ANCIENT LAWS AND CUSTOMS

OF

THE BURGHS OF SCOTLAND.
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OF

THE BURGHS OF SCOTLAND.

VOL. I. A.D. 1124–1424.

EDINBURGH:
PRINTED FOR THE SCOTTISH BURGH RECORDS SOCIETY
MDCCCLXVIII.
EDINBURGH:
PRINTED BY JOHN GREIG & SON.
THE SCOTTISH BURGH RECORDS SOCIETY.

The value of the old Records of the Burghs of Scotland, as throwing light upon national life and manners, explaining national institutions, and illustrating social progress, has been fully recognised, and can scarcely be exaggerated. Some of the Book Clubs, which have contributed so much to the elucidation of Scottish History, have already directed their attention to these Records. The Spalding Club has given the country a peculiarly interesting and valuable series of extracts from the Records of the Burgh of Aberdeen, while the Maitland Club has published notices from the Records of Dysart, and extracts from the Burgh Records of Glasgow, Prestwick, Edinburgh, and Canongate. Apart, however, from what has been done in regard to Aberdeen, it cannot be said that much more has been effected than merely to break ground in the direction of investigating and publishing extracts from the Burgh Records of Scotland; and as nothing more is now to be hoped from the Book Clubs which still exist, it is proposed to raise a fund by annual subscription for the special purpose of undertaking this work.

Besides extracts from the Burgh Records, copies of the Charters of Burghs and illustrative Extracts from contemporary local Records will be given, as far as may be considered desirable.

The annual subscription is one Guinea, payable in advance, on the 1st day of January. The first subscription was payable on 1st January 1868.

The Extracts from the Records of each Burgh will, as far as the
Committee consider expedient, be issued separately, and without adhering to any prescribed order.

As affording a key to much that is to be found in the Records of the Burghs, and as generally illustrative of municipal institutions in Scotland, the Committee have resolved to publish, in early volumes of the series, the Laws of the Four Burghs, and the other old Laws of Scotland relating to the Burghs, from the earliest period of record to the Accession of James VI. to the Crown of England, if not to the Union of the two Kingdoms. The editing of this work, and the preparation of an introductory historical sketch of the Burghs, have been undertaken by Professor Cosmo Innes. The first volume will carry down the work to 1424, and will be ready in November. The second volume will, it is expected, be issued next year.

Considerable progress has been made in preparing for the Press a volume devoted to the oldest Records of the City of Edinburgh. This volume will include all that is now known to exist of the Records of the Town Council of that Burgh previous to the commencement of the regular series of its proceedings in 1551, and will, it is expected, be ready for issue early next year.

A selection of extracts from the oldest records of the Burgh of Peebles, extending from 1456 to 1488, has been made, and is nearly ready for the Press.

Arrangements have also been made for the preparation of selections from the oldest Records of other Burghs.

The Committee invite the co-operation of the custodiers of local Records, of those engaged in the investigation of Family History, and of others conversant with the antiquities of Burghs, and will be glad to receive suggestions as to the manner in which the objects of the Society may be best promoted in particular districts.

It is requested that all who are disposed to further the prosecution of this project, will be so good as to intimate their subscriptions as early as possible to the Secretary or Treasurer.

Edinburgh, 1868.
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TABLE

OF

THE CONTENTS.
ARRANGEMENT OF THE CONTENTS OF THE VOLUME.

1. The collection which stands first, is the Code that has been so long known by the name of the *Leges Burgorum*—the Burgh Laws of Scotland, which must have been the result of some experience of the objects and difficulties of burghal administration. Adopted first in the four Southern Burghs, the Code soon became the law of all the Burghs of Scotland, the charters of many of which are drawn verbatim from its provisions. This body of laws, with the exception of some manifest additions, was sanctioned by the legislature as early as the reign of David I. (1124–1153).

2. A few chapters of the ascertained legislation of William the Lion, applicable to Burghs, come next in order of date; William's long reign extending from A.D. 1165 to A.D. 1214.

3. The statutes of the Guild, at first enacted for regulating the Guild of Merchants of Berwick, were soon generally adopted, and quoted as authoritative amongst the Burghs of Scotland. They bear to have been enacted in the mayoralty of Robert de Bernhame, who was mayor of Berwick in A.D. 1249.

4. The treatise of the *Regiam Majestatem*, so curiously imported from the English work of Glanville into the collections of Scotch lawyers, and then so carelessly sanctioned by the legislature of Scotland, has furnished two short chapters to our collection. One of these, asserting the freedom of a serf who shall have been a year and day within burgh, though undoubtedly recognised as law in Scotland, is of English origin, and as old as the laws of William the Conqueror.

5. Certain laws taken from the treatise called *Quoniam Attachiamenta* from its beginning words, or *Leges Baronum*, which contains some of our earliest
ARRANGEMENT OF THE CONTENTS OF THE VOLUME.

brevies and rules of process, cannot be fixed with any accuracy of date. Some of the brevies run in the name of King Alexander, but there are forms of procedure which may be ascribed to an earlier period.

6. These "new constitutions" are identical with clauses in some charters of William the Lion, but as here collected, they are found only in the ancient chartulary of Glasgow, in a handwriting of the 13th century.

7. Next is placed a capitular regarding great and small customs, which is of very high antiquity, though from the fluctuating nature of its subject matter, it cannot be held as a tariff of customs and duties at any one period, and it is now chiefly useful as marking the commodities exported and imported in Scotland in the reign of Robert Bruce, and earlier.

8. This list of points to be inquired into by the Chamberlain in his eyre, appears to be of the last half of the reign of Robert I., which ended in 1329.

9. Certain forms of oaths to be taken by officers are taken from the Ayr MS., which is of the time of Robert I. (1306–1329).

10. The next capitular contains further forms of procedure connected with the eyre or circuit of the High Chamberlain, who had cognisance in all burgh matters. It is apparently of the end of the 14th century.

11. This, which bears to be a record of statutes passed in the Court of the Four Burghs, held at Stirling on the 12th October 1405, has no other authority for its date than that of Sir John Skene. The six chapters are no doubt of a period as least as old as that ascribed to them by the first editor, but the MS. from which they are taken does not ascribe their enactment to the Convention of Burghs.

12. These fragments of old laws, consisting of isolated notes of customs scattered through the MSS. of lawyers, cannot of course be ascribed with precision to any one date. Some remarks upon them will be found in the Preface to the "Acts of the Parliaments of Scotland," Vol. I., p. 46.

The rest of the Volume, consisting of Acts or Proceedings in Parliament, are placed according to their ascertained dates.
# TABLE OF THE CONTENTS.

<table>
<thead>
<tr>
<th>PREFACE</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>xvii</td>
</tr>
</tbody>
</table>

I. LEGES QUATUOR BURGORUM.

EDINBURGH ROBISBURGH REREWIC STRIVELIN.

THE BURGH LAWIS.

- Rubric of titles: 8
- 1. Of the kyngis rent in borowagis: 4
- 2. Of new burges made in burgh: 4
- 3. Of punding of uplandis men in burgh: 5
- 4. Of punding of a burges thruch ane othir: 5
- 5. Of thyngis lente be a burges tyl ane uplandis man: 5
- 6. Of mutis and playntis that rysis in burgh: 6
- 7. Of ony playntis movyt ututh the burgh: 6
- 8. Of mutis betuix a burges and a marchand: 6
- 9. Of marchandyse that cummyys in schyppis: 7
- 10. Of landis haldyn a twelf moneth and a day: 7
- 11. Of a churl that wonnys ututh the burgh: 8
- 12. Of the challange of a burges be ane uplandis man: 8
- 13. Of the batyle of the burges: 8
- 14. Of the fredome of the burges sone: 9
- 15. Of a thrill at cummyys to burgh: 9
# TABLE OF THE CONTENTS

<table>
<thead>
<tr>
<th>16.</th>
<th>Of uncouth marchandis.</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.</td>
<td>Of bludewyt and siklyk thyngeis.</td>
<td>10</td>
</tr>
<tr>
<td>18.</td>
<td>Of ane ovyn in burgh.</td>
<td>10</td>
</tr>
<tr>
<td>19.</td>
<td>Of the forfaute of brede and ale.</td>
<td>10</td>
</tr>
<tr>
<td>20.</td>
<td>Of makyn of clath and littyn of woll.</td>
<td>11</td>
</tr>
<tr>
<td>21.</td>
<td>Of lande of conquest to put away.</td>
<td>11</td>
</tr>
<tr>
<td>22.</td>
<td>Of burges that is passit elde to fecht.</td>
<td>11</td>
</tr>
<tr>
<td>23.</td>
<td>Of burges ayre in lande til na man assignyt.</td>
<td>12</td>
</tr>
<tr>
<td>24.</td>
<td>Of burges at has had syndry wyffis.</td>
<td>12</td>
</tr>
<tr>
<td>25.</td>
<td>Of stryff moffyt betuix schipmen in burgh.</td>
<td>13</td>
</tr>
<tr>
<td>26.</td>
<td>Of challange of thyt be ane uplandis man.</td>
<td>14</td>
</tr>
<tr>
<td>27.</td>
<td>Of a burges hafand kyrset.</td>
<td>14</td>
</tr>
<tr>
<td>28.</td>
<td>Of nyting of det sucht to burges.</td>
<td>15</td>
</tr>
<tr>
<td>29.</td>
<td>Of ane be ane uplandis man.</td>
<td>15</td>
</tr>
<tr>
<td>30.</td>
<td>Of maner to pruff wyth wytnes.</td>
<td>15</td>
</tr>
<tr>
<td>31.</td>
<td>Of a burges til ansuer for his wyff.</td>
<td>16</td>
</tr>
<tr>
<td>32.</td>
<td>Of the burges pundyng of thaim at duellis upolande.</td>
<td>16</td>
</tr>
<tr>
<td>33.</td>
<td>Of the poynitis that lettis punding in burgh.</td>
<td>17</td>
</tr>
<tr>
<td>34.</td>
<td>Of the borowyng of uplande mannis pundis.</td>
<td>17</td>
</tr>
<tr>
<td>35.</td>
<td>Of the pundyng of fyscharis in burgh.</td>
<td>18</td>
</tr>
<tr>
<td>36.</td>
<td>Of annuel rent of broustaris.</td>
<td>18</td>
</tr>
<tr>
<td>37.</td>
<td>Of stallangaris and meraris tol.</td>
<td>18</td>
</tr>
<tr>
<td>38.</td>
<td>Of the brokyn of assaye in burgh.</td>
<td>19</td>
</tr>
<tr>
<td>39.</td>
<td>Of the burges forfalt.</td>
<td>19</td>
</tr>
<tr>
<td>40.</td>
<td>Of the hevyd mutis that rynnyrs thruch the yhere.</td>
<td>19</td>
</tr>
<tr>
<td>41.</td>
<td>Of borowage geyffin in fre mariage.</td>
<td>20</td>
</tr>
<tr>
<td>42.</td>
<td>Of landis sauld be encheson of povert.</td>
<td>21</td>
</tr>
<tr>
<td>43.</td>
<td>Of the chalange of lande wythin burgh.</td>
<td>21</td>
</tr>
<tr>
<td>44.</td>
<td>Na burges may tak punde of ane othir.</td>
<td>22</td>
</tr>
<tr>
<td>45.</td>
<td>Of burges challangyt that is in pilgrimage.</td>
<td>23</td>
</tr>
<tr>
<td>46.</td>
<td>Of ane castellane and a burges.</td>
<td>23</td>
</tr>
<tr>
<td>47.</td>
<td>Of the rynnyng of the mutis wythin burgh.</td>
<td>23</td>
</tr>
<tr>
<td>48.</td>
<td>Of meursys and wechtyys wythin burgh.</td>
<td>23</td>
</tr>
<tr>
<td>49.</td>
<td>Of hym that yharnis to be myd Kyngis burges.</td>
<td>24</td>
</tr>
<tr>
<td>50.</td>
<td>Of the brynnynge of hoses and kyllis.</td>
<td>24</td>
</tr>
<tr>
<td>51.</td>
<td>Of the borowyng a burges ututh the burgh.</td>
<td>25</td>
</tr>
<tr>
<td>52.</td>
<td>Of the entre and furth passing of land saide.</td>
<td>25</td>
</tr>
<tr>
<td>53.</td>
<td>Of pundis to be tane for ferme in burgh.</td>
<td>25</td>
</tr>
</tbody>
</table>
## TABLE OF THE CONTENTS

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>54. Of stallangear to be pundyt wythin burgh.</td>
<td>26</td>
</tr>
<tr>
<td>55. Of gudis lent to the bailzeis of the castell.</td>
<td>26</td>
</tr>
<tr>
<td>56. Of a burges sommonde to the kyngis court.</td>
<td>27</td>
</tr>
<tr>
<td>57. Of a burges challangyt nocht hafand borowis.</td>
<td>27</td>
</tr>
<tr>
<td>58. Of smyttyn leper in burgh.</td>
<td>28</td>
</tr>
<tr>
<td>59. Of burrowgreffis bakande or brewande.</td>
<td>28</td>
</tr>
<tr>
<td>60. Of baxtaris and theim that sellis fysche.</td>
<td>29</td>
</tr>
<tr>
<td>61. Of the customys of ovynis in burgh.</td>
<td>29</td>
</tr>
<tr>
<td>62. The maner to halde mylnis.</td>
<td>30</td>
</tr>
</tbody>
</table>

*The Ayr MS. adds to this law an order that every one should have a Measure for taking his dues.*

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>63. Of the maner of ale brewing be assise.</td>
<td>31</td>
</tr>
<tr>
<td>64. Of fleischewaris in the burgh.</td>
<td>31</td>
</tr>
<tr>
<td>65. Of bestys bocht to be slyne.</td>
<td>32</td>
</tr>
<tr>
<td>66. Of hukstaris.</td>
<td>32</td>
</tr>
<tr>
<td>67. Of sellaris of met and drynk.</td>
<td>33</td>
</tr>
<tr>
<td>68. Of men doand falset in wecht and mesure.</td>
<td>33</td>
</tr>
<tr>
<td>69. Of the falset of criouris in burgh.</td>
<td>34</td>
</tr>
<tr>
<td>70. Of the Cheyng of the borowgreffis.</td>
<td>34</td>
</tr>
<tr>
<td>71. Of the cheyng of the criouris in burgh.</td>
<td>35</td>
</tr>
<tr>
<td>72. Of forestalares in the kyngis burgh.</td>
<td>35</td>
</tr>
<tr>
<td>73. Of theim that bryngis fysche to sell.</td>
<td>36</td>
</tr>
<tr>
<td>74. Of a burges takyn for ony myydede.</td>
<td>37</td>
</tr>
<tr>
<td>75. Of the tym of cumyng to mutis in burgh.</td>
<td>37</td>
</tr>
<tr>
<td>76. Of challange mayd be aldrman or bailzeis.</td>
<td>38</td>
</tr>
<tr>
<td>77. Of burges passyt in pyylgrimage to be in pece.</td>
<td>38</td>
</tr>
<tr>
<td>78. Of syndry challangis.</td>
<td>39</td>
</tr>
<tr>
<td>79. Of lande that is wedset wythin burgh.</td>
<td>39</td>
</tr>
<tr>
<td>80. Of a chylld beand wythin eyld in burgh.</td>
<td>39</td>
</tr>
<tr>
<td>81. Of the manor of wakyng in burgh.</td>
<td>40</td>
</tr>
<tr>
<td>82. Of playnte of hym that is mayd blaa and blody.</td>
<td>40</td>
</tr>
<tr>
<td>83. Of hym that is tayntyt manesuorne.</td>
<td>41</td>
</tr>
<tr>
<td>84. Of the maner of swyne halving in burgh.</td>
<td>41</td>
</tr>
<tr>
<td>85. Of uncouth men to herbery.</td>
<td>41</td>
</tr>
<tr>
<td>86. Of stabillnyng of the pece of fayris.</td>
<td>42</td>
</tr>
<tr>
<td>87. Of stolyn gudis fundyn in the fayre.</td>
<td>42</td>
</tr>
<tr>
<td>88. Of bondis that are fundyn in fayris.</td>
<td>43</td>
</tr>
<tr>
<td>89. Of a burges drawand anothir in borowgang.</td>
<td>44</td>
</tr>
</tbody>
</table>
TABLE OF THE CONTENTS.

90. Of burges that aw dette. .................................. 44
91. Of fraudulent redempcion of landis salde. ................. 45
92. Of essonzeis in mote of lande wythin burgh. .............. 45
93. Of souteris barkande in the burgh. ......................... 45
94. Of thaim that may nocht be in the gylde. ................. 46
95. Of landis lattyn till feuferme in burgh. .................. 46
96. Of a man grantand his awno wrang. ......................... 47
97. Of pundynge a burges of ane othir burgh. ................. 47
98. Of the kepynge of a burges ayre. .......................... 47
99. Of ane burges ejctet furth of his possession. ............ 48

This law which in the text is said to have been enacted at New-Castle, is attributed in the ancient Ayr MS. to a conference of burghs of England and Scotland.

100. Of hym that myssayis the aldirmen. ....................... 49
101. A seke burges may nocht analy. .......................... 49
102. Of castelhayne at rynnis in the town etc. ................. 50
103. Of kemestaris that forsakis the burgh. ................... 50
104. Of wedowys byand and selland in burgh. ................. 50
105. Of the lyneris wythin burgh. .............................. 51
106. Of alienacion of the chefe tenement. ..................... 51
107. Of the successione of the sone to the fadris herytage. 52
108. Of landis gyffin be a fadre to syndry chyldir. .......... 53
109. Of essonzeis and delayis. ................................ 53
110. Of somondis maide be the kyngis serandiis. ............ 53
111. Of geffyng of sesyng in burgh. ........................... 54
112. Of the kepynge of the lawis in burgh. .................... 54
113. Of dettis and borowgang. ................................ 54
114. Of heritagis of borowagis to be salde. ................. 55
115. Of the partyng a burges gudis. ........................... 55
116. Of thyngeis pertenand to the burges ayre. .............. 56
117. Of ane burges wythin burgh attachyt. ................... 57
118. The payne of ane wyfe trespassand. ....................... 57
119. Of lyning of lande. ..................................... 58

II. ASSISE REGIS WILLELMII.

THE LAWS OF KING WILLIAM THE LION, IN SO FAR AS THESE RELATE TO BURGHS.

39. The libertie of the merchandis gilde. .................... 60
40. Of buying and selling of merchandise. .................... 61
41. Of strangear merchandis. ................................ 62
TABLE OF THE CONTENTS.

III. STATUTA GILDE.

THE LAWS OF THE GILD.

<table>
<thead>
<tr>
<th>Act of the Gild of the burgesses of Berwic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Off the kepyn of the generall gyld.</td>
<td>64</td>
</tr>
<tr>
<td>2. Off forfautitis of the gyld.</td>
<td>65</td>
</tr>
<tr>
<td>3. Off testmentis of the gyld.</td>
<td>65</td>
</tr>
<tr>
<td>4. Of thaim that salbe ressauit in the gyld.</td>
<td>66</td>
</tr>
<tr>
<td>5. Of trespass by a brother of the gild against another.</td>
<td>67</td>
</tr>
<tr>
<td>6. Ordinance how an offender shall be punished.</td>
<td>67</td>
</tr>
<tr>
<td>7. Another ordinance anent offenders.</td>
<td>67</td>
</tr>
<tr>
<td>8. Off hym that has a knyf in the gyld.</td>
<td>68</td>
</tr>
<tr>
<td>9. Of blood drawn.</td>
<td>68</td>
</tr>
<tr>
<td>10. Of forfesite belonging to the gild light.</td>
<td>69</td>
</tr>
<tr>
<td>11. Of receiving of brother of the gild.</td>
<td>69</td>
</tr>
<tr>
<td>12. Off hym that fallis crukyt in the gyld.</td>
<td>69</td>
</tr>
<tr>
<td>13. Off the dochter of the gyld bruther.</td>
<td>69</td>
</tr>
<tr>
<td>14. Order anent burial of a poor brother of gild.</td>
<td>70</td>
</tr>
<tr>
<td>15. Off hym that is vexit vtuth the burgh.</td>
<td>70</td>
</tr>
<tr>
<td>16. Off hym that passis away fra the gyld.</td>
<td>71</td>
</tr>
<tr>
<td>17. Ordinance for gathering of the brethren.</td>
<td>71</td>
</tr>
<tr>
<td>18. Ordinance concerning lepers.</td>
<td>72</td>
</tr>
<tr>
<td>19. Ordinance against putting filth in the market-place, or on the common way.</td>
<td>72</td>
</tr>
<tr>
<td>20. Ordinance anent speaking in court.</td>
<td>73</td>
</tr>
<tr>
<td>21. Of burgesses being without a horse.</td>
<td>73</td>
</tr>
<tr>
<td>22. Ordinance anent hand mills.</td>
<td>74</td>
</tr>
<tr>
<td>23. Of the liberty of brother of the gild.</td>
<td>74</td>
</tr>
<tr>
<td>24. Ordinance anent shoemakers tanners.</td>
<td>75</td>
</tr>
<tr>
<td>25. Money of a stranger not to be traded with.</td>
<td>75</td>
</tr>
<tr>
<td>26. Ordinance anent the buying of herring and fish.</td>
<td>76</td>
</tr>
<tr>
<td>27. Ordinance that no one refuse to his neighbour a part of the things underwritten.</td>
<td>76</td>
</tr>
<tr>
<td>28. Ordinance concerning arles given to merchant.</td>
<td>77</td>
</tr>
<tr>
<td>29. Ordinance concerning merchandise good above and worse below.</td>
<td>78</td>
</tr>
<tr>
<td>30. No butcher to buy wool or hides.</td>
<td>78</td>
</tr>
<tr>
<td>31. In what manner brokers should be chosen.</td>
<td>78</td>
</tr>
<tr>
<td>32. Ordinance anent regrates that they buy not before a certain hour.</td>
<td>78</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS.

33. Ordinance concerning the buying of goods. 79
34. Ordinance anent wool and hides coming to the town. 79
35. Ordinance that no one shall procure a stranger to plead for him against his neighbour. 80
36. Ordinance made anent conspirators. 80
37. Ordinance made concerning the government of the community of Berwick. 81
38. Ordinance anent the election of the mayor and bailies. 81
39. Of the revealing of counsel against the oath. 82
40. Ordinance made concerning glovers and skinners. 82
41. Ordinance made touching herrings, and the mode of buying the same. 83
42. Ordinance made concerning the carriage of wine, A.D. 1281. 84
43. Concerning oats coming into the burgh for sale. 84
44. Ordinance anent butchers buying beasts, A.D. 1283. 85
45. Ordinance regarding barked hides. 85
46. Ordinance anent hand mills. 85
47. Ordinance concerning the assembling of the community for common business, A.D. 1284. 86

In the Ayr MS. there is no date assigned to this law. The word Perthingman of the text is found in the Ayr MS. Other authorities spell the word Peryngman.

48. Ordinance concerning lot and cavil. 86

The date assigned to this law is found in the Ayr MS.

49. Of the buying of beans and pease or such like at ships, A.D. 1294. 87
50. Of levying fines for the bresturen of the gild. 88
51. Ordinance anent burgesses dwelling beyond the burgh. 88

IV. REGIAM MAIESTATEM.

CERTAIN LAWS CONCERNING BURGOHS, FROM THE BOOK OF REGIAM MAIESTATEM.

1. Llb. ii. c. 9. Be what way ane man may come fra servitude to libertie. 90
2. c. 35. Anent the heirs of burgesses. 90

V. QUONIAM ATTACHIAMENTA.

THE LAWS OF THE BARONS, IN SO FAR AS CONCERNS THE BURGOHS.

40. Concerning briefes of right. 92
37. Form of the brief of right in burgh. 96
60. Form of the brief of lining land within burgh. 96
TABLE OF CONTENTS

VI. CONSTITUTIONES NOUE PRO BURGENSIBUS.

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Of him who may have a brewhouse beyond burgh.</td>
<td>97</td>
</tr>
<tr>
<td>2. That no one make cloth dyed nor cut beyond burgh.</td>
<td>98</td>
</tr>
<tr>
<td>3. That a traveller have pasture, saving meadows and corns.</td>
<td>98</td>
</tr>
<tr>
<td>4. No bailies to hold taverns.</td>
<td>98</td>
</tr>
</tbody>
</table>

VII. ASSISA DE TOLLONEIS.

OF PETTY CUSTOMS CALLED TOLL.

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Of waynis and turses.</td>
<td>100</td>
</tr>
<tr>
<td>2. Of peloure.</td>
<td>101</td>
</tr>
<tr>
<td>3. Of corne salt and syk thyng.</td>
<td>101</td>
</tr>
<tr>
<td>4. Of custome of bestys.</td>
<td>102</td>
</tr>
<tr>
<td>5. Of custome of hydis and skynnis.</td>
<td>103</td>
</tr>
<tr>
<td>6. Of custome of heryng and fischis.</td>
<td>104</td>
</tr>
<tr>
<td>7. Of custome of merchandise.</td>
<td>105</td>
</tr>
<tr>
<td>8. Of the custome of cannes, kallis, threde, burdis and knyfys.</td>
<td>105</td>
</tr>
<tr>
<td>9. Of the custome of cordwan.</td>
<td>106</td>
</tr>
<tr>
<td>10. Of the custome of onyonis, garlek, etc.</td>
<td>107</td>
</tr>
<tr>
<td>11. Of tonnys.</td>
<td>107</td>
</tr>
<tr>
<td>12. Of walde.</td>
<td>108</td>
</tr>
</tbody>
</table>

The Latin text is almost entirely from the Ayr MS. The Scotch is from a collation of several MSS.

VIII. CUSTUMA PORTUUM.

OF THE CUSTOME OF SCHIPPS.

<table>
<thead>
<tr>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Of the inquest held at Kelso. by command of King David.</td>
<td>109</td>
</tr>
<tr>
<td>1. Of payment to be made for the set of ships in haven.</td>
<td>110</td>
</tr>
<tr>
<td>2. Of the custome of wyne, hony, oyle or tasilis.</td>
<td>111</td>
</tr>
<tr>
<td>3. Of a schip to forgryph.</td>
<td>111</td>
</tr>
<tr>
<td>4. Of a fyschar schip.</td>
<td>112</td>
</tr>
</tbody>
</table>

IX. ARTICULI INQUIRENDI IN ITINERE CAMERARI.

OF INQUIRIES IN THE CHALMEREAN AIR.

These articles are taken from the Ayr MS. Article 77, which directs inquiry concerning lands granted before Bannockburn, and revoked by the Statute of Cambuskenneth, is omitted by Skene, who attributed the code to an earlier period.
TABLE OF CONTENTS.

X. JURAMENTA OFFICIARIORUM.

<table>
<thead>
<tr>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The entire oath of a Burgess and brother of the gild.</td>
<td>127</td>
</tr>
<tr>
<td>The oath of a suitor.</td>
<td>128</td>
</tr>
<tr>
<td>The oath of a sergeant.</td>
<td>128</td>
</tr>
<tr>
<td>The oath of ale tasters.</td>
<td>129</td>
</tr>
<tr>
<td>The oath of the apprisors of fleshes.</td>
<td>129</td>
</tr>
<tr>
<td>The oath of bailies of the burgh.</td>
<td>130</td>
</tr>
</tbody>
</table>

XI. ITER CAMERARII.

THE CHALMERLAIN AIR.

1. The chalmerlans precept.     . . . 133
2. Letter to the Sheriff.       . . . 134
3. Of the maner to hald the chalmerlan ayr.  . . . 135
4. Of the maner to chalange the balyes.        . . . 137
5. Of the maner to chalange seriandis and bedellis. . . . 138
6. Off the chalange of syl taistaris. . . . 139
7. Off the chalange of prisaris of fleisch. . . . 139
8. Off the chalange of flechwaris.  . . . 140
9. Off the chalange of baxtaris. . . . 141
10. Of broustaris. . . . 142
11. Of millaris. . . . 143
12. Off the chalange of customaris of the les custom. . . . 143
13. Of customaris of the gret custome. . . . 143
14. Of gaugearis. . . . 144
15. Of tronaris. . . . 144
16. Of the chalange of salmon fysharis. . . . 145
17. Of purwayaris. . . . 145
18. Of wyn tawernaris. . . . 146
19. Of regrataris. . . . 146
20. Of the chalange of fysharis of whyt fysh. . . . 147
21. Of the chalange of bukstaris. . . . 147
22. Off the chalange of sowtaris. . . . 148
23. Off the chalange of skynnaris. . . . 148
24. Off the taileyouris chalange. . . . 149
25. Off chalange of wobstaris. . . . 150
26. Off the chalange of malt makaris. . . . 150
27. Off the chalange of sadillaris. . . . 151
### TABLE OF CONTENTS

| 28. Off the poynitis that aw to be inquerit be the gret assays. | 152 |
| 29. Off the priviilege of the chalmerlane air. | 154 |

### XII. CURIA QUATUOR BURGORUM

The court of the four burghs—Edinburgh, Stirling, Berwick and Roxburgh.

The MS. does not ascribe this little body of six laws to the Court of the Four Burghs.

The first chapter is from Skene, and is not found in any of the extant MSS.

1. That na man may repledge for foristallinga. 156
2. That no one be burges bot gif he have land inhabit, etc. 157
3. That na burges dwelland a landwart haue lot. 157
4. That na templair sall intromit with merchandise pertaininge to the gild. 158
5. Anent probation. 158
6. Anent the cognition of breaking of the aise of bread and aill. 158

### XIII. FRAGMENTA COLLECTA

Fragments of ancient laws.

1. Of a burges borgch for a burges. 160
2. Of the broder of the gild. 161
3. The payn of robellouris in burgh. 161
4. Of a borgch in burgh. 161
5. That na burges bring bred or ail fra ane burgh to ane other to sel. 162
6. That the inhabitants of a baronie within a burgh should underly burgh jurisdiction. 162
7. Anent the libertie of a burges dwelland outwith. 163
8. Off speciall fredoomes granitit to the burges be king Wilyame. 163
9. Off the privelage of the burges dwelland yponlande. 163
10. Off the maner and the mute of the breffe of rycht in burche. 164
11. The distiction betwix the fewfermar and a malar. 165
12. Of the borch of fresch defors. 165
13. For the strenthenand a lawe of Robert anent fresch defors. 167
14. Anent the recouering of land for the yeurtle rent nocht payit. 168
15. The first in possession ought first to recover sasine. 169
16. Off lands given in seynes—the custom of Perth. 169
17. , , , Lanark. 169
18. , , , Edinburgh. 170
19. , , , Aberden. 170
TABLE OF THE CONTENTS.

20. Division of moveables among heirs and other children. . . 171
21. Ament goods left to burgesses children. . . 172

This chapter corresponds with chapter 115 of the Leges Burgorum. The seven preceding chapters seem to be the record of a conference held by several burghs for determining points of burgh law and practice.

22. Ament resignation of lands in burgh. . . . 172
23. Of lying of lands in manner of seising. . . . 172
24. Of custom of merchandis. . . . 173
25. Of custom nocht payit. . . . 173
26. Of thaim that ar quytt of toll. . . . 174
27. Of canage of wol and hydis. . . . 174
28. Of purgacione of a burges. . . . 174

The following chapters to the end of Fragmenta Collecta, correspond with chapters given in "The Acts of the Parliaments of Scotland," vol. i. p. 362, No. 31, et seq.

29. Of the freedom of a burges. . . . (P. 362, No. 31) 175
30. Of the form of somonding. . . . (P. 362, No. 32) 175
31. Ament the sale of poind and the third pennie first out tane. (P. 362, No. 33) 176
32. Ament tackand pledges of a burges. . . . (P. 363, No. 34) 177
33. Ament punishment of transgressors. . . . (P. 363, No. 35) 177
34. Ament the attachment of a burges. . . . (P. 363, No. 36) 177
35. Of assith of scath of catell. . . . (P. 363, No. 37) 178
36. Of the satisfaccioune of scathis don in burghes. . . . (P. 363, No. 38) 178
37. Of swyn haldyn. . . . (P. 364, No. 40) 179
38. Of gart or geins in burghes. . . . (P. 364, No. 41) 179
39. Of the statut of thife. . . . (P. 364, No. 42) 180
40. Of fals wecht and mesur. . . . (P. 365, No. 43) 181
41. Of a broustar. . . . (P. 365, No. 44) 181
42. Of ane browster-wife. . . . (P. 365, No. 45) 181
43. Ament apprisand flesches. . . . (P. 365, No. 46) 181
44. Ament fleachers. . . . P. 365, No. 47 182
45. Ament rotten pork and salmon. . . . (P. 365, No. 48) 183
46. Ament the mercat and wares. . . . (P. 365, No. 49) 183
47. Wechts and measures. . . . (P. 365, No. 50) 184
48. Heavy penalty for wecht and measure. . . . (P. 365, No. 51) 184
49. Ament the chamrlen-clerc. . . . (P. 365, No. 52) 184
50. Ament the tym of the air. . . . (P. 365, No. 53) 185
51. Ament recent cryme whilk is namit redhand. . . . (P. 375, No. 14) 185
52. The manere of dome falsing. . . . (P. 378, No. 8) 185
# TABLE OF THE CONTENTS

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>53.</td>
<td>Of corne and of the mylne.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54.</td>
<td>The mosur off the rude.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>Of seyssing geyffin in the burgh.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## XIV. ACTA PARLIAMENTORUM.

**REGIS DAVID SECONDI.**

Council at Scone, 6th November 1357.

1. Anent the privileges of burghs.  |   |   |   | 188 |
2. In favour of marchand strangers, and anent Inglish monie. |   |   |   | 189 |
3. Anent passengers receavit in burghis. |   |   |   | 189 |

Council at Perth, 5th December 1365.

That there be a trone for weyand woll in the Kingis burghis in ilk port of the realme.  |   |   |   | 190 |

Parliament at Perth, 6th March 1366.

Anent the substitution of Lanark and Lithgow for Berwic and Roxburg in the chalmerlan court.  |   |   |   | 190 |

Parliament at Perth, 18th February 1369.

That na burgisis nor marchands transport thaim out of the realme withoutye the leave of the King or his chalmerlan.  |   |   |   | 192 |

## XV. OBLIGATION OF THE TOWNS AND BURGESSES OF SCOTLAND ANENT THE RANSOM OF KING DAVID II.

September 26. 1357.

Obligation.  |   |   |   | 194 |

### GLOSSARY AND INDEX.

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*Where no ancient Scotch version of a law has been found, a translation has been supplied by the Editor, which is distinguished by brackets.*
PREFACE.
PREFACE.

It was not without some hesitation that I assigned the first of the two dates which appear on the title-page, for while we have evidence from charters and chronicles that several of the codes and capitularies of burghal law collected in this volume, were gathered and methodised in the reign of David I. (1124–1153), it is not to be doubted that many of the individual laws are of an earlier age; and yet more, the customs and institutions themselves, as happens in all such cases, must have been fixed in practice before they were formulised in legislative language.

The first printed edition of these laws—that of Sir John Skene—was scarcely worthy of its subject, and had the mischievous effect of postponing a more scholarly collection for a long time. The task, at length, was thrown upon Mr Thomas Thomson,—a name never to be forgotten in Scotch History,—who brought all the best
qualities of the historian, the antiquary, and the lawyer, to place these venerable relics of early legislation on their true footing. The text settled by Mr Thomson in his great edition of the "Acts of the Parliaments of Scotland," has, with rare exceptions, been adopted in the present work.*

The laws here laid before the public have been recognised for many ages, and pleaded in all courts as the Burgh Laws of Scotland, without much critical questioning of the enacting authority. In our more critical age, it may be sufficient to say, that the substance and shape of many of the laws mark their enactment to have been in a primitive state of society,† and as

* Some of the MSS. of the early laws of Scotland reach to a high antiquity. The Berne MS., written in a hand of the 13th century, has a marking on a blank page (vellum was scarce then) of how William the shepherd of Malkerston rendered his tale of ewes, dinmonds, and hogs, on the Sunday before the feast of St Andrew, in the year 1306.

The Ayr MS., which must have belonged to the burgh of Ayr very early, is of the beginning of the next (the fourteenth) century; and about thirty other MSS. are still extant, more than twenty of which have been collated for the text given in the "Acts of the Parliaments of Scotland" here followed.

Most of these are in Latin. The first which gives any considerable body of the laws in the vernacular language is a MS. in the Advocates' Library (W. 4, ult.), ascribed by Lord Auchinleck to the year 1455, on sufficient grounds. Before that century (the fifteenth) Scotch was little used in business or even in private correspondence.

† For instance, it is plain that vil lenage or serfdom was still in fresh observance, while these burghal institutions furnished one means of escape for the serf, whose complete enfranchisement was to be accomplished ages later, without legislative act, by the mere force of our free institutions, which abhorred slavery.

Other marks of antiquity are the remains of the judicial procedure of a young world,—the ordeal or appeal to the Deity, by combat, by fire, by water (bellum, ferrum, aqua), over which comes the acquittal, not by
they owe their origin to immemorial usage, before legislative acts were generally reduced to writing, so their later existence and preservation in such a series of lawyers' books, furnish the best historical evidence of their adoption in practice. To have settled so much is more important for our historical inquiry, than any discussion as to the law-giver or the legislative body from which they may have emanated.

Such as they are, I believe that no other body of burgh laws and customs, so ancient and so well authenticated, exists in the world.*

But while our Code, which I have called "The Ancient Laws and Customs of the Burghs of Scotland," stands alone in its completeness, the institutions which it commemorates, the class of free towns for which it was created, were springing up about the same time all over Christian Europe. The foundations, indeed, of such fastnesses for liberty and law, and some measure of self-government, were scattered wherever the old Roman dominion had extended. The municipia and cities of the provinces, even

exculpatory evidence by witnesses to the fact, but by the oaths of compurgators, friends to speak "to character"; and last of all, the judicium parium—judicium 12 virorum secundum assias burgorum (the trial by the verdict of 12 men, according to the laws of the burghs).

* Houard, the legal antiquary of Normandy and of France, while he adopts the feudal part of our Scotch laws, as well representing the feudalism of Europe, imports into his "Anglo-Norman customs" the whole of our Burgh laws, and seems inclined to claim them as Norman, and therefore French. It is not necessary to vindicate their nationality. It is only to be regretted that M. Houard, in reprinting our Scotch laws, adopted uncritically the readings of Skene, the most incompetent editor of a not unlearned age and country.
when pillaged and ruined by the invading barbarians, retained
some points of social union, some notions of what was necessary
for protecting life and property, upon which, or in imitation of
which, were founded the cities of reviving order.

Cities of Italy. More early than other countries after the extinction of the
Roman Empire, Italy recovered something of ancient civilisation.
The swarms of barbarians who had overrun her plains,—the
Ostrogoths, Lombards, Franks,—had not so obliterated the
traces of old order, but that her once famous cities were still
known by name, with some shadow of that self-government
which the Empire had allowed to its provincial and privileged
towns. In the 9th and 10th centuries, the people of Western
Italy, tired of ages of violence, having received, too, some notions
of order from the Christian priest, began to draw together into the
old cities wherever a ruined wall or castle might still serve them
for defence against the spoiler. Finding the benefit of union,
they gradually restored their city walls, and established a local
administration in imitation of the old municipal council. The
lords of castles often found dwellings within the cities. At any
rate, they did not at first oppose the reconstruction, nor interfere
with the renovation of local government.

The Lombard cities, thus strengthened by union, and affording
entire protection to property, soon rose in wealth and consequence.
Trade flourished; some manufactures were introduced; Milan,
Pavia, Mantua, Verona were the workshops of the world before
the end of the 12th century. Pisa, quite independent, and
republican in constitution, was very powerful, possessing Sardinia
and Corsica. Her palaces were the pride of Italy; her Cathedral
of the 11th century, the Baptistery, the Campo-Santo of the 12th, are still the admiration of the artist. In the 12th and 13th centuries, Genoa, under her Doges, bore her part with Pisa in the wars against the Saracens, then the terror of southern Europe. Her merchants, really princes, took pride in ornamenting their city, which is still the most superb of sea-ports. All these cities of Western Italy had achieved independence before the 11th century.

On the Adriatic shore, still earlier, had risen a city of no antique foundation, of name unknown to the Roman Emperors. The rise of Venice cannot be placed later than the 7th or 8th century, even if we discard the tradition of her first settlers being citizens of Aquileia, scattered abroad when that city was taken by Attila. Strange as it may appear, the origin of Venice was probably not unlike that of some of our own coast towns, or like the English Ely, as the chroniclers describe the island rising out of the marshes which alone afforded a refuge from the Danes. The Venetians, perhaps as early as the 5th or 6th century, had found shelter in some of the hundred islets that float over the Lagunes, and there built the little town of Rivo-alto. Living by fishing, they gradually extended their navigations across the narrow Adriatic. They elected their own magistrates, unchallenged by the Eastern Emperors, who still affected to rule that coast of Italy. First of all the moderns, these fishermen began to push a sea-borne commerce, and they rapidly spread their influence over the coast of Dalmatia, and their trade down to the extremity of the Levant.

In that age of general disorder, the floating elements of peace-
ful society were drawn with rapidity to any centre where some spirit of union had given security. Men of wealth sought the protection of the commercial republic, where wealth was safe and respected. Commerce and its riches increased the more rapidly that there were few other channels into which they could be diverted. Then, too, the mere possession of a fleet of ships was a power; and it was as much for transporting the Crusaders to Asia as for the assistance of Venetian troops, that Venice had so large a share of the plunder of the fourth Crusade, when the blind old Doge Henry Dandolo, after Constantinople was taken, refused the throne of the Empire of the East, because it was not fitting that the first magistrate of a free republic should be the head of a monarchy.

The burghs of the Christian kingdoms of the Spanish Peninsula followed in the wake of Italy. There was sometimes the same remembrance or tradition of the old Roman foundation; the love of civic independence, and of an armed protection and defence, joined well with the fierce struggle that raged for so many centuries between the Christian Spaniards and their Moorish masters. There was no jealousy of popular arms then; every united body of Christians was to be encouraged, and the natural dislike of the feudal lords to such democratic institutions, was more than neutralised by zeal for the faith, and hatred of the common enemy. Merchants who could furnish the sinews of war, and could themselves wield a sword, were encouraged to unite, to surround their houses and cities with walls, to build towers and castles, especially on the Moorish frontier. The burgesses rose in rank and public esteem as fellow-soldiers of the Cross, and they
were encouraged to frame rules for the management of their own affairs. To give shape and stability to their constitution rather than as marking its origin, many of those communities accepted charters of incorporation from the sovereign, formally granting the right of electing their own magistrates, the management of their common affairs, the right of resisting violence from without, the privileges of internal jurisdiction civil and criminal,—whatever was necessary for protecting life and property. The Spanish charters guarded anxiously against the power and violence of neighbouring lords. These were not permitted to acquire lands within the burgh, nor to build any strength in it; and if they chose to dwell within the town, they were bound to submit to its jurisdiction. All arbitrary imposts, if even in use, were commuted for a certain moderate cess, which was collected by an officer of the crown, who resided in the burgh, and was associated with the elected magistrates. This was exactly our ballivus (bailie) in his original shape and intention. Many of these incorporations are about the same date. Leon, which was the first considerable city taken from the Moors ages before, boasts the earliest extant charter of undisputed authenticity, granted by Alphonso V. in 1020.

Barcelona, an ancient privileged municipium of Rome, afterwards an independent State under Counts of its own, then united to Catalonia, and capital of the little kingdom, though exercising privileges beyond record, accepted a charter of confirmation from Raymond Beranger, Count of Barcelona, as old as 1025. The City, in the 13th century, had reached a high pitch of prosperity; she divided with the Italian cities the lucrative trade of Egypt and the East; she brought wool from England to
manufacture into cloth, and spun and wove her native silk; she established, perhaps the first bank, and promulgated the first written code of maritime law among the moderns.*

For centuries those independent burghs of Spain, trading, fighting, often turbulent, factious, troublesome, always awake and active, assisted greatly in repressing the gallant Moors. They sent representatives to the national Parliaments before any other European Third Estate, and were the chief means of maintaining that high position which Spain held among the nations of Christendom, till smitten down by a successful course of tyranny and bigotry.

If we turn now to the other extremity of continental Europe, we find another retreat of freedom, among wilder scenery and under a less genial climate, but otherwise resembling the foundations of the Italian republics. It is very instructive to observe the circumstances which gave their peculiar character to the free cities of the Netherlands.

Sheltering in the morasses of the great delta, the vast plain formed by three rivers, the Rhine, the Meuse, and the Scheldt, hemmed in by warlike princes and soldiers on one side, overhung on the other by the sea, ever threatening to carry away their mud-banks,—the remains of the old Batavian, Frisian people, the old enemies of Cæsar, were driven into union by the necessity of resisting such adversaries. Their fishing villages and rude hovels must be protected from the sea by works requiring not only united energy, but considerate plans of engineering and common

* Consulado del mar; published about the middle of the 13th century.
action. Their managers, the engineers and directors of those works, the guides who taught them how to form a harbour, to turn a morass into a productive meadow, to shape the stagnant pool and the lazy brook into canals for shipping,—these were their chosen leaders, and under them the villages grew and thrrove. From the first, the people were fishers, and ploughed the sea even more than the land. In those narrow seas they soon became traders, carriers from shore to shore, with perhaps a dash of pirate; but hardy, active, independent, relying on their individual resources, yet accustomed to co-operate,—these were the elements out of which a free republic should be made. The nameless villages, getting rich by industry and trade, while the world around was busied with nothing but war, became towns and cities. In Holland, towns like Dort, Haarlem, Leyden, Amsterdam; in Flanders, great cities, such as Bruges, Ghent, Liege, pressing forward in the career of commerce and manufactures, heaped the produce of their industry on the shore they had gained from the sea, till the swamp on which they stood became the richest country in Europe, their cities the most flourishing.

In such societies, where government from within and combination are manifest as the very conditions of existence, we do not seek for charters and written codes to prove antiquity of corporate government, though they may serve to shew the approved form of constitution.

The East Frieslanders, seven states, took no charters, owned no outside sovereign nor feudal superior. Each district chose a griet-man to manage its affairs; and over every state an officer presided, who was chosen by the people and who swore to be
PREFACE.

faithful to the state. That officer had the name of Podestà, borrowed from the Italian republican cities. He was assisted by a body of councillors, also elected by the votes of the people. Annually at Easter, the whole free people chose deputies, who met and held a short Parliament for the affairs of the federation.

But in the other provinces,—in Holland, Brabant, Hainault, Flanders,—the communities, as they grew into importance, sought the sanction of charters of constitution and privileges from their feudal over-lords, or the princes to whom they acknowledged a modified subjection and dependence. Many of these charters are extant, of the 12th and 13th centuries. One of the earliest,—that granted in 1217, by the Count of Holland and the Countess of Flanders jointly to Middleburgh,—confirms a limited jurisdiction to the burgh magistrates, the Schepens and Schout, from whom an appeal lay to the Count. If either party in a process was contemptuous, the magistrates were to ring the town bell, and the burgesses were forthwith to assemble and compel obedience.

In a short time, all the burghs and cities of the Netherlands obtained, often purchased with money, the right of choosing their own magistrates—Burgemeesters, Vroedschappen. Before the end of the 12th century, the chief towns of Holland* sent delegates or representatives along with the nobles to the assembly of the provincial states.

After this period, the cities of Flanders were as free as their burgesses could desire. Ghent was one of the most important in population and power and in the cultivation of its inhabitants.

* Such as Dort, Haarlem, Delft, Leyden, Gouda, Amsterdam.
The city had 52 guilds of merchants, and 32 distinct fraternities of weavers, each guild and fraternity electing its own governor. The Senate, which made laws and executed them, consisted of 26, partly wealthy burghers, chosen by an electoral college named by the citizens. The city could turn out 80,000 fighting men; and no weaver, cutler, or tanner failed to rush to the marché du vendredi, when summoned by the mighty "Roland," the ancient bell, the pride of the citizens.

Antwerp was the capital of Flanders, and before the discovery of the sea passage to India, it was the chief mart and centre of the great overland Indian commerce and the exchange of all Europe. Before London had taken any lead in commerce, Antwerp had merchants among her citizens, who ranked with princes in influence, in magnificence of living, and especially in the cultivation of Art, which throve among them as it had done in the rival cities of Italy, if the Flemings did not even lead the way.

Thus fostered by freedom, enriched by trade, drawing strength and consistency even from their adverse circumstances, these free towns of the Netherlands were the promoters of art, science, and literature. In the 15th century, the new art of spreading thought reached the country where thought was most active. Printing did much for the fellow-citizens of Erasmus and Grotius. The Reformation of religion followed, and furnished new motives to the Empire and to Rome for suppressing the rebellious burghers, who dared both to govern and think for themselves. The burghers resisted, and, after a century of struggle amidst the cruellest sufferings, were able, with the sympathy of the people of England, and the niggard help of its government, to throw off the tyranny of
Spain and the yoke of the Inquisition, and to set the first example of steady, rational, constitutional liberty to Continental Europe.

As in the rest of Europe, the 12th century is the era of the rise of free towns in France. The French antiquaries labour to connect the enfranchisement of that age, first with the reform of Charlemagne, and, still farther back, with the provincial municipia of old Rome. It is not to be denied that all modern burghal organisation may have had its type in the permitted local management of the provincial cities, as they flourished before the downfall of the Empire; but it does not serve my present purpose to trace the principles of subordinate government through the subsequent period of darkness and disorder. The disorder was at its worst over all Europe when the 10th and 11th centuries had added everywhere the armed combination of the feudal system. Cities which had begun to re-unite for common defence were no longer tolerated, and the attacks made upon their privileges drove them to some united and considered mode of resistance. Throughout France in the 12th century, the contending parties were the people of the towns seeking some independence, and the Count or other feudal lord who had the seigneury of their district. Sometimes the town won its freedom by main force, the citizens making friends where they could, and the King nothing loath to depress the too-powerful lord. More commonly a transaction took place between the contending parties, and it was not difficult to shew a reasonable Lord that a willing vassalage was worth the surrender of some showy seignorial rights. But the independence of a French city after all was of a very modified kind. So deep-seated were the feelings of feudalism, and so small the power of the
PREFAECE.

Crown, that it never occurred to the citizens of a French town to assert an absolute and independent sovereignty, or burghal privilege subject only to the central government. They were best off who made the best bargain with the Count of the district, buying off some of his exactions, compounding for others at an equitable rate, but still feeling the dependence of their position, and often smarting from the caprices of the successive lords.*

* Augustin Thierry, the zealous historian of the Tiers État in France, has bestowed great labour and research upon the history of French Burghs. One of these, where the materials are fuller than in most cases can be expected, furnishes nearly a continuous history of a French city, from the time of Roman dominion down to our own era.

We find the city of Amiens, known in the days of Caesar as Samarobriva (the Bridge of the Somme), Ambianorum called so from its river and the tribe of Gauls who possessed it, but gradually taking its name from the latter only, which has passed into the modern name of Amiens. Here we find Bishop St. Firmin in the third century of Christianity. At the general onslaught of the northern barbarians in the fifth century, it suffered like the other cities of Roman territory, but recovered partially. In the end of the fifth century came the inundation of Salian Franks, and the country after a time took some shape and order under Clovis and the Merovingian dynasty.

The city under the old Roman rule had a court (curia) having jurisdiction in local matters, but all real sovereignty, even criminal jurisdiction, was in the central power at Rome.

By the overthrow of the empire, the part of the jurisdiction reserved to the central power, here as in other cities, fell into the hands of the magistrates, who had hitherto only exercised an inferior or aedilitian jurisdiction. The magistrates were now of more consequence, and were made up of the notables, with the new element of the Bishop, at that time elected by the people, and who now became a civil authority.

The Merovingian kings of the Franks established through all their provinces governors of high jurisdiction, called counts, and both kings and counts soon interfered with the management of the cities, and no doubt exercised great control, but without breaking down entirely their old constitution of magistrature and other privileges.

Charlemagne, among his reforms, gave a right of electing Scabinos—
When the passion for burghal freedom reached Britain, it found both the island kingdoms in a very different position from France.

Échevins—magistrates having judicial authority—to the citizens and Counts jointly; but under the misrule of the successors of the great emperor the Counts engrossed absolutely the power of appointing the Échevins, and whatever was the law, during the 10th and 11th centuries, the Counts exercised the power of appointing all magistrates within the city,—chiefly their own new feudal vassals. At this, more nearly than any former period, the traditional freedoms of the city had disappeared.

With the 12th century rose the general desire through France and over Europe to shake off the oppression of the feudal lords, and to restore or establish some municipal rights and freedom in towns,—a share at least in the choice of their own magistrates and in administering their property and affairs. The people of the cities entered vehemently into the struggle for independence, swore mutual support and alliance, and within each town established for their common affairs guilds, communes, corporations, which drew upon them the censure of the early monkish writers, who were mostly good Tories.

—communio, novum ac paucissimum nonem, says Abbot Guibert de Nogent, writing in the 12th century.

At this time (the beginning of the 12th century), the whole lay authority of the city of Amiens and its territory, civil and military, was exercised by the Count Enguerrand Seigneur de Coucy. Geoffroy was bishop, and supported the popular demands of the citizens (he was afterwards sainted by the grateful people). Not content with such a patron, the citizens negotiated with the Sovereign, and for a sum of money obtained from Louis le Gros (Louis VI.) a confirmation of privileges of the commune and its new popular magistracy. The king was distant, but still his name was a certain power. The bishop and his Vidamme, or bailie, Guermond Seigneur de Picquigny, assisted the citizens with help nearer at hand. The count had the territory all round, and in alliance with him, the castle (Castillon), a thorn in the side of the citizens, was garrisoned by the Chatellain, who, though feudally holding of the crown, sided with the count against the presumptuous burgesses, and served him to the utmost.

At the beginning of the 12th century, we have a minute account of the city. The castle garrison is every day attacking the town, and the fighting is in every street; the citizens barricading their houses for their defence, and sending their valuables to the neighbouring monasteries. The bishop's lands, and those of the chapter, have been occupied by the count's soldiers.
and the Continent. England, which had felt the civilisation of Rome, was not altogether thrown back into barbarism when the

In that strait the bishop and the community besought the immediate intervention of the king, who took in good earnest the side of the burgesses and the clergy, raised his banner, and in person led a force to assail the castle, where, however, his Majesty was unsuccessful, and left Amiens, wounded. Then the attack was changed into a blockade, and after two years the castle of Castillon was taken and demolished, and the count and his family expelled. Even then, absolute burghal freedom was not dreamt of. Another count of another family was discovered to have a better right than the Coucys, and the citizens consented to treat with him. The royal charter followed in 1117, and by it the seignorial rights of the new count were recognised, while the city was established in its municipal privileges, which, according to our notions, could hardly co-exist with the claims of the feudal lord. M. Thierry maintains that the city was now sovereign as to jurisdiction, with election of its own magistrates, its mayor and Échevins, who had power of life and death, and the administration of its own affairs. But every law of its carefully worded charter tells of the rights of the lord,—not only the territorial rights of mill, kiln and oven, but the right to levy dues at the gates upon merchandise, and a proportion—apparently one-third—of fines and amercements awarded in the burgh court. All that then remained of stated income to the community were the two thirds of fines, certain small ground-rents received from occupants of houses, lands, water-courses, fisheries and marshes, the property of the town (whether the immemorial property of the city or obtained by gift or purchase from the over-lord), and entry moneys of burgesses. Such were all the means of the community in common circumstances. When extraordinary pressure arose, it was necessary to meet it by a levy.

It was open to the community of citizens to purchase from their lords any of those dues and taxes, and such transactions sometimes took place. But the title to sell must have been questionable, and successive charters from successive lords show that the burgh title required strengthening.

At length, towards the end of the 12th century, King Philippe Augustus having acquired the county of Amiens from Philippe d'Alsace, Count of Flanders, granted, as king, a charter (1190) to the community of Amiens, with but trifling variations from their tenure under their counts. It was something, however, to have one master instead of two.
Romans left her to her own resources. Such places as London, which Tacitus marks as a great commercial city, and York, where the Sixth Legion was quartered for centuries, were never entirely ruined, nor so fallen back into savage life as quite to forget their old organisation. The burgs built by the Saxons against the Danes, had continued to afford protection for life and property after the Danes had become a peaceful part of the population. St. Augustine brought in a new civilisation, and towns clustered round cathedrals and abbeys, even where the churchmen had not chosen towns already existing for their sites. I will not stop to inquire whether these towns, Roman or Saxon or ecclesiastical in their origin, were 'corporations.' At the Norman conquest (1066), there were nearly a hundred cities and burghs in England recognising no feudal lord, and it will scarcely be doubted, governing their own affairs.* The charter of the Conqueror to London, as well as those to Winchester and other towns, granted by his early successors, are in no respect like erections or new creations of burghs. The charter of King John of England in 1216 to Newcastle, runs as a grant and confirmation *burgensibus nostris de novo castro,—to the burgesses of an already existing corporation; and

* Some of the oldest and greatest of these burghs were no doubt connected with great ecclesiastical establishments, regular or secular; and Canterbury, Winchester, Oxford, even York, might acknowledge dependence upon their bishop; but London, Bristol, great trading towns, must have enjoyed independent freedom. When the Conqueror granted his little Saxon charter to London, he gave his friendly greeting to the bishop, and the portreeve; and all the burgesses, French and English; he took them under his protection, and declared that no man should do them wrong; but he only granted that they should retain all the rights which they enjoyed in the days of Edward the Confessor.
these burgesses are to have privileges and jurisdiction according to the ancient custom of the city of Winchester (secundum antiquam consuetudinem civitatis Winton), alluding to the charter of Henry I. to Winchester, a favourite precedent with the English burghs, or perhaps indicating the more ancient burgh usage, which was reduced into writing in that royal grant. Such charters to burghs followed each other rapidly in the reign of Henry I. and his successors, and all of them appear to point to an earlier burghal constitution, and not one to the rights of a feudal superior; whilst the uniformity of their privileges proves that they were part of one great movement felt alike in Britain and the continent in that age.

The oldest burgh charters in Scotland are only of the reign of Scotland. William the Lion; but, like the early English charters, they point plainly to a previous burghal organisation. We have even some charter evidence of the previous existence and importance of burghs. A charter of David I. grants to the Abbey of Dunfermline, a toft in his burgh of Haddington, as free from all customs and services as the Abbot holds any other toft in others of the king's burghs. He gives to the same Abbey, by a writ addressed to the bailies of Perth, a toft in his burgh of Perth; and in another instrument, the king grants a dwelling (mansuram) in his burgh of Dunfermline, another in his burgh of Stirling, and one in his burgh of Edinburgh. The same king granted to the Priory of Urquart an annual payment of twenty shillings out of the ferme of his burgh and waters of Elgin.*

* De firma burgi met et aquarum de Elgin. Elgin was not yet a Bishop's see. These instances are from the Chartulary of Dunfermline. David I. made similar grants from burgh rents to his other great abbeys of Holyrood, &c.
PREFACE.

King William's charter to Rutherglen, grants to the burgesses all the customs and rights which they had in the time of King David, his grandfather, and specifies the boundaries of privileges which David had established. It would seem, therefore, that that burgh had a specific grant from David I., and apparently in writing; but I know of no other instance of such a grant by that king. The references, in other charters, to the custom as it was in the time of King David, and grants of privileges according to the laws of King David, point rather to the body of Burghal legislation which was so early ascribed to him.

The interest which David I. took in burghs, was not confined to the ancient royal burghs. When Robert Bishop of St. Andrews wished to erect a burgh at his episcopal see, he obtained license of King David; who bestowed upon him also the services of Mainard the Fleming, to be his bailie there, a person of good experience in the matter, having previously been a burgess of the king in his burgh of Berwick.

When at length, in the time of King William the Lion, the burghs of Scotland sought and obtained charters, fixing their privileges in writing, and with the sanction of the sovereign, they do not seem to have had any such enemies to contend with as the burghers of the continent had. There are no traces of any feudal lords of the soil, whose rights were to be reserved in granting freedom and jurisdiction to the burgesses. In one class of burghs, indeed, erected upon the demesne lands of the crown, the king himself was necessarily the only superior. Such was the case, for example, with the charter of erection of Ayr, where the king had built a castle for protection against troublesome neighbours, and
where he made grants of property and privileges to the burgesses, extending over a wide district, to be held only of the crown. But that of Ayr is, I think, the only one of William's charters which bears to be a charter of actual erection. His other charters are all to burghs already existing, and tracing their existence and privileges to a period long before feudalism—a time when the soil was either all folc-land, or just beginning to be boc-land and Crown property. It was only a somewhat later class which really owed their existence to some ancient Royal foundation, they also having no dependence on a subject. In that respect they resemble the early charters of privileges of English burghs, and differ altogether from those of the continent.

In another respect the early Scotch burgh charters stand in a peculiar position. William granted to the burgesses of Inverkeithing the exclusive right to levy toll and custom, and all rights pertaining to a burgh, from the water of Leven to the water of Devon—a wide district of country.* He granted to Perth the exclusive privilege of some trades and manufactures over the whole county of Perth; and in like manner, the burgh of Inverness and the burgh of Aberdeen had grants of similar privileges and monopoly extending over their several counties; and Edinburgh had a grant of jurisdiction and privilege extending from Edgeburnlin Brae to the Water of Almond. It might well be that grants encroaching so largely

* The territory over which the monopoly of Inverkeithing extended, included the burghs of Kinross, Burntisland, Kinghorn, Kirkcaldy, Dysart,—some of them, certainly, of considerable antiquity. The privileges of Rutherglen comprehended the city of Glasgow, which we know to have been founded and privileged as a bishop's burgh, at least as early as the reign of William the Lion.—Chartulary of Glasgow.
upon the freedom of the subject, should bring the burghs into
frequent collision with their neighbours of the country, but I do
not find any instance in which the parties who challenged or
opposed such sweeping grants, raised a doubt or objection as to
the tenure of the burgh within its own burghal limits.

The normal style of the oldest extant charters,—those of
William the Lion,—granted or confirmed to the burgesses the
burgh itself and often some territory adjacent, in respect of
which the burgesses were bound to pay a rent. This payment of
cess, which was considered the reddendo to the superior, and, there-
fore, when paid into exchequer, as marking peculiarly a royal
burgh, was the occasion of some confusion afterwards. The bishops' 
burghs, enjoying almost the same commercial privileges as the
royal burghs, rose by trade to wealth, and were not excluded from
contributing to the public burden (paying cess) and sending repre-
sentatives to Parliament, their constitution remaining unchanged.

In the more ancient Royal Charters, there was generally
added a privilege to the burgesses, extending over all Scotland,
of exemption from 'toll,' that is, from a duty on the transfer of
commodities, and from customs or duties on sales and purchases.
If such grants of exemption were effectual through all parts of
Scotland in the 12th century, it seems to bespeak a more settled
government, and more vigorous power in the Crown, than is gene-
really supposed.

The monopoly and exclusive privilege of trade and manufac-
ture granted to the burgh itself, were more easily enforced. I
need not say that such monopolies were then, and for long after,
the only conditions of protected trade.
The union of burgesses for protection and self-defence, very naturally gave rise to disputes with neighbouring lords, and in some, but rare instances, the lords were so powerful or so artful as to establish a permanent influence within the burgh, but only by sufferance or by violence. I know of no instance where a chartered burgh formally surrendered its independence.

The common interests gave rise to unions of several burghs into a sort of Parliament. Of this nature was the ‘Hanse’ of the northern burghs to which David I. had granted his protection,* confirmed by King William; and a yet more memorable combination in the south, consisting originally of the four burghs of Berwick, Roxburgh, Edinburgh and Stirling, but filling up the number of four by adopting other burghs when Berwick or one of the border burghs fell into English hands. These were the Four Burghs from whose deliberations emanated the code of laws that still bears their name. Such was the origin of these laws, which in due time received the sanction of the King’s Court or Parliament, but which, even independent of that sanction, were received as authoritative by all the burghs of Scotland. We see here the real origin of our ‘Third Estate,’ which had this defined organisation and authority, and constituted that remarkable Parliament of the

* King William confirmed to the burgh of Aberdeen, and to all his burgesses of Moray, and to all his burgesses be-north the Muthn, their free Hanse (liberum ansum suum), to be held when they choose and where they choose, as freely and honourably as they held it in the time of his grand-sire King David. That combination must have included the king’s burghs of Aberdeen, Kintore, Banff, Cullen, Elgin (not yet the bishop’s see), Forres, Nairn, and Inverness,—probably none of the towns beyond the Moray Firth, which were hardly yet brought under allegiance to the king of Scots.
curia quatuor burgorum* centuries before the burghs as one of the Three Estates sat and voted in the national Parliament.

Such of the ancient burgh charters as are extant, prescribe no constitution of government or magistrature. The grant of the burgh, its property, and privileges, is to "the burgesses" who knew the custom, and might also have recourse to the ancient written law for their guidance in managing their own affairs and choosing their own officers.

To be a burgess may have required other qualifications, but assuredly one required was the possession of a 'toft' or rood of land within burgh. For that property the burgess in early times paid rent to the crown officer separately. The officer—the bailie (ballivus regis)—who had the collection of the king's rents and administered the royal jurisdiction, must have been at first ap-

* Of the proceedings of the Court of the Four Burghs, before the estate of Burghs was admitted to Parliament, but few instances remain on record. One occurrence illustrating its nature may be mentioned. In a Parliament held at Newcastle by Edward I. in 1292, in a private suit, depending on the law and customs of Scotch burghs, it was determined that the four burghs should be consulted,—Ideo consulendum est cum quatuor burgis contra proximum parliamen-
tum hic, et tune ad judicium. And this having been done, judgment on the Appeal was given accordingly,—Quia compertum est per recordum et evedictum quatuor burgorum quod lex et consuetudo talis est, &c.—(Rot. Parl. I., p. 107.) But their judicial duties seem to have been chiefly confined to the trial of Appeals from the judgments of the Great Chamberlain, as is indicated by an order made in a Parliament of David II. (1368), in consequence of the detention of the towns of Berwick and Roxburgh by the English,—"which are two of the four burghs that ought by old use to make the Court of the Chamberlain once a-year, upon any judgments taken to appeal in any of his eyres,"—Quaed sunt et esse debent duo de quatuor burgis qui habent ex antiquo curiam facere Cam-
erarii, semel in anno apud Haddingtown, super judicis ei quas fuerint, coram ipso in itineribus suis ubiqueque contradicita.
pointed by the crown; but that early practice had disappeared before the end of the 12th century, when we find precise rules for electing the bailies with the body of the councillors,—the bailie making oath of fealty to the Sovereign and to the good town.*

In two centuries more the troublesome and fluctuating collection of separate burgess rents fell into disuse, and an arrangement gradually took place, which was completed, when in the reign of Robert Bruce, the burghs were encouraged to take charters of feu-ferme of the Crown, giving their bailies a right to levy all Crown rents, mails and duties and issues of courts within their respective burghs, in consideration of a single fixed reddendo payable into exchequer.†

It was in the same reign, and perhaps part of the same transaction, that the burghs—now feudal vassals of the crown—took their place in the national Parliament with the other great feudatories. In the memorable Parliament of Robert, held at Cambuskenneth on the 15th day of July 1326, the lay estates of the kingdom, specially named as the earls, barons, burgesses, and free tenants of the realm, granted to the king the tenth penny of all rents, according to the Old Extent of King Alexander III., to meet the expenses of his glorious war, and in place of certain old and odious exactions, which the great monarch freely abandoned.

* Leg. Burg. c. 70. Statuta Gilde c. 37, 38.—The earliest record of a Burgh election now extant, that of Aberdeen for the year 1398 (3d October), bears that the Alderman and Bailies were elected "with the consent and assent of the whole community of the burgh."

† The earliest feu charter to a Burgh now extant is that of Robert Bruce to Edinburgh, A.D. 1329. Dundee has one, thirty years later.
While the enlightened sovereigns of all feudal countries saw the policy of throwing their protection round free burghs, the leading churchmen, the most cultivated class of society, full of the new intelligence of the age of progress, and exempt from the exclusive prejudice of a feudal nobility, went along with that movement which was to raise a Third Estate based on industry.

We have seen Bishop Robert of St. Andrews seeking the support and help of King David I. to found a trading burgh beside his cathedral, on that inhospitable coast where even the mouth of the little Eden offered shelter and a port not to be despised. About the same time the Bishop of David's newly restored Church of Glasgow founded a Bishop's burgh there, which, after long struggles against the combination of the Clyde burghs, and against the nearer tyranny of the Royal Burgh of Rutherglen, after suffering indignities from its Bishops and from the Lennoxes who succeeded them, was destined, when thoroughly emancipated, to emerge as the greatest commercial city of the west.

Of the same kind was the origin of the town and city of Brechin and its privileges of trade, which it long maintained against the Royal Burgh of Montrose. Such was the Bishop's see of Dunkeld, sanctified by the relics of Columba; and Dunblane, the see of the Bishops of Strathearn, which early absorbed the Royal Burgh of Auchterarder. Such Bishops' cities, in later times, were scarcely distinguishable from royal burghs, as to privileges of trade, as to bearing public burdens, even as to representation in Parliament, when Parliament was opened to the Third Estate by Bruce. The difference was felt and heavily resented in the inferiority of the tenure of property, when the
Bishop was superior instead of the King, and yet more in the interference of the Episcopal overlord in the choice of burgh magistrates.

It can hardly be doubted that other towns, growing up round great religious houses, were dependent on them originally, and were not till a much later period free burghs. Such I take Jedburgh, Kelso, Dunfermline, to have been. Not so Arbroath, probably, whose situation led to its settlement as a port and burgh, long before the foundation of its abbey by King William the Lion. Such certainly was that burgh which David I. permitted his Canons of Holyrood to build between his Royal Burgh of Edinburgh and their abbey, which derived its name of Canongate from its founders, but was unable to maintain its independence against its powerful neighbour.*

I have alluded to some of the causes which determined the position of our Scotch burghs. The royal demesne and castle

* The history of the Canongait is curious; and the words of the king’s charter have given rise to the most wonderful blunders of antiquaries. David, in his great charter to his dear Canons of Holyrood, gave them the right to settle a burgh of their own between his burgh of Edinburgh and their abbey, using the appropriate term for such a foundation,—herbergare quoddam burgum, i.e. to establish a burgh between Edinburgh and Holyrood. The old canons knew the old word well enough, and, acting upon it, proceeded to build and settle their burgh of regality,—named after its lords, vicus canonicorum,—in the vernacular, the Canongait. It was not till some centuries later that the historians of our Capital—ignorant of middle-age Latin—no great scholars, indeed, in any learning—told how the charter of David bestowed on the Canons a burgh called Herbergary, which, they averred, was the original name of the Canongait! I am not sure but there are antiquaries still extant, who, reckless of Ducange, still speak of Herbergary as the old name of the Canongait.
formed the nucleus of some, as of Ayr, our own Edinburgh, Stirling, old Roxburgh, Forfar, and, I suppose, Lanark. The cathedral or the great abbey attracted others, as St. Andrews, Glasgow, Brechin, Kelso, Jedburgh, Dunkeld, Dunblane, Paisley. Some have an evident fitness as barriers against the wild mountaineer, as Perth and Inverness; unless we are to allow something for the singular beauty of their situation.* But more of our most ancient burghs owe their origin to the mouth of a river, indenting our rugged coast, and tempting some adventurous natives, or some sea-rovers from Flanders, to seek shelter there for their cobs and busses, to carry on their fishing, and to establish their infant trade, and even some rude manufacture. Such lovers of the sea and its freedom required little more. They had the shelter of the cove and the bar against storms; a sufficient stream to drive their corn mill and their waulk mill for their simple weaving. They had in the constitution of their race the power of uniting and submitting to authority, and a coherence and vitality quite sufficient to meet any common emergency. Such towns were, I suppose, as old as any thing like society among us, and probably long before any of the ascertained events of our history. When later, some enlightened sovereign like David I., led these burghers forward, protecting their industry by his laws and a charter; and further by the material defence of a little castle built at the head of the town, where a few of the king’s

* Perth was one of the few walled towns of Scotland. King William made a compact with Inverness, that he would make a ditch around the burgh, and the burgesses bound themselves to make and uphold a good palisade above the ditch surrounding their town.
‘milites,’ or a body of the townsmen under the king’s bailie,* arming suddenly, could shew face against any roving galley of ‘heathen Danes,’ or equally lawless rovers of our own hills, seeking to reap where they had not sowed,—the aboriginal village, proud of its new charter, passes for the creation of a sovereign who only gave legal form and sanction to its old customs.

It is worthy of observation, indeed, that the most important burghs and towns in old Scotland, after Berwick, owed their importance to other causes than trade. The frequent resort of royalty and all the Courts, gave an early predominance to places like Edinburgh, Stirling, and Perth. Towns like Elgin, where Bishops had early fixed their see, had not merely the respectable position which the society of the Close gives to a cathedral city in England. They were the centres of learning, religion and civilisation, over a wide and often a barbarous district. Elgin—I speak of it because I know it best—had a Cathedral staff of more than a hundred educated churchmen, not secluded monks, but men mixing in the world, and influencing it. The Canons, too, giving ‘residence’ but half the year, spent the rest of their time on their rural prebends, and the dignified churchman who had lived with his Bishop and fellow Canons during winter, brought down with the spring to his country neighbours and parishioners in the wilds of Badenoch and Lochaber, some of the intelligence of the outer world that

* The Castle was always the king’s stronghold—not the Burgh’s. Its keeper was sometimes called Constable, sometimes Castellanus. We had no-thing like the clashing of jurisdictions between the Chatellan, the Count, the Bishop, and the King, at Amiens (see p. xxxii).
circulated among Churchmen more than other classes. The Cathedral did its duty, then, in a way not perhaps thought of by its founders.

Then came the other step. When the long wars with England had quite shut out young Scotsmen from completing their education at Oxford and Cambridge,* our countrymen, and especially the clergy, bethought them of founding Universities of their own. One century (the 15th) gave rise to famous schools of theology, literature and science in St. Andrews, Glasgow and Aberdeen, all founded and endowed by bishops. The University City served the cause of spreading cultivation yet more than the Bishop's see had done, and, as has happened in similar cases, furnished the arms that were in good time to be used against the perversions of the Church that had founded them. The Printing press followed the institution of the University; and thus, with even the limited trade of our Scotch Burghs, we see the elements of civilisation that gave them their position in Scotch society.

However much there might be of the elements of freedom in the early burghs, theirs was not a very democratic society. While their freedom of trade meant a real monopoly of trade and manufacture as against the outer world, among the burgesses themselves there was no equality. When we look to burghs as the antagonists of a feudal aristocracy, we are struck with the aristocratic tendencies of the burgesses themselves. The merchants or commercial traders were the first in importance and power. Their

*Archdeacon Barbour, in the middle of the 14th century, was educated at English Universities. Our scholars were brought up at the Oxford, but, after his time, none of
guild was by far the highest of the public bodies or confederations,
and sometimes almost swallowed up the power and management,
and even the funds and property, of the burgh. Its members
stood aloof from the crafts, and shrunk from mixing with men
who worked with their own hands, as jealously as the noble of a
later age from the roturier.*

This assumption of superiority by the merchants, with some of
the insolence of office, produced its natural results. The artizans,
growing in numbers and wealth, did not willingly submit to their
virtual exclusion from any voice in the councils of their burghs.
Even before the end of the 13th century, tradesmen—handy-
craftsmen—had begun to form themselves into associations, and
during the 14th and 15th centuries, these combinations took the
shape of an organised opposition to their ancient rulers. By the
ancient Burgh Laws, the aldermen and bailies were to be elected
for the government of the town's affairs "by certain good men of
the best and most discreet and trustworthy,"—terms which did
not seem to exclude any rank of the burgesses; and the elections
were frequently attended with much popular excitement. It was to
remedy this that the famous Act of Parliament was passed, which

* Alexander II. granted a charter to Aberdeen, confirming more ancient
privileges. One of these has been the subject of much doubt and controversy.
The king grants that the burgesses shall have their merchant guild, fullers
and weavers excepted,—ut habeant gildam sua mercatricem—exceptis full-
onibus et tolaris. Here, as in other instances we derive light from the
Burghal customs of England. So late as the reign of Edward I., the burghs
of Winchester, Marlborough, Oxford, Beverley, and London, set obstacles in
the way of ambitious weavers and fullers, who, getting rich, sought admissi-
don into the merchant guild. See Mr Riley's Guildhall Liber Custumarum, a
very valuable addition to our knowledge of English Burgh life.
declared that "the chesing of the new officiaris be in this wise; that is to say, that the aulde consail of the Toune sall cheise the new consail in sic Nowmvr as accordis to the toune, as Alderman, Bailyis, Dene of Gild, and utheris officiaris, and that ilka Craft sall cheise a person of the samyn craft, that sall have voce in the said electioun of the officiaris."

Such a law, subverting the first principle of popular elections, was little calculated to remedy the evils it was intended to meet, still less to enable the burghs of Scotland to develop their elements of prosperity. It was in part owing to it that our Burghs and their representatives in Parliament never took their due place as representing the Third Estate in the Scotch national councils, or in the society of the country.

But no defect of political constitution can account for the low place taken by the Burghs of Scotland, before the Union, as compared with that of the towns of neighbouring countries. The circumstances of the country were the real cause. Perhaps no other nation in Europe was so unhappily situated as Scotland, from the conclusion of the bright period that ended with the last Alexander till the Union.

The two distinct races, Celtic and Teutonic, rather crushed together than amalgamated, made the Highlands and Islands and adjacent districts a constant field of violence and rapine, destroying the sources and very materials of trade, the natural products of the country. The southern borders, still more fitted for producing the staple commodities of live stock and wool, were kept in a chronic state of faction and systematic plunder, while England was ever, with a short-sighted policy, grasping at the
subjection, and neglecting the friendship of her poorer neighbour.

In a country so distant, so naturally poor, more impoverished by misgovernment and internal discord, and the meddling of a powerful and grasping neighbour, we must not look for the extended dealings that dignify trade, nor for the refinement, luxury, Art, which adorned the free cities of the continent. Instead of these, we may find something even more valuable, if we are able to trace to our ancient free institutions, and to the burgh life that flowed from them, a sturdy independence and self-reliance, honest frugality, a respect for law and order, and an intelligent love of education, somewhat above our neighbours, which I hope still mark our nation.

In the early literature of Scotland, we have a worthy reflection of her history. Her first poet sung the achievements of Bruce. Her greatest satirist aimed his shafts at the corruptions of Rome. In the homely burghs of Scotland, we may find the first spring of that public spirit, the voice of the people, which in the worst of times, when the crown and the law were powerless, and the feudal aristocracy altogether selfish in its views, supported the patriot leaders Wallace and Bruce in their desperate struggle, and sent down that tide of native feeling which animated Burns and Scott, and which is not yet dead, however much it may be endangered by the childish follies of its Quixotic champions.

Whatever of thought, of enterprise, of public feeling, appears in our poor history, took rise in our Burghs, and among the burgess class. If this collection helps to make that class, its
manner of life and thinking, more known, it will be of some service to Scotch history.

This first volume is intended to shew the origin of our Burghs and of the Burghal spirit. The effect of these institutions on the morals and character, the taste, feeling, and mode of life of their people, will be faithfully depicted in subsequent volumes, so far as materials exist for such illustration.

I have to acknowledge the untiring assistance rendered me by Mr. Marwick in editing this volume. The Glossary and Index are entirely his work. Mr. Marwick, who has already proved his interest in Burghal history by a very valuable collection upon the Convention of Burghs, was, I believe, the first to project this series of Burghal antiquities; and his zeal, industry and ability bid fair to accomplish the great undertaking. To a younger student of legal history, I am also much indebted. Mr. James Grant, M.A., who is destined to be better known, has assisted me not only in correcting the sheets at press, but in adjusting translations and the whole text of the volume.

C. INNES.
LEGES BURGORUM SCOCIE.
ISTE SUNT

LEGES ET CONSUETUDINES

QUATUOR BURGORUM

EDINBURG BOKISBURG BEREWIC ET STRIVELIN
CONSTITUTE EDITE AC CONFIRMATE
PER REGEM DAVID.

THIR AR THE LAWYS OF THE BURGHIS OF SCOTLAND
MAYD AND ORDANYT BE THE KYNG DAVID.
LEGES BURGORUM.

I.
De redditus domini regis in burgagiis
In primis videndum est quid sit redditus domini regis in burgagiis Qui-libet dabit domino regi pro burgagio suo quod defendit pro perticata terre v. d. annuatim

Of the kyngis rent in borowagis
In the fyrest what is the rent of oure lorde the kyng in borowagis That is to say that ilke burges soll geyff to the kyng for his borowage at he deffendis, for ilke rud of land v. d. be yhere.

II.
De burgense noviter facto
Quicunque factus fuerit novus burgensis domini regis in primis inrabit fidelitatem domino regi et ballivis suis et communitate illius burgi in quo burgensis factus est

Of new burges made in burgh
Wha ever he be is made new burges of our lorde the kyng fyrest he soll swer fewe to our lorde the kyng and to the baiyleys and to the communyte of that burgh in the whilk he is made new burges.
III.

De namis capiendis a forinsecis in burgo

Quilibet burgensis potest namare foris habitantes infra forum suum et extra infra domum suam et extra sine licencia prepositi sui nisi commercia vel nundine teneantur in burgo et nisi fuerit in exercitu regis vel in custodia castelli

Of punding of uplandis men in burgh

Ilike burges may punde ane uplandis man wythin the merket and utouth wythin his hous and utouth his hous, bot gif the fayre be haldyn in the burgh or that he war in the kyngs oste or in yhemsale of the kyngs castell, and this he may do but leyff of the burow greyff.

IV.

De burgense per burgensem non namando

Super burgensem burgensis non potest capere namum sine licencia prepositi

Of punding of a burges thruch ane othir

A burges may nocht punde ane othir but leyff of the burrow greyff in nakyn maner.

V.

De rebus accommodatis per burgensem extraneo

Si burgensis foris habitantibus de suo accommodaverit in burgo si ipse debitor concedat reddat ei debitum si negaverit in burgo faciat rectum

Of thyngis lente be a burges tyl ane uplandis man

Gif a burgess hafe lented of his catallis tyll hym that wonnys out of the burgh, gif the dettur grauntis the dett he sall yelde it, and gif he nyts it he sall thorof do rycht befor the lawhaldaris of that ilk burgh.

VI.

De placitis motis in burgo

Placita que in burgo surgunt ibidem teneantur et determinentur preter ea que sunt corone domini regis Et omnes querele que fuerint exorte
infra burgum debent terminari infra burgum preter illas que pertinent ad coronam domini regis. Ille vero que pertinent ad coronam domini regis debent inbreviari et custodiri usque adventum Justicarii et tunc implacitari et terminari in curia burgi coram Justiciario

Of mutis and playntis that rysis in burgh

Mutis that rysis in burgh thar thai sall be haldyne and determit, outakyn tha that fallis to the kyngis crowne, And it is to wyt that all playntis the whilkis are in burgh sall be endyt wythin burgh, outakyn tha at fallis to the kyngis crowne. And tha that fallis to the kyngis crowne sall be enrollyt and yhemyt to the cum-myng of the iustyce And than thai sall be mote and endyt in the court of the burgh before the iustyce.

VII.

De querelis extra burgum

Si burgensis appelleetur de aliqua querela non placitabit extra burgum nisi ex defectu curie nec debet respondere sine die et termino nisi prius inciderit in stultam responsionem exceptis illis que ad coronam domini regis pertinent. Et tam de illis que ad coronam regis pertinent quam de aliis iudicari debet per suos pares et hoc secundum leges et assisas burgorum.

Of ony playntis movyt ututh the burgh

Gif ony burges be challengyt of ony playnt he sall nocht mote ututh the burgh bot gif it be in deffalt of court, na he sall nocht anusuere withoutyn day and terme lachfull bot gif he fyrs t sall in foly anusuere, outane tha at fallis to the crowne. And alsua of this alswele as of othir he aw and sall be demyt be his peris in burgh be law of burgh.

VIII.

De placito inter burgensem et mercatorem

Si placitum oriatur inter burgensem et mercatorem terminari debet infra tertiam refluxionem maris

Of mutis betuix a burges and a marchand

Gif a mute be raisyt betuene a burges and a marchand it sall be endyt wythin the thrid flud of the see.
THE BURGH LAWIS.

IX.
De mercaturis per naves adductis
Quaecunque navis mercaturas per mare adduxerit ad terram debent ferri preter sal et alluces que possunt vendi in navi

Of marchandyse that cummys in schypis.
All marchandyse that cummys in schyp be see it sall be brocht to land, outtane salt and heryng at sal be salde in the schyp.

x.
De terra possessa per unum annum et unum diem
Quaecunque tenetit terram suam per unum annum et unum diem quam fideliter emerit per testimonium vicinorum suorum xii in pace et sine calumpnia qui eam calumpnia verit post annum annum et diem et si fuerit in eadem regione et de etate et ipse infra dictum terminum clamium non moverit super hoc nunquam audietur Sed si fuerit infra etatem vel extra regnum non debet amittere suum ius cum venerit ad etatem vel repatriaverit

Of landis haldyn a twelf moneth and a day
Wha evir he be that hase haldyn his lande a twelfmoneth and a day the whilk he has boucht leyl ey thruch wyntes of teul men of his nychtburis in pes and wythoutyn chalangyn, whase it chalangys ettir the xii moneth and a day, and he in the kynryk and of full elde and he na sterys na motis in the forsaiye tyme he sall novir mare be herde. Bot gif he be wythin elde or ututh the kynryk he sall nocht tyne his rycht when he is cummyn to full elde or in the kynryk.

xi.
De rustico qui manet extra burgum
Si rusticus extra burgum manens in burgo burgagium habeat non tenetur in aliquo loco pro burgense nisi in eodem burgo in quo burgagium habet Si vero rusticus ille burgensis calumpnia verit burgensem in burgo manentem burgensis contra rusticum se lege defendet Si autem bur-
LEGES BURGORUM.

genesis in burgo manens die ac nocte rusticum predictum de aliqua re
unde bellum oriatur appellat rusticus contra burgensem bello se defendet

Of a churl that wonnys ututh the burgh

Gif a churl ututh burgh wonnande hafe ony borowagis in burgh he sall be
haldyn for burges in nakyn sted bot in that ilk burgh whar his borowage is.
Bot gif forsuth that churl burges challengis a burges wonnande wythin burgh
that burges sall were him with law agaynis the churl. Alsua gif a burges at
wonnys in the burgh day and nycht challengis that foraide churl of ony thynge
wharof batayle may ryse the churl agaynis the burges may were hym with
batayle.

xii.

De appellacione burgensis per forinsecum

Si quis forinsecus burgensem de aliqua re appellaverit non potest super
burgensem pugnare sed per legem burgi se defendet nisi sit de praditione
vel de them unde se debet defendere bello Nec burgensis contra forin-
secum poterit pugnare nisi prius exierit de burgo

Of the challenge of a burges be ane uplandis man

Gif ony uplandis man challengis a burges of ony thynge he may nocht fecht
upon the burges, bot thruch lauch of burgh he sall were him, bot gif it be of
tresoun or of themse whar of he sall were him with batayle. Na the burges may
nocht fecht apon na man that wonnys on the lande bot he ga fyrest ututh the
burgh.

xiii.

De duello burgensis

Burgensis domini regis potest habere duellum de burgense abbatis prioris
comitis vel baronis sed non e converso

Of the batayle of the burges

The kyngis borowman may hafe batayle of abbotis borowmen and of pryouris
and of erlys borowmen and barounis, bot nocht agayne warde.
THE BURGH LAWIS.

xiv.
De libertate filii burgensis
Filius burgensis quam diu fuerit ad mensam patris sui habebit eadem libertatem ad vendendum et emendum quam et pater suus habet Sed cum ab eo discesserit illa libertate non gaudebit nisi burgensis fuerit

Of the freedome of the burges sone.
The sone of a burges als lang as he is at his fadre burde he sall hafe that ilke freedome to by and sell at his fadre has Bot what tyme he be passit fra his fadre burde till his awne fyndyn he shall nocht ioyse the freedome of the burgh bot gif he by it and be maid fre man.

xv.
De servo alicuius veniente in burgo
Si homo alicuius baronis vel militis vel cuiuscunque servus venerit in burgo et emerit ibi burgagium et manserit in burgazio suo per unum annum et diem unum sine calumpnia domini sui vel eius ballivi semper erit liber sicut burgensis et libertate burgi gaudebit

Of a thryll at cummys to burgh
Gif ony mannis thryll barounis or knychtis cummys to burgh and byis a borow-age and duellis in his borowage a tuelfmoneth and a day foroutyn challange of his lorde or of his bailye he sall be evir mare fre as a burges wythin that kyngis burgh and ioyse the freedome of that burgh.

xvi.
De mercatore alieno
Nullus mercator alienus potest extra burgum emere lanam aut coria aut alia mercatoria nec infra burgum nisi de burgensisibus

Of uncouth marchandis
Na marchande uncouth may by ututh burgh woll na hydis or ony othir marchandyse, na yit wythin burgh bot gif it be fra burges.
XVII.
De blodewit et consimilibus

Et sciendum est quod infra burgum non debet exaudiri blodewit nec styngisdynt nec merchet nec herieth nec aliquid de consimilibus

Of bludewyt and siklyk thyngis
And it is to wyt at in burgh sall nocht be herde bludewyt na yit stokisdynt na merchet na hereyelde na nane suilk maner of thyng.

XVIII.
De furnis licite habendis

Quilibet burgensis domini regis potest habere furnum super terram suam sed nullus alius preterquam burgensis domini regis

Of ane ovyn in burgh
Ilke burges of the kyng may have ane ovyn apon his awne land bot nane other bot the kyngis burges.

XIX.
De forisacto panis et cervisie

Si aliquis vel aliqua sit in forisacto de pane vel cervisia nullus debet intromittere se nisi prepositus Si bis forisfecerit bis castigetur per forisfactum suum Si tercio forisfecerit iusticia de eo vel de ea fiat Si prepositus iusticiam de eo vel de ea facere neglexerit corpus et catalla ipsius prepositi in voluntate domini regis remaneant

Of the forfaute of brede and alo
Gif ony man or ony woman in the burgh be in forfauto of brede or ale nane sall hafe tharof a do bot the borow greffis. And gif he faltis twyis ho sall be chastyte twyis for his forfaute. Gif he faltis thryso justice sall be done apone hym or on hyr. And gif the borow greff will nocht do iustice on hym or on hyr the body and catall of the borow greff sall be in the kyngis will.
THE BURGH LAWIS.

xx.

De lana emenda et tingenda

Nullus nisi burgensis potest emere lanam ad tingendum nec pannum facere nec sequare

Of makyn of clath and littyn of woll.

Na man bot a burges sall by woll to lytt na clathe mak na schere.

xxi.

De alienacione terre de conquestu

Quilibet burgensis potest terram suam de conquestu dare aut vendere et ire quocunque voluerit libere et quiete nisi sit in calumpnia

Of lande of conquest to put away

It is lachfull and lefull till ilke burges to geyff or sell his lande the whilk he has gottyn of purchas or of conquest in the kyngis burgh to wham sa evyr hym lykis, and may frelie pas and gang whar he wyl bot gif the lande be in challange.

xxii.

De burgense qui preterierit etatem pugnandi

Si burgensis calumpniatus preterierit etatem pugnandi et hoc essonia- verit in sua responsione non pugnabit sed iuramento xii talium qualis ipse fuerit se purgabit

Of burges that is passit elde to fecht

Gif ony burges be chalangyt of bataile and he be passit elde to fecht and he essonyes hym tharwlyth in his answere, he sall nocht fecht bot thruch the athis of xii men suilk as hym selff is he sall acquyte hym.

xxiii.

De succesione heredis burgensis mortui

Si burgensis terram vel terras adquisierit in burgo et puerum heredem habuerit et eas non assignavorit alciui ante mortem suam filius eius vel filia eius heres cedat in hereditatem tocius terre sue quam pater suus
habuit die quo fuit vivus et mortuus Salvo hoc quod uxor eius desponsata in tota vita sua quamdiu erit vidua interiori partem domus que dicitur le flet tenebit Heres autem eius habebit ulterior partem domus capitalis si in ea habitare voluerit Et hoc dico si uxor suam aliam domen non habuerit Si autem aliam domem habuerit ipsa sua dote et heres capitali domo gaudebit

Of burges ayre in lande til na man assignyt

Gif ony burges has gottyn lands or landis of conquest within the kyngis burgh, and he hafe ony chylde till his ayre and hafe nocht assignyt his landis til ony man before his dode, his sone or his dochter that is ayre sall cum in the herytage of the landis the whilk the fadre had the day he was quyk and dode. Bot this sall be sauff that his spousyt wyffe sall hafe in all her lyfe als lang as scho is wedow the inner halfe of the hous that is callyt the flett. And the ayre sall hafe the tothir halfe of the hevyd hous gif hym lykis to wyn thar in. And this I say giff the wyffe hafe nane othir morwyngyft And giff scho hafe othir morwyngyft scho sall joyes it and the ayre the hevyd hous of law and resoune.

xxiv.

De eo qui habuerit plures uxores

Si burgensis aliquis duas uxores habuerit et plures terras acquiserit et pueros de utraque uxor egenuerit omnes terre quas habuit die quo fuit vivus et mortuos tam de hereditate quam de adquisicione quas terras adquisitas non assignaverit alicui que adquisite fuerint tempore prime uxoris revertentur ad puerum heredem prime uxoris Et ita de terris acquisitis tempore secunde uxoris que vertentur ad puerum heredem secunde uxoris si tamen alicubi prius ante mortem suam non fuerint assignate Et mulier secunda non erit in domo primi heredis mortuo marito suo nisi per quadraginta dies

Of burges at has had syndry wyffis

Gif ony burges has hade twa wyffis or ma and has mony landis, and with ilkane of his wyffis has gottyn syndry sonys and dochtyrs, all the landis the whilk he hade that day at he was quyk and dode, alswele of herytage as of conquest at he hade nocht assignyt till na man, tha landis at war gottyn in the tym of the fyrst wyffe sall turn agayne to the childer ayris of the fyrst wyffe. And on that ilk
maner the landis that was gottyn in the tyme of the tothir wyffe sall turn till hir chylder syris, gif thai be nocht gifyn befors na assignyt till ony man lachfully. And the second woman sall nocht be in the hous of the fyrst ayre aeft the dede of hir husband bot x1 days.

xxv.

De contencione orta inter nautas extraneos

Si naves applicuerint in terram domini regis Scoecie de diversis regionibus et contencio oriatur inter tales homines infra portum domini regis ballivi domini regis tenebunt rectum inter eos de quacunque querela alter eorum conqueri voluerit de altero que mota est in terra regis Scoecie Et si contigerit quod calumpniator vel calumpniumus talis dederit tholoneum suum et fecerit terre domini regis quod facere debuerit et navis eius fuerit in la rade bene et in pace rececut et alter de altero ius suum querat ubi querere poterit

Of stryff mufyf betuix schipmen in burgh

Gif schippis of othir strange kynrykis arryfis in the kyngis lande of Scoe lande and contak ryse betuix the partyis of suilk meynys within the havyf of the kyng, the kyngis bailyes sall halde rycht betuyn thaim of alkyne manere of querelle ony of than wyl pleynys of othir, the whilk wrang was amufyf betuyn thaim in the lande of the kyng of Scoe lande. And gif it suy fall at the chalangeoure or the defendoure hafe gyfyn his toll and done to the kyngis lande that at he aw to do and the schyp be in the rade, wele and in pes he sall pas and the tane of the tothir sall get his rycht whar he best may.

xxvi.

De calumpnia de furto per opelandensem

Si burgensis calumpnietur de opelandense de furto invento in domo sua prorsus et in eius seysina et negaverit furtum sicut liber burgensis contra opelandensem et dixerit se inde plegios non habere sed rem illam calumpniam legaliter emisse in foro burgi burgensis purgabit se iuramento xii
vicinorum suorum et amittet tantummodo rem calumpniatam Et iurabit se nescire ubi ostium domus clauditur aut aperitur a quo rem dictam emit

Of chällange of thyft be aane uplandis man

Gif a burges be chalangyt be aane uplandis man of ony thyft fundyn with hym in his hous or in his seyyn and he nyte the thyft as a fre burges agany the uplandis man and says at he has na borch of it but at he it lachfully bocht in the kyngis marcate of the burghe, he sall clenge hym with the athe of xii men of his nychtburis and sall tynye the thyng that he is chällangyt of. And he sall suere at he wate never whare the dure opynnis na stekis of hym fra wham he bocht that ilke forsayde thyng what sum ever it be.

xxvii.
De novo burgense kirseth habente

Quicunque fuerit novus burgensis factus de terra vasta et nullam terram habuerit hospitatum in primo anno potest habere kirseth et post unum annum hospitant bed terram suam. Si postea fuerit vastata per ignem vel per guerram et aliam terram habuerit hospitatum potest illum dimittere in hospitatum donec fuerit aysiatus reedificare eam salva tamen firma per omnia

Of a burges hafand kyrsen

Wha sum evir be mado new burges of a waste lanne and he hase na lanne within the burgh heryt, in the fyrst yere he sall haf kyrsen. And after the fyrst yere he sall haf heryt lanne and byggyd. And gif it be made syne waste thruch fyre or thruch were and he haf othir lanne byggyd, he may leve that lanne unbyggit whil the tym he be of eys to byg it agayn, sauffandeoure all whare the kyngis ferme.

xxviii.
De iuramento facto propter debitum

Burgensis potest per solam vocem suam eum ad iuramentum ponere qui negaverit illi debitum suum quicunque ille fuerit. Sed si miles fuerit et denegaverit ipse pro eo potest senescallum suum vel prepositum suum
THE BURGH LAWIS.

cum ceteris hominibus ad faciendum iuramentum ponere si burgensis non habuerit testes super eum

Of nyting of det aucht to burges

A burges may thruch his anerys voyce put hym till athe at nytis hym his dett, what man sum evir he be. Bot gif it be a knycht at nytis hym the dett the knycht may put for hym his stewart or his greff with othir fre men for to make the athe gif the burges has na wyntes be the whilk he may pruff his dett be the comone law.

xxix.

De iuramento inter burgensem et rure manentem

Si aliqua querela exorta fuerit inter burgensem et rure manentem unde iuramentum fieri debeat burgensis purgabit se sexta manu de burgensisibus contra eum et contra ipse contra burgensem cum totidem talibus qualis ipse fuerit Et si per testes probare debuerit unus contra alium oportet quod habeat partem de burgensisibus et partem de rure manentibus in testimonium

Of athe betuix a burges and uplandis man

Gif ony playnt be rysyn betuix a burges and ane uplandis man wharof athe sall be mayd, the burges sal clenge hym with sex handis of burges agaynis hym at has ado with hym, and he agaynis the burges sal clenge hym wyth als mony fers til hym. And gif the tane suld pruff agayne the tothir wyth wyntes, hym behofis to haf a party of burges and a party of thaim at duellis upolande to wyntes.

xxx.

De testibus iurandis et qualiter iurabunt

Sciendum est quod ille qui ducit testes in aliqua querela ad probandum non tennetur iurare sed testes iurabunt quod verum est hoc quod testificantur et erit in iuramento suo quod hoc non dicunt propter odium unius nec propter amorem alterius sed propter veritatem dicendum Et tunc debet fieri recordum coram testibus de appellacione et responsione ut audiant quid iurare debeant antequam iurent

Of maner to pruff with wyntes

It is for to wyt that whasa furth bryngis pruff or wyntes in ony playnt to pruff ony poynt him selff aw nocht to suere bot his wyntes sall suere at it is suth at
thai say, and it sall be expremyt in thair athe that thai say it nocht for hatrent of the ta part na for luforent of the tothir part bot alaneiry for lele suthefastnees to be wytnesseyt. And than aw to be made recorde of the chalange and of the ansuere before the wytnes suat thai here and wyt what thai sall suere before thai suere in the wytnessyng.

xxxi.

Quod vir pro uxore respondere potest

Quilibet sponsus potest respondere pro uxore sua sponsate et stare in iudicio et facere pro ea quod ei iudicatum fuerit si calumpniats fuerