of Faldaneside,  
 176.  
 — Sir John, priest, 93-4;  
 chaplain and notary, 105, 112.  
 — Mark, in Kippelaw, 176;  
 abbot of Newbotle, 90.  
 Ker of Cessford, 31; Sir  
 Andrew, 90.  
 Ker of Ferniehurst, 31, 87;  
 Thomas, knight, 88, 180;  
 John, younger, 28.  
 Kettilbyld, 59, 182-4.  
 Kettins (Kettynnes), 109; rec-  
 tor of, 107-8.  
 Kid, Duncan, 135, 172.  
 — Helen, 154-5.  
 — William, 154-5; burgess,  
 94; serjeant, 166, 176, 178.
- Kilbucho, vicar of, 95, 112, 165.  
 — chaplain of, 165.  
 — church of, 166.  
 Kilns, malt, 145-7.  
 Kinglands, 61, 62.  
 Kingledoors (Kingildurris), 45.  
 Kingsmuir, 126-9.  
 Kirkhope, Andrew, 137.  
 Kirklands, 61, 62, 92, 98, 172-3.  
 Kirk of Field tragedy, 83.  
 Kirkurd, curate of, 95.  
 — vicarage of, 95.  
 Kirkwood (Kyrkwode), John,  
 11, 12, 117.  
 Kneland Cross, 64.  
 Knox, John, the Reformer,  
 71, 73, 77, 115; chaplain,  
 96.
- Lady Chapel. See Chapel.  
 Langlie, 177.  
 Langside, 83, 178.  
 Langton, Nicholas, of Erlis-  
 haugh, 173.  
 Lauder (Lawedre), parson of,  
 177.  
 — Alexander, of Haltoun,  
 165.  
 — Elizabeth, 114.  
 — George of, 66.  
 — Thomas, mason, 85.  
 — William, of Haltoun, 165.  
 Law, John, in Lyne Mill, 174.  
 Lawson, John, 53.  
 — Marion, 5.  
 — William, in Hundlehope,  
 167.  
 Leidgait, 5, 21, 62, 140.  
 Leith, 3, 74, 76, 88, 101.  
 Leithenhopes, 55, 90, 182.

- Lennox, Regent, 84, 86.  
 Lethquo, James, 144.  
 Liddesdale (Lythersdale), 27, 179.  
 Lime pits, 147-8.  
 Linton (Lyntoun), 171; church of, 178; temple land in, 179.  
 — curate of, 95; exhorter of, 171.  
 Lining and dividing property, 142-5.  
 Linlithgow, 84.  
 Little (Litill), Andrew, 94.  
 — John, 152.  
 Livingston, dame Margaret, lady Yester, 178.  
 Loch (Lough), Simon, 133.  
 — William, 5.  
 Lochleven Castle, 83.  
 Logan, William, messenger, 174.  
 Lonyngdaillis, 121.  
 Lorraine, cardinal of, 71.  
 Louchorrat, 54.  
 Lowys, Archibald, burgess, 167.  
 — friar James, 104, 108, 110.  
 — John, 94; Mr John, school-master, 120.  
 — Ninian, 167.  
 — Thomas, 113, 177; of Maner, 81; in Haltoun, 170; friar Thomas, minister of Cross Kirk, 104.  
 — William, 140, 174; in Kirkton, 123; burgess, 25, 147.  
 Lyne, 175; church and parish, 96.  
 — Manse, 95.  
 — Mill, 174.  
 — parson of, 92, 95, 136-7; vicar of, 112.  
 Lyne water foot, 46; water, 179.  
 Magill, Mr David, advocate, 63.  
 Maitland, of Lethington, 73-4.  
 — James, 151.  
 Malt kilns, 145-7.  
 Manor (Mennare) church, 98-101.  
 — tower, 167.  
 Mar, Regent, 88.  
 March, George, earl of, 45.  
 Marches, 64-6, 126-7.  
 Market Cross, 6, 21, 22, 39, 48, 63, 176, 180.  
 Markets, 21, 22, 39-41, 63.  
 Marriage provision, 136; contract, 154-5; dispensation, 167.  
