

Life of Nun'Alvares. *The Sons of Dom John* narrates the events in the reign of the Master of Aviz as John the First, including those of the greatest period of European geographical discovery, in which Henry the Navigator, one of his sons, played so important a part.

The two books together show an interesting picture of the rise of a modern state out of the ashes of feudalism.

C. J. WILLDEY.

ART. III.—MR. GROSS ON SCOTTISH GUILDS.

The Gild Merchant: A Contribution to British Municipal History. By CHARLES GROSS, Ph.D. 2 Volumes. Oxford. 1890.

AMONG the institutions of the Middle Ages, few were of greater importance, and are more deserving of careful study than the *Gilda Mercatoria* or Merchant Guild. Though by no means exciting, its history is intensely interesting, and throws a flood of light upon the social as well as upon the industrial and commercial life of mediæval Europe. In our own country it has not attracted that amount of attention which it rightly deserves. Though the list of authorities which Mr. Gross has printed at the end of his first volume is somewhat formidable, the number of works it includes which have been written by English authors on the history of Guilds in general, is remarkably small. On the Continent the institution has been more fortunate. In France and Germany and elsewhere there is a fairly large literature in connection with it. Among others may be mentioned the contributions of Wilda, Gierke, Karl Hegel, Georg von Bulow, and Vander Linden. Across the Atlantic, also, the subject would appear to be attracting a considerable amount of attention. Mr. Gross himself, though his work issues from the Clarendon Press, and in its original form appeared at Göttingen, is the Instructor in History at the

Harvard University. Mr. Ashley, however, who has written two most admirable chapters on the Merchant and Craft Guilds in his *History of Economic*,* though a professor in the same University, belongs to Oxford.

Mr. Gross's principal theme is the English Merchant Guild. With his treatment of that we do not propose here to deal, but, in passing, one or two remarks may be ventured upon it. For the first time, Mr. Gross has made easily accessible to students a large mass of materials in connection with the ancient Guilds, chiefly in the shape of charters and ordinances, which were previously widely scattered or published only in fragments, and which for the study of the subject are indispensable. The theories of Professor Bretano respecting the origin and early development of Guilds,† he has effectually dissipated, and rendered doubtful some of the speculations which have been founded upon them by Mr. Herbert Spencer. In opposition to Messrs. Merewether and Stephens, Mr. Gross has shown that the Merchant Guild was not a mere mercantile association, devoid of public functions, but was at one time an organic and constituent part of municipal government. On the other hand, in contradiction to Mr. Thompson, he has shown that while a constituent element in the civic government, the Merchant Guild did not cover the same area, but was included in it as a part of the whole. It may further be remarked that Mr. Gross's volumes have been extremely well received, and have come to be looked upon as the standard work on the subject.

Our purpose here has reference to the Guilds of Scotland. These are treated of by Mr. Gross in an Appendix,‡ which fairly bristles with notes and references, and has every appearance of accuracy; and, as it is likely to be regarded as a standard authority on the subject, if, indeed, it is not already so regarded, what we propose in the following pages is to examine it, and afterwards to give the reader some idea of the

* Two Parts. London, 1893-4.

† Toulmin Smith, *English Guilds*, E. E. T. Society, 1870.

‡ Vol. I., pp. 199-240.

Scottish Guilds as they seem to us to be presented in the authorities we shall have to refer to.

The first section in Mr. Gross's Appendix is on the inception and distribution of Merchant Guilds in Scotland. Its contents are, among other things, a number of remarks on Scottish municipal law, and a list of the towns in Scotland in which Merchant Guilds are said or known to have existed. Over the first we should have preferred to pass, but as they bear more or less upon our subject, some reference to them is necessary.

After observing that 'Scotland seems to have borrowed some of her burghal laws'—which she certainly did—'from England,'* Mr. Gross goes on to add, 'The general development of her municipal history in the Middle Ages resembles that of the Continent more closely than that of England,' and then adds, 'This was probably due partly to the weakness of royal authority, and in part, perhaps, to the intimate relations existing between that country and the Continent. After the thirteenth century Scottish burghs sought precedents in France and Flanders rather than in England.'

These statements are cautiously made, and are therefore all the more deserving of consideration. Let us take the last first. Notwithstanding the confidence with which it is apparently made, it may be safely said that after the thirteenth century precedents for municipal government in Scotland were not 'sought in France or Flanders rather than in England.' As a matter of fact, they were not sought at all, for the simple

* As a matter of fact, the 'Code of Scotch burghal regulations, though collected in the reign of David [I.], and sanctioned by him, was the result of experience of the towns of England and Scotland'—Cosmo Innes, *Scotland in the Middle Ages*, 154. Professor Innes further remarks: 'It is curious how close a resemblance those charters of Winchester bear to the privileges of Scotch burghs conferred by King David. Everything shows us that there was at that time a general movement in favour of the privileges of towns; and no feelings of hostility yet interfered to prevent the inhabitants of lowland Scotland and of England . . . from adopting together the steps of a system which offered to the oppressive power of the armed feudal lords the union of numbers in each town, and the combination and mutual support of the trading communities of the whole island.'—*Ibid.*, 155.

and sufficient reason that they were not wanted. By the date mentioned—the end of the thirteenth century—all the great typical town charters—Perth, Aberdeen, Stirling, Elgin, Berwick, and, perhaps, Edinburgh, Rutherglen, and Inverkeithing—had already been granted, and the law had become fixed. From this down to after 1532, when the Court of Session was instituted, and when the Merchant Guilds, though they continued to be multiplied, were riding for a fall, the developments in municipal law were slight. All the changes that occurred were the legal recognition of the Crafts or Trades, the concession that in each burgh they should send one representative to the Town Council, and that strange law of 1469 by which the Town Councils were made self-elective. The last can scarcely be regarded as a development. The other two may fairly claim to be such. At any rate, they put the Crafts upon a legal footing analogous to that upon which the Guilds were placed, and at the same time gave to the Crafts a legal representative upon the Town Council. Whether a majority of the Deans of Guild were there by the same or an equal title is doubtful.

Mr. Gross's statement that the general development of municipal history in Scotland during the Middle Ages resembles that of the Continent more closely than that of England, is open to very serious objection. In Scotland the conditions of town life were altogether different from what they were on the Continent. There were no contentions with feudal lords, and no powerful superiors with interests conflicting with those of the burgh. In the few burghs of regality and of barony, which were not without parallels in England, the superiors had too much interest in their welfare to be on any other than the most friendly terms with them. As a rule they were rather their protectors. Their help was freely sought as a shield against the encroachments and pretensions of the royal burghs, and was as freely given. It was through their aid that the non-royal burghs acquired their privileges. Whatever development there was in the municipal history of Scotland, it resembled rather that of England, but with this difference that municipal life being much more active in

England than in Scotland, the development in the latter was much slower than it was in England. Nor can this be attributed, as Mr. Gross suggests, to the weakness of the royal power. Whatever weakness that power may have shown in dealing with the nobles, down to the time of the Reformation at any rate, in its dealings with the burghs it showed none, except that of the want of statesman-like sagacity. Every year the burghs were reminded very decidedly of the existence of the central authority, when they were visited by the Great Chamberlain. Nor was his visit one of mere ceremony. Besides collecting the cess, or royal rents, he instituted a searching inquisition into the way in which the laws of the kingdom, and particularly the burgh laws, had been observed, and inflicted fines and punishments whenever he found that they had been violated or neglected. Even the Court of the Four Burghs, and, after it, the Convention of the Royal Burghs, sat and exercised its powers under Acts of Parliament, and down to the year 1500 was presided over by the same great officer of State.

The intercourse between Scotland and France and Flanders during the Middle Ages was no doubt considerable, but the influence of that intercourse is to be found in the industrial and commercial life of the country rather than in its municipal organisations, and that for the reason already given, that the latter were borrowed for the most part from England, and had become practically fixed and settled before the intercourse of Scotland with the Continent had become of any great importance. Similar, too, with the influence of Roman law. From the statement that 'Roman law in general had more influence in Scotland than in England,' it might be inferred that its influence is traceable in the constitution and organisation of the Scottish burghs during the Middle Ages. That, however, is not the case. Whatever it may have had since, until after the Reformation Roman law had but a very slight influence upon the municipal law of Scotland. In proof of this, we will cite one of Mr. Gross's authorities against himself. The authority referred to is the late Lord Mackenzie,* who says: 'In Scot-

* *Roman Law.* Mr. Gross gives pages 40 and 41. In our edition, the Fifth, the passage occurs on page 42.

land the Roman law was much more favourably received than it was in England. In consequence of the close alliance that so long subsisted with France, Scotland borrowed many of its institutions from that country, besides importing a large portion of Roman jurisprudence to make up the deficiencies of a municipal law, long crude and imperfect, and which made little progress as a national system till some time after the establishment of the Court of Session in 1532.' According to this, it was not till after 1532, when, as already remarked, the guilds, though multiplying, were riding for a fall, that Roman jurisprudence began to be used 'to make up the deficiencies of Scottish municipal law, long crude and imperfect.' But even then its influence was slight. Practically the municipal organisations of the country remained what they were in the middle of the fifteenth century down to first half of the nineteenth, when they were radically changed.

But if Scotland borrowed some of her burghal laws from England, the municipal institutions of the two countries were not entirely the same. There were differences, but in pointing them out Mr. Gross seems to us to rate them too highly and to make too many. 'The names of the Scottish burghal institutions were' not so 'strange to the townsmen of England,' at least in the Middle Ages, as he appears to suppose. There was certainly 'a provost instead of a mayor,' but the offices were the same; the term 'provost' was not unknown in England, though a provost there was not the president of the Town Council, and 'mayor' was not an unknown term in Scotland. While Berwick was still a thoroughly Scottish town, the president of its Town Council was the 'mayor.'* In some of the Scottish burghs the chief magistrate was designated the Alderman. In Aberdeen he was so designated down to the beginning of the sixteenth century, when the title Provost began to be used. There were 'Guildries' in England as well as in Scotland, and if there were no 'corporations' in England, there were crafts which were the same things. On the other hand, conveneries of crafts were peculiar to Scot-

* *Statuta Gildae.*

land; but if 'seals of cause,' as a phrase, was not used in England, the process to which it refers was known, as we shall immediately see. A seal of cause, and here we take Mr. Gross's definition,* 'was a charter granted by the burghal authority to any body of craftsmen, specifying their rights and privileges; above all, excluding non-members from using their craft, giving the members the right to make bye-laws, to elect their own officers, etc.' By its seal of cause a craft was therefore incorporated, and became a municipal incorporation; and yet Mr. Gross tells us that 'Municipal corporations were common in England, but almost unknown in Scotland' (p. 201). Here, however, is what he tells us on page 113: 'Generally speaking, this body (*i.e.*, the mayor, bailiffs, and common council of an English town) had the power to establish and even incorporate craft guilds and companies, and after such incorporation retained supervision over these associations. Scarcely anywhere had the craftsmen the independent government and jurisdiction over their trade, though they were allowed to regulate the latter, subject to the general control of the burghal magistrates.' This was precisely the way when a craft in Scotland obtained its 'seal of cause.' It was made a municipal incorporation; it was under the supervision of the magistrates; it had no independent government or jurisdiction over its trade, for though allowed to draw up rules for the regulation of it, they were subject to the approval of the burghal authorities. And yet, though common in England, 'municipal incorporations were almost unknown in Scotland.' The two were as like as can be, and Mr. Gross's statement with respect to them is misleading. Similar to this is his remark on pie-powder courts. They were the subject of at least two Acts of Parliament passed in 1295, and are referred to more than once in the *Statuta Gildae*, of which Mr. Gross furnishes his readers with an analysis; yet on page 200 we are told that, while common in English boroughs, they were in Scotland almost unknown. This is all the more remarkable, since, on turning to one of his references for the statement, Robertson's *Scotland under her*

* Vol. I., p. 202, n. 2.

Early Kings—though on the page given there is no mention of them, but on the following (Vol. I., p. 303)—they are fully described, and the statement is made that they were set up whenever the occasion arose for them in every fair in Scotland, and were universally known.

But passing from these matters, let us turn to the list we mentioned. It has three columns. In the first are the names of the towns in which Merchant Guilds exist or have existed, or to which authority has been given or obtained for their erection, or in which anything of the institution may be traced. In the second we have a series of dates, and in the third another of authorities. The dates, one would naturally suppose, are those at which the different Guilds were erected or continued by legal authority; but against any such supposition the reader may be gently warned. Some of them—a few—do represent the dates at which the towns whose names stand opposite to them set up their guilds, or obtained the power either to do so or to continue them, but in a number of cases the figures are delusive, and represent only the earliest dates at which Mr. Gross, after a not very laborious search, has found them mentioned. The references in the third column give the places where Mr. Gross has found, or believes he has found, for some of them are wrong, the places where the Guilds are mentioned. Below we venture to give a list of our own. Mr. Gross has followed the alphabetical order in his arrangement of the names of the towns; we shall arrange them in the chronological order in which their Guilds were erected, or as nearly in that as it has been possible for us to ascertain them. In the second column we give our own dates, in the third are those given by Mr. Gross, and in the fourth the most important or original authorities we have been able to find for the dates we have ventured to set down. As will be seen from our subsequent remarks in respect to the dates, perfect accuracy, especially in regard to the Guilds of some of the more ancient or important burghs royal, is not always possible. The letter *a* preceding a date shows that at that date the Guild was in existence, and that presumably it had then existed for some time. A mark of interrogation (?) indicates doubt.

Edinburgh	1209 ?	1403	
Perth	1210	1165-1214	Acta Parl. Scot., i. 76 ; M. C. Scot., ii. 299.*
Dundee	1165 ?-1214	1249-1286	M. C. Scot., i. 229, 238.
Inverness	1165 ?-1214	1676	Acta Parl. Scot., i. 78, 79.
Inverkeithing	1165 ?-1214	1598	M. C. Scot. Report, Appendix, 7.
Aberdeen	1222	1222	Acta Parl. Scot., i. 77 ; M. C. Scot. Rep., Appendix, 6.
Ayr	1222 ?	1428	Robertson's Index to Charters 82, 166 ; Ayr and Wigtown Arch. and Hist Coll., i. 225.
Dumbarton	1222	1609	M. C. Scot., i. 197.
Stirling	1226	1226	Stirling, Charters and Docs., 6.
Elgin	1234	1234	M. C. Scot., i. 425 ; Shaw's Moray, iii. 60.
Berwick	1249	1249	Statuta Gildae, Innes Anc. Laws, 66 ; Acta Parl. Scot., i. 89.
Montrose	1352	1372	M. C. Scot., ii. 237 ; Hist. MSS. Rep., ii. 206.
Cupar	1363	1369	Acta Parl. Scot., i. 176 ; M. C. Scot., i. 177 ; Index, 99.
Irvine	1371	1371	Index to Charters, 95, 302 ; M. C. Scot., ii. 127.
Forfar	<i>a</i> 1372	1372	Hist. MSS. Rep., ii. 206.
Dunfermline	<i>a</i> 1395	1395	M. C. Scot., i. 262 ; Chalmers' Dunfermline, 388.
Rothsay	1400 ?		M. C. Scot., ii. 365 ; C. B., 91.
Cullen	<i>a</i> 1455 ?	1617	M. C. Scot., i. 165.
Kirkwall	1486	1712	<i>Ibid.</i> , ii. 173.
Fortrose	1496 ?	1708	<i>Ibid.</i> , i. 455.
Dingwall	1497	1497	C. B., † 98.
Annan	1538	1538	M. C. Scot., i. 63 ; B. C., 93.
Burntisland	1541	1541	C. B., 84.
Anstruther E.	1541	1541	C. B., 103.
Jedburgh	<i>a</i> 1556 ?	1692	M. C. Scot., ii. 133.
Banff	1581	1592	M. C. Scot., i. 99.
Tain	<i>a</i> 1587	1671	M. C. Scot., ii. 421 ; C. B., 122.

* Report of the Commissioners appointed to inquire into the State of Municipal Corporations in Scotland (1835-36) 4 vols. General Report with separate Appendix, and 3 volumes of Appendices. The first is cited under C. M. Scot. Rep., and the volumes of Appendices under C. M. Scot., i. ii. and iii.

† Constitution of the Royal Burghs of Scotland, reprint of the Report of the Committee of House of Commons, 1793, referred to here as C. B.

Anstruther W.	1587	1587	C. B., 85.
Fraserburgh	1588	1588	M. C. Scot., iii. 64.
Nairn	1589	1589	M. C. Scot., ii. 257.
Wick	1589	1589	<i>Ibid.</i> , ii. 433 ; C. B., 105.
St. Andrews <i>a</i>	1591	1591	M. C. Scot., ii. 377 ; Acta Parl. Scot., i. 176 ; Privy Council, v. 61-63.
Sanquhar	1598	1598	M. C. Scot., ii. 392 ; C. B., 93.
Dunbar	1603	1603	M. C. Scot., i. 219 ; C. B., 117.
Glasgow	1605	1605	Charters and Recs., Pt., i. 218, 605-622 ; Bell's Glasgow, 23.
Kinghorn	1611	1611	M. C. Scot., ii. 149 ; C. B., 85 ; Index to Charters, 49, 2 ; 75, 87.
Lochmaben <i>a</i>	1612	1612	M. C. Scot., ii. 234 ; C. B., 109.
Renfrew <i>a</i>	1614	1703	M. C. Scot., ii. 355.
Rutherglen <i>a</i>	1617	1617	M. C. Scot., ii. 371 ; Acta Parl. Scot., i. 76.
Stranraer	1617	1617	C. B., 97.
Inverurie	1619	1619	M. C. Scot., ii. 121.
Dumfries	1621	1827	M. C. Scot., i. 214 ; MacDowall's Dumfries, 310, 615 ; Recs. Conv. R. B.'s.
Peebles	1621	1621	Charters and Records of Peebles, 85.
New Galloway	1629	1629	M. C. Scot., ii. 266 ; C. B., 94.
Brechin	1641-1668	1601	Reg. Privy Council, vi. 391 ; Recs. Conv., R. B.'s, iii. 603.
Inveraray	1648	1648	M. C. Scot., ii. 79 ; C. B., 95.
Lanark	1656	1631	Charters and Records of Lanark, 156.
Haddington	1658	1655	Recs. Conv. R. B.'s., iii. 452.
Dornoch	1628	1648	M. C. Scot., i. 193.
Culross	1588-1659	1588	C. B., 89, Beveridge, Culross, i. 297 ; Recs Conv. R. B.'s., iii. 484.
Selkirk	1694	1694	M. C. Scot., ii. 395.
Campbeltown	1700	1700	M. C. Scot., i. 146.
Linlithgow <i>a</i>	1709	1709	M. C. Scot., ii. 227 ; Misc. S. B. Record Soc., 168.
Inverbervie <i>a</i>	1709	1709	M. C. Scot., ii. 87.
Forres <i>a</i>	1711	1711	M. C. Scot., i. 449 ; C. B., 200 ; Misc. 213.
Arbroath	1599-1725	1599	M. C. Scot., i. 3 ; Recs. Conv. R. B.'s., v. 149, 160, 368, 374.

Edinburgh, Dundee, Inverness and Inverkeithing.—For the guilds of these towns, it will be observed that we have given no definite date for their erection. For Edinburgh Mr. Gross has given 1403. That, however, is merely the date of the first printed record of it—a record which shows that at the time the guild must have been long in existence. The date we have ventured to suggest is the year in which William the Lion passed an Act ordaining that the merchants in every burgh should have their own merchant guild. Edinburgh was then a burgh royal and the capital, and it is scarcely conceivable that at the time there should be no guild in it. It is not unlikely that there was one there, and that it was taken as the example of what a guild should be. For the Dundee guild Mr. Gross gives 1249-1286, that is, during the reign of Alexander II.; but in 1327 the Chancellor and Chamberlain of the Kingdom who had been appointed by Robert I. to enquire into the extent of the privileges which had been enjoyed by the burgesses of Dundee in the reign of his predecessor, Alexander III., reported that after a careful inquisition a jury had found, among other things, that there had been a merchant guild in Dundee not only during the reign of his predecessor, Alexander III., but also during the reigns of his predecessors the kings of Scotland—*et temporibus Regum Scottorum predecessorum suorum**—a passage which Mr. Gross altogether overlooks, though he professes to cite the finding of the jury.† Inverness and Inverkeithing are in a somewhat similar case to Edinburgh. The date given by Mr. Gross for Inverness is 1676, the date of the first sett given to the burgh by the Convention of Royal Burghs! Of the date of the guild it says nothing. The burgh itself is one of the oldest in the kingdom, and received no fewer than four charters from William the Lion, the monarch who, as before remarked, enacted the law that every burgh royal should have its merchant guild. These charters were confirmed time after time, by Alexander II., Alexander III., Robert I., David II., James I., and James II., etc., each of whom also granted to the burgesses additional immunities and

* *M. C. Scot.*, i., 238.

† Vol. I., 204, note 2.

privileges. There can be little hesitation, therefore, in assigning the origin of its guild to the time of William who, in the first of his charters granted to the burgesses all the usual privileges, and in the fourth 'ratified some of the remarkable privileges conferred on burghs by the statutes of David, his grandfather.'* Inverkeithing, like Inverness, is one of the oldest burghs royal. The earliest of its charters known was granted by William the Lion. A notorial copy of a charter granted by James VI., confirming a number of others, was exhibited to a Committee of the House of Commons in 1793, and bears the date of 1598, which is the date given by Mr. Gross.

Perth and Aberdeen.—The charters of these burghs, though not the most ancient of the burghal charters existing, are the oldest in which a license is granted 'to establish, or, more properly, to continue and uphold, a merchant guild, (*gilda mercatoria*), or confraternity of merchants.'† Certain other privileges are conferred on the burgesses of these burghs by their charters, but attention will be called to these in another connection. The date of the original charter granted to Perth by William the Lion is October 10th, 1210.

Ayr.—The earliest charter of Ayr was granted by William the Lion in 1202, but though numerous privileges were conferred in it upon the burgesses, no mention is made of a guild;‡ nor is there apparently in the charters of confirmation granted by Alexander II. in 1222, and by David II. in 1365. § The date given by Mr. Gross is that of the first notes relative to the proceedings of the Guild Court of Ayr, printed in the first volume of the *Archæological and Historical Collections for the Counties of Ayr and Wigtown*. From these notes it is evident that the Guild there had been in existence for some time. The same may be inferred from the dispute referred to in Robertson's *Index*, and though there is no mention of a royal license, it is not unlikely that the merchants of the burgh had their Guild when the charter was conferred upon the inhabitants of the town in 1222.

* *C. M. C. Scot.*, ii., 97.

† *M. C. Scot. Rep.*, 11.

‡ *Ibid.*, p. 7.

§ Robertson's *Index to Charters*, 82, 166.

Dumbarton.—The date given by Mr. Gross is the year in which the rights of the burgh were confirmed by a charter of James VI. In the reign of Alexander II., however, Dumbarton, along with the castle, passed into the hands of the Crown, and soon after, in 1222, the town was erected into a free royal burgh and granted extensive privileges, which ‘appear to have been at variance with those of a similar kind conferred by the same monarch on the city of Glasgow.’* A notorial copy of that charter was exhibited to the Committee of the House of Commons in 1793. †

Elgin.—Mr. Gross rightly differs both from Shaw and the Commissioners of 1835 as to the date of the Elgin guild. Shaw, who translates the charter of erection, gives the date at November 28, ‘in the 20th year of our reign,’ which makes the year not 1236 as he gives it, but 1234; the Commissioners, on the other hand, who cite part of the charter, but not its date, set it down at 1269. ‡

Berwick.—The Statuta Gildæ show that in 1249 there were then in Berwick, which at the time was the chief port in Scotland, several guilds, apparently with conflicting interests, and that in that year a resolution was passed by the magistrates and town council with Robert Bernham as mayor, abolishing the ‘particular guilds,’ and forming them into one ‘general guild,’ and forbidding the formation of any other. §

Cullen received its charter of erection from Robert I., which was confirmed in 1455 by James I. Its guild, therefore, probably dates from the reign of the first named monarch.

Irvine.—The earliest charter belonging to this burgh is believed to date back to the year 1308 and to have been granted by Bruce. In 1371 Robert II., after an inquisition which was ordered in consequence of a dispute between the burgesses of Ayr with those of Irvine, confirmed the latter in their boundaries and privileges, and gave them the right to have a guild. ||

* *C. M. Scot.*, i., 197.

† *B. C.*, 86.

‡ Shaw’s *Moray*, III., 60. *C. M. Scot.*, i., 425.

§ *Acta Parl. Scot.*, I., 90; *Anc. Laws and Customs*, 62, 63.

|| Robertson’s *Index*, 82, 166.

Montrose and Forfar.—For these guilds Mr. Gross's date is 1372. It is correct for neither. Montrose obtained a charter from David I. which secured to it all privileges and freedoms 'adeo libere sicut bona villa mea de Perth de me tenetur.'* The town appears as a royal burgh in the reign of Malcolm IV., and was confirmed in its privileges by a charter of David II., granted in the fortieth year of his reign (1352). Mr. Gross's date (1372), marks the year in which, on September 1st, 'a convention was entered into by the Brethren and Burgesses of Gild of Montros on the one part, and the Brethren and Burgesses of Gild of Forfar on the other part, so that the Burgesses of Montros should have in the said Burgh of Forfar, free entry and exit, and liberty of buying and selling all merchandise pertaining to Gilds, and the Burgesses of Forfar should enjoy the like liberty in the Burgh of Montros.'† In 1372, therefore, the guild of Montrose was already in existence, and the probability is that Montrose receives its royal license to have or continue its guild from David II., in 1352. When Forfar received its license is not clear. All the same Mr. Gross's date is correct for neither. The Forfar guild was at the date given already in existence, and had been for some time in 1372.

Cupar.—A remark similar to that just made may be used in respect to the guild of this burgh. At the date given by Mr. Gross a case was being tried before the Parliament at Perth which had arisen between the merchants of the guild at Cupar and the bishop and citizens of St. Andrews respecting certain privileges of the former.‡ How long the guild had then existed the report of the case does not say, but as the earliest charter of the burgh is that granted to it by David II. in 1363, this date is preferable.

Dunfermline.—This guild was obviously in existence before 1395, for in that year John, the abbot of the monastery, confirmed to the guild brethren the whole rights and privileges of a free merchant guildry, and the house belonging of old to

* *M. C. Scot.*, ii., 237.

† *Hist. MSS. Com. Rep.*, II., 205, 206.

‡ *Acta Parl. Scot.* I., 176.

that fraternity; but how long it had been in existence does not appear to be known.* Dunfermline did not become a free royal burgh until 1588, when it received a charter from James VI.

Rothsay is not in Mr. Gross's list. The earliest charter was conferred by Robert III., and is dated 12th January, 1400. A charter of confirmation and Novodamus was granted by James VI. on 19th February, 1584. In the *Sett* † there is no mention of a dean; but there was one in 1835, and no change had been made in the *Sett* since 1819.

Cullen and *Forres* received charters from Robert I. That of *Cullen*, by which was granted to the burgh all the usual liberties, privileges and advantages, was confirmed by a charter of James I., dated March 6th, 1455. There is evidence that *Forres* obtained the privileges of a royal burgh as early as the reign of William the Lion or Alexander II.; but its earlier charters and writs were lost or destroyed before the end of the fifteenth century, as is set out in a charter of new infestment granted in 1496 by James IV. When the burghs received their license to set up or continue their guilds is uncertain.

Kirkwall.—Though said to be 'of great and old antiquity,' the oldest charter belonging to *Kirkwall* to which the commissioners had access in 1836 is dated March 31, 1486. It ratifies and confirms all previous rights and liberties conferred upon the city. A charter of confirmation was also granted to the burgh in 1536 by a James III. There is no specific mention of a merchant guild in any of them, but power is given to prohibit unfreemen 'to pack, peel, buy, block, or sell any kind of merchant goods,' and generally 'all and sundry other things to do, use and exercise, with all privileges, immunities and liberties whatsoever as freely as any other burgh royal within our said kingdom may.'

Jedburgh.—The early records of *Jedburgh* were destroyed by fire, and the earliest existing charter appears to have been

* Chalmers' *Dunfermline*, p. 388.

† *Misc. Scottish B. Rec.'s Society*, 220.

granted by Queen Mary in 1556. It contains a new clause of erection, and continues to the inhabitants the same constitution, privileges, etc., as they had formerly possessed. The likelihood, therefore, is that the guild there existed previous to 1556.

Banff.—The origin of Banff as a royal burgh is said to be very ancient. William the Lion gave a toft and garden in it to the Bishop of Moray. Its privileges as a burgh were confirmed by Robert I., but the earliest charter believed to be extant, is one granted by Robert II., dated October 7th, 1372. What is deemed the governing charter was granted by James VI., and is dated May 9th, 1581.

Tain.—In 1671 or 1675 Tain obtained a charter from Charles II. which confirmed the rights and privileges secured to the burgh by a charter granted by James VI., in 1587. Tain lays claim, however, to having been a royal burgh in the time of David I.

St. Andrews was erected into a royal burgh in 1140 by David I. It was then a place of considerable trade, and in order to the better regulation of its affairs the King sent Maynard,* a Flemish merchant burgher of Berwick, to take charge of his newly erected burgh, and appointed him provost. Acquainted with Berwick and the Low Countries where merchant guilds already existed,† it is not unlikely that Maynard would introduce the institution into St. Andrews. Whether he did or not, there is nothing to show; but if he did, it soon disappeared, for in the case argued before the Parliament at Perth in 1359 there is no mention of it. While Duncan Balfour the ‘alderman,’ and three burghers who were ‘brethren of the guild within the burgh,’ appeared for the town of Cupar, the bishop appeared for himself and the church, and only ‘some citizens of the city in their own name and in the name of the other citizens of the city’ appeared with him on behalf of St. Andrews; and nothing is alleged as to the existence of a guild in the latter place. The city would

* *Acta Parl. Scot.*, I., 75. He is styled ‘*prefectus*.’

† Vander Linden, *Le Gildes Marchandes dans les Pays-Bas*, 6.

appear to have received its license to erect or uphold a guild in or before 1591.*

Glasgow.—The guild of Glasgow was erected previous to the city becoming a free royal burgh; but then not without difficulty. Its erection, though urged by the Convention of Royal Burghs, was strenuously opposed by the Trades. The first indication of the matter appears in the Records of the Convention of the Royal Burghs under date July 1, 1595, where a missive is directed to be sent ‘to the Provost, bailies, and council of Glasgow in the name of all the burghs, showing that the said burghs are not a little offended that they conform not themselves to the comely order of other free burghs in having a Dean of Guild and electing of guild brethren,’ etc. It was not till ten years afterwards that an agreement was arrived at between the Magistrates and Town Council on the one hand, and the Trades on the other, and that the guildry was erected.

Lochmaben.—1612 is the year in which a charter was granted to Lochmaben, a place of considerable antiquity, by James VI., confirming all the earlier charters. The probability is, therefore, that the guildry was in existence before this date.

Renfrew.—Renfrew, with its barony, was part of the ancient patrimony of the Stewards of Scotland, and was erected into a royal burgh by Robert III., in 1396. Its guild, however, does not seem to date back beyond August 14th, 1614, when James VI. granted to the inhabitants of the burgh the right to choose a Provost and Dean of Guild, and to have a ‘merchant guild with guild court as in Edinburgh.’ Mr. Gross’s date, 1708, is the date of a late charter granted by Queen Anne. The probability is that a guild had existed in the burgh prior to 1614.

Rutherglen.—Charters were granted to this burgh by William the Lion, Alexander II., and Robert I. That of the last named monarch is dated April 20th, 1323, and recites and confirms previous charters. There is no guild clause in any of them, but it is not unlikely that the burgh was in possession

* *Privy Council*, VI., 61-63.

of a merchant guild as early as Inverness or Inverkeithing, or any other burgh in the kingdom. The charter of James VI., 1617, confirms the then existing privileges.

Dumfries.—This case is peculiar. The town was erected into a burgh royal by William the Lion, and during the thirteenth century became a place of great importance. Additional privileges were conferred upon it by Robert III. in 1396, and again in 1415 by James II. The original guild, if there was one in the twelfth and thirteenth centuries, and it may be presumed there was, appears to have fallen into decay. Permission to have a guild, however, was granted by James VI. in 1621.* The charter was not lost sight of or unknown as is asserted by the historian of Dumfries,† as the following facts will show. In 1657 a petition was presented to the Convention of Royal Burghs ‘craving that a Dean of Guild be elected within the burgh in respect that there was ane unanimous consent thairto both of merchandis and treadsmen of the saide burgh.’‡ It would appear, however, from sundry entries in the Records that the consent on the part at least of the Tradesmen was far from unanimous. The Deacon at first strenuously opposed the introduction of the guild; but a compromise having been arranged the Dean was chosen and the guildry set up in 1664.§ The burgh, however, does not seem to have taken kindly to it, for in the report made to the Convention of Royal Burghs respecting the sett of the burgh, the clerk wrote, ‘the burgh has a dean, who is not a dean of guild, it not being a guild town.’|| 1827, the date given by Mr. Gross, is the year when the town procured a confirmation of the charter of James VI., and proceeded to give effect to it in other matters as well as in that of establishing a guildry,

* Macdowall's *Dumfries*, 310.

† *Ibid.*

‡ *Recs. Conv. Roy. Burghs*, III., 445.

§ *Ibid.*, p. 574.

|| *Misc. of Burgh Rec. Soc.*, 180. Mr. Gross's note on this point is somewhat misleading. The natural inference from it is that the references to the Records of the Convention of Royal Burghs bear upon the clerk's return, whereas their relevancy is to the erection of the guild.

Brechin did not become a free royal burgh until 1641, when it obtained a charter from Charles I., which, like other charters of that period, does not seem to have been acted upon for some time.* The charter contains a clause respecting a Merchant Guild, but the inhabitants of the burgh were apparently in no hurry to avail themselves of it, and it was not till 1663 that the merchants appealed to the Convention of Royal Burghs. As usual at this period, the erection of the Guild was opposed by the Trades, and a dispute soon afterwards broke out between them and the Guild, but all difficulties being apparently overcome, the Guild was instituted in 1668.†

Lanark.—The charters of this burgh contain no Guild clause. The movement for the erection of a Guild there originated with the Convention of Royal Burghs in 1656, but meeting with strong opposition among the Trades, the ‘Act anent the Gildrie’ was not passed by the Town Council until April 3, 1658. On the 6th May following, the burgesses were ordered to give in their names to the Town-Clerk for their enrolment as Guild brethren. Against this the Deacon Convener protested, but the Act was ratified on the 31st of the following August, and Alexander Tennet appears in the record as Dean of Guild.

Haddington.—The charters of this burgh go back to the time of King Robert the Bruce. In his charter of 6th December, 1318, given under the Great Seal, he confirmed to the burgesses all the rights and privileges which they had hitherto enjoyed. There is no Guild clause, and no Guild appears to have existed there before the middle of the seventeenth century. On July 10, 1654, a petition was presented by the merchants of Haddington to the Convention of Royal Burghs, and on October 24, 1657, that body ordered the Magistrates and Town Council to proceed to the erection of a Guild at the next election, under pain of a fine of a thousand merks. ‡

* C. Innes, *Registr. Episc. Brech.*, I. p. xix.

† *Recs. Conv. R. Burghs*, III., 568, 578, 588, 602.

‡ *Ibid.*, III. 452.

Culross.—Its charter bears the date 1588, but the Guildry was not established until 1659.*

Arbroath.—Permission to establish a Guild was obtained by the inhabitants of this burgh in 1599, but no action was taken upon it until 1715, when the Convention of Royal Burghs was petitioned by certain of the inhabitants to appoint some of the adjacent burghs 'to settle such a plan as might be most convenient for the common interest of their burgh, so as they may proceed to elect a Dean of Guild and Council.' A Committee was appointed in the same year, and the Commissioners appear to have erected a Guild in the burgh in opposition 'to the inclination of the inhabitants thereof.' In 1716 the Act was rescinded, but in 1725 the Convention was again petitioned to ratify an Act of the Town Council for the establishment of a dean of guild and guildry, and the whole of the inhabitants having apparently concurred the Act was ratified and the guild established.

Mr. Gross also sets down in his list Rosehearty, Maybole, Thurso, Kelso, Greenock, Stonehaven. In 1835 Maybole had neither a guild nor a dean of guild. As for the rest they had no guilds, and the deans they had were not representatives of societies enjoying exclusive privileges like the guilds of the Middle Ages; they were simply municipal officials, whose duties were sometimes no more onerous than that of adjusting weights and measures.

As will have been observed from the remarks just made the dates given in the first column are in several cases conjectural only. Some of the oldest of the burghs it will also have been noticed were among the latest to obtain licenses or charters for their guilds. It by no means follows, however, that previous to obtaining charters containing the guild clause, no guilds existed in the burghs. The probability is, as already hinted, that the charters simply gave documentary sanction to what had existed in all likelihood from the earliest times. The obscurity surrounding the subject is great, and suggests the necessity for carrying out the proposal made to the Govern-

* Beveridge, *Culross*, I., 297.

ment by Dr. Stuart that steps should be taken by the Historical MSS. Commission to calendar the documents and records in the possession of the different municipal authorities throughout the kingdom. Much that is illustrative of the industrial and social as well as of the general history of the country may be gleaned from them. At the present moment many of these records and documents are practically inaccessible.

ART. IV.—THE VAUNTS OF MODERN PROGRESS.

‘Whether to see life as it is will give us much consolation, I know not.’
—*Samuel Johnson.*

THE ‘Diamond’ Jubilee year of our most gracious and well-beloved Sovereign has come and gone. The roll of drum, the fanfare of trumpet, the peal of joy-bell, certifying to the consummation of a reign of unexampled duration, have discharged their last echo. The blaze of myriad commemorative bonfires, pyrotechnics, and festive illuminations, have long since flickered out. The pæans of a nation’s thanksgiving, the acclamations of countless millions throughout a world-wide Empire, have resounded in full chorus to the ends of the earth. And all the civilised conclave of foreign States and kingdoms have turned their eyes to England, and added their felicitations to do honour to our Queen and Empress in this unparalleled prolongation of the term of her regnancy.

The year 1897 has indeed been both to Great and Greater Britain one fruitful of jubilation, and, for many reasons, rightly so. That there has been an extraordinary advance in material prosperity and general well-being during the Queen’s long reign has now become the tritest of truisms. Our monarchy is the best and cheapest in the world. Our volume of commerce, and with it our mercantile marine, has in the past sixty years prodigiously increased. The inauguration and development of our railway system have changed the face of the country, and the very habits and intercourse of the people. Personal