 Marshall (Merschell), Leonard, in Kilbucho, 175.  
 — Thomas, 46, 155.  
 Mary of Guise, Queen Regent, 41, 71, 76, 150, 153.  
 Mary, Queen, 1, 2, 32, 47, 51-2, 64, 67, 70-1, 73, 78-84, 91, 179.  
 — Queen of England, 73.  
 Mathison (Mathosoun), David, 5.  
 — John, 178.  
 — Patrick, 166.  
 — Richard, 5, 140.  
 Mauchane, Alexander, 181.  
 Maxwell, John, master of, 75.  
 Mechelsone, Jonet, 166.  
 Meggatland, 82.  
 Melrose, 3, 82.  
 — Abbey, 29.  
 — abbot of, 5, 140.

- Melvingland, 184.  
 Middilmast, Thomas, of Greiston, 160, 171.  
 Middle March, warden of, 151.  
 Milkenstoun, 108.  
 Mill, Rood (corn mill on Tweed), 22, 26, 34, 35, 132, 151, 157-8.  
 — Auld, on Peblis Water, 129-30; dam and green, 143-9, 151.  
 — See Walk Mill.  
 Millar, Cristina, 114.  
 Ministers and Readers, 100-2, 114-5.  
 Moffat, 13.  
 Monastery of Trinity Friars, 75, 103-10. See also Cross Kirk.  
 Monteith, lake of, 32.  
 Moray, earl of, 79; regent, 83-7.  
 Morton, earl of, 58, 60, 65, 68, 81, 130, 169-70; regent, 90.  
 Mure, John, 103.  
 Murray (Moro), John, 167; in Kirkhouse, 179.  
 — Margaret, 174.  
 — Robert, 156; burgess, 19, 108, 152.  
 — Watte, 179.  
 — William, of Romannoc, 167.  
 Nasmyth, Sir Gavin, chaplain, 93.  
 — Sir William, chaplain, 93.  
 Neidpath Castle, 44-7, 51, 109.  
 — Green of, 45-6.  
 Neilson, Sir Thomas, chaplain and curate, 168, 174; minister, 175; vicar of Stanhouse, 175.  
 Newbotle, lord, 90.  
 Newby, 93.  
 Newbye, John, 137-8.  
 — Sir William, priest and town clerk, 3, 4, 5, 9, 10, 138-9.  
 — William, 137-8.  
 Newerk. See East Wark.  
 Newlands, 90.  
 Newton, John, 142; friar John, 103, 106, 108, 110, 156; Sir John, 171.  
 — Jonet, 106.  
 New Town, 18.  
 Nicholl, John, 166.  
 Northgait, 11, 21, 33, 34, 53, 54, 64, 136-9; 157.  
 North Port, 20, 142, 146.  
 Northumberland, earl of, 84.  
 Notaries, admission of, 6, 7.  
 Ogle, John, 28.  
 Old Town, 5, 12, 13, 18, 21, 34, 76, 92, 100, 112, 133-5, 139-40, 146.  
 Oliver Castle, 170.  
 Orkney, bishop of, 80-1.  
 Ormiston, Little, 54, 60, 182.  
 Oswald, John, burgess of Canogait, 156-7.  
 Paisley, abbot of, 33.  
 — Castle, 87.  
 Parish Clerk, 118-9.  
 Parliament, attendance at, 150.  
 Paterson, Dutho, 146.

- Paterson, Sir Edward, chaplain,  
 23, 140.  
 — George, 34.  
 — Friar James, minister of  
 Cross Kirk, 103-6.  
 — James, 146; of Hartstane,  
 180.  
 — Jonet, 113, 140.  
 — Patrick, 134.  
 — Thomas, of Caverhill, 101.  
 Patonson (Pathonson), Katherine,  
 24.  
 — Patrick, 134.  
 Patriksson, John, 24.  
 — Patrick, 24.  
 Paul III., Pope, 105.  
 — IV., Pope, 168.  
 Peblis, Mr Robert of, 137.  
 — Thomas, 124-6; bailie,  
 143-4.  
 — William, bailie, 3; of  
 Cruxtoun, 141-2.  
 Peblis Water, 9, 12, 21, 108,  
 134-5, 137-8, 140, 145-8, 156,  
 158-9, 182-3.  
 Perambulation of marches, 64-6,  
 126-7.  
 Persone, Thomas, 143.  
 Pest, 129.  
 Pilmuir (Pilmoir), 59, 61, 182-4.  
 Pinkiecleuch, battle of, 30, 31,  
 165.  
 Pitlawgait, 184.  
 Plenderlaith, John, 24; provost,  
 183.  
 — Patrick, 24.  
 Portmore, 64.  
 Ports, 18-21, 24, 25.  
 Portus, John, of Glenkirk, 176.  
 — Oswald, burgess, 172-3.  
 Portus, Patrick, 53.  
 — William, vicar of Kil-  
 tucho, 95, 112, 165; of Glen-  
 kirk, 166.  
 Posso, 49, 50, 67, 167.  
 Pount, James, 151.  
 — John, 12.  
 Prestonpans, 74.  
 Property divided, 142-5.  
 Provost, election of, 41-4.  
 Purdy, Jonet, 106.  
 Purvel, Sir Thomas, curate of  
 Traquair, 112.  
 Purves, Sir Thomas, chaplain,  
 94; reader in Manor Kirk,  
 101.  
 Quarter, 168.  
 Queen of May, 152.  
 Quhippo, Nicholas, notary, 46,  
 51; of Kidlaw, 168.  
 — William, 51.  
 Quh— See Wh—  
 Ra, Andrew, 153.  
 Rait, David, confessor, 66.  
 Rannik, John, in Stanhope, 168.  
 Readers and ministers, 100-2,  
 114-5.  
 Reformation, 73-5, 84-7, 93-102.  
 Reid, Robert, bishop of Orkney,  
 80.  
 Reidschaw, Margaret, 137.  
 Renfrew, parson of, 181.  
 Rensbrig, 172.  
 Restalrig, 75.  
 Restennot priory, 24.  
 Riccio's murder, 81.  
 Richardson, Robert, archdeacon  
 of Teviotdale, 181.

- Roads or passages, common, 61-2, 130.
- Robene Hude, 152.
- Robertson (Robesoun), Christian, 139.
- Dutho, 139.
- James, burghess, 105.
- John, 45.
- Stene, 150; bailie, 85; burghess, 129-30.
- William, bailie, 3, 5.
- Robin, John, 144; friar John, 99, 104, 106, 108, 114; John, priest, 171.
- Romanno, 90, 109-10.
- Rome, 95, 99; court of, 100.
- Ronno (Ronnay), Andrew, 166, 178.
- James, 166.
- Mungo, 167.
- Rosetta Road, 5.
- Row, John, at Rome, 95.
- Rowand, George, at Rome, 95.
- Royal visits, 51, 52, 79-83.
- Russell, John, 95.
- Marion, 40.
- William, 40.
- St Andrews, John, archbishop of, 167.
- St Andrew's Church of Peblis. See Church.
- gait to, 135.
- St Andrew's Road, 5.
- St Bege of Kilbucho, 165.
- St John, knights of, 169.
- St Leonard, hospital of, xi, 36, 37, 66-9, 150.
- chapel of, 66, 68.
- lands of, 67, 105, 133.
- St Mary's Chapel. See Chapel.
- St Mary's Isle, 79.
- St Michael's Wynd (or "Clois"), 9, 10.
- Salmond, James, at Rome, 95.
- Robert, burghess of Glasgow, 175-6.
- Saltcoittis, Wester, 156.
- Sanderson, Sir Patrick, exhorter, 179.
- Schoolmasters, 119-20.
- Scott (Scot), Archibald, 170.
- James, 171.
- John, 106; in Hundleshope, 101.
- Jonet, 157-8.
- Margaret, 113.
- Robert, 154; bailie, 174; of Riskinhope, 170; of Wamphray, 28; in Thirlestane, 171.
- Roland (Rowe), bailie, 48 burghess, 170.
- Ronald, 142-3.
- Thomas, 101.
- See Buccleuch.
- Selkirk, 31, 33.
- Sheriff and his depute, 42, 48, 175.
- Shiell, Peter, 139.
- Shiellgreen (Scheildgrene), 54-60, 181-4.
- Burn, 56.
- Shiell slak, 59, 60, 182.
- Sinclair (Syncler), Mr Henry, dean of Glasgow, 97.
- Skirling (Scraling), 51, 79.
- rector of, 94, 165.
- Smailis land, 13.
- Smail, William, 68; of St Leonards, 152.



- Smith (Smyth), Christian, 4, 34.  
 — James, burgess, 104.  
 — John, 13.  
 — Thomas, 140; burgess, 104; friar Thomas, 104, 108, 110, 114.
- Smithfield, 46-50, 56, 67, 157-60.  
 — tower, 160.
- Solway Moss, 2.
- Somerset, duke of (earl of Hertford), 29, 30, 32.
- Somerville, Agnes, lady of Kailzie, 170.
- Soonhope (Swynhope), 49, 50, 56, 58, 160, 182-4; Over and Nether, 67.  
 — Common, 56, 61.  
 — Mill, 49, 57, 59.
- South Vennel, 21.
- Spain, 71; King Philip of, 73.
- Spens, Mr John, 183.
- Spittalbank, 67.
- Spittalhope, 60, 68-9, 182.
- Spittelhauch, 67.
- Spottis, 56.
- Squyrehauch, 67.
- Stackyards, 122, 142.
- Stanhope, 168-9.
- Stanhouse, Sir Patrick, priest and town clerk, 23.
- Steeple, 24, 25.
- Steill, Sir James, chaplain, 166.
- Stevenson (Steinsoun), Sir Malcolm, vicar of Lus, 105.  
 — Thomas, 9; burgess, 10.  
 — William, 141; officer of Lyne, 178.
- Stewart, Andrew, 36, 151.  
 — David, rector of Erskine, 181.
- Stewart, Dutho, 10.  
 — Edward, 151.  
 — James, 139; weaver, 140.  
 — John, 182-3, 151, 157; mason, 143; burgess, 155; canon of metropolitan church, 165; of Traquair, 45, 48, 55, 171; knight, 179; Mr John, parson of Moffat, 13.  
 — Jonet, 113.  
 — Margaret, 155.  
 — William, of Traquair, 55; of Caprastoun, 179.
- Stobo, 166.  
 — church of, 168, 174-5; altar of St Kentigern, 175.  
 — curate of, 174.  
 — parson of, 136, 175.  
 — barony, 166.  
 — commissariot of, 169, 173.  
 — minister of, 175.  
 — vicar of, 176.
- Stodert, George, 113-4, 132, 157-8.  
 — John, burgess, 54-7; in Shiellgreen, 181-4.  
 — William, 56.
- Summercleuch (Somercleuch), 59, 61, 182-4.
- Sunnyside (Sonymside), 56, 60, 61, 182.
- Swynhope. See Soonhope.
- Symson, Sir John, chaplain, 137.
- Tait, Alexander, of Pirn, 167.  
 — James, in Innerleithen, 180.  
 — Jonet, 4.
- Temple lands, 109, 169, 179.

- Temple Bar, 169.  
 Termes, Monsieur de, 32.  
 Terpeddo, 169.  
 Teviotdale (Tyvydale), 31, 87;  
   archdeacon of, 181.  
 Thieves, Border, 41, 88-90.  
   — of Wamphra or Drife, 173.  
 Thomson, Alexander or Martin,  
   173-4.  
   — Sir George, chaplain and  
   notary, 168.  
   — Hary, 89.  
   — John, 142-3.  
   — Maille, 151.  
   — Patrick, 143.  
   — Robert, bailie, 183.  
   — Walter, 170.  
   — William, 68.  
 Thorbrand, Andrew, 151.  
   — John, in Hairhope, 170.  
 Threpland, John, 143.  
 Tolbooth, 11, 37, 149.  
 Torphichen, lord James of, St  
   John of, 169.  
 Town Clerk, 3, 115-8.  
 Town wall, 18, 85-6.  
 Traquhair, 82; curate of, 112.  
 Trinity friars, 103-10. See  
   Cross Kirk.  
 Tunno (Turnover), John, 111.  
   — Sir William, vicar of  
   Manor, 110-1; schoolmaster,  
   119.  
 Turnbull (Trumbull), Hector,  
   tutor of Mynto, 179.  
   — Thomas, of Bedrule, 179.  
   — Walter, of Bewlie, 179.  
 Turner, John, curate of Kirk-  
   urd, 95.  
 Tweddail, Andrew, 108.  
 Tweddail, Thomas, 108.  
 Tueddall House, 108.  
 Tweed, water of, 12, 81, 129-30,  
   139, 177.  
   — Cauld, 152.  
   — Green, 141-2, 156.  
 Tweddale, lord, 184.  
 Tweedy, Adam, in Drevay, 174.  
   — Gilbert, 156.  
   — James, 166; of Drumel-  
   zier, 45, 46, 168, 172; of  
   Frude, 170; in Kilbucho, 175.  
   — John, 178; student, 37;  
   Sir John, chaplain, 54, 94,  
   171.  
   — Marion, 172.  
   — Patriok, 45.  
   — Thomas, 114, 151, 156,  
   burgess, 172; captain of  
   Neidpath, 46, 107, 114, 174.  
   — Walter, of Mote, 166.  
   — William, 166; burgess of  
   Edinburgh, 178; of Drumel-  
   zier, 179.  
 Usher's Wynd, 12, 21, 137.  
 Vache, Jonet, 142.  
   — Nycholl, 151.  
   — William, of Kingside,  
   sheriff depute, 48, 175.  
 Venlaw, 50, 59, 64, 131, 157,  
   182-4.  
 Walk Mill, 26, 146, 153-4.  
 Walker (Walkare), Robert, 156.  
 Walkershaugh, 146, 153-4.  
 Wallace, friar John, 113.  
   — Philip, 144-5.  
   — Robert, in Melrose, 177.

- Wallace, William, 129.  
 Wamphra, 173.  
 Warden of Middle March, 42, 151.  
 Wardlaw, Mr John, vicar, 92; of Moffat, 181.  
 Watson, Thomas, burgess, 65.  
 Wauchope, Adam, of Taikmuir, 45.  
 Weaponshawing, 17.  
 Weir, Archibald, 168; in Drumelzier, 166.  
 Weitlands, 67.  
 Welschoussis, 167.  
 West Port, 21, 24, 25, 157-8.  
 Wester Hill, 122. See Caidmuir.  
 Westminster, 83.  
 Westmorland, earl of, 84-87.  
 Whitefield (Quhitfield), 54.  
 — Hill (Quhytfauldhill), 54-60.  
 Whitehaugh, 64.  
 Whiteside (Quhityde), 170.  
 Whitestanehill (Quhytatanehill), 67.  
 Whitslaid (Quhitslaid), 166.  
 Wichtman, Mr Gilbert, provost of collegiate church, 13, 92, 93, 95.  
 — John, 129-30, 146, 151, 157, 180; bailie, 116.  
 Wigton, 79.  
 Williamson, Elizabeth, 156.  
 — Gilbert, 133, 156.  
 — John, 144, 151; bailie, 183.  
 — Margaret, 112.  
 — Mungo, 137; serjeant, 144.  
 — Thomas, 9.  
 Willock, John, superintendent, 115.  
 Wilson (Wilsoune), James, 145, 150; bailie, 3, 12, 143-4.  
 — Katherine, 167.  
 — John, vicar of Eddlestone, 112; textour, 143; in Adamland, 170.  
 — William, 105.  
 Winkstou, 59, 60, 64-5, 169, 182.  
 Wod, Alexander, in Wormistoun, 170.  
 Wowplat, 177.  
 Wylie (Wyle), Jonet, 169.  
 — Marion, 94.  
 — William, 5.  
 Yester, 45.  
 — lady (dame Margaret Livingston), 178.  
 — See Hay, lords of Yester.  
 York, 83.  
 Young Street, 5, 21.  
 Yule, Alexander, of Garmyltoun, 45.  
 — Henry, mealman, 180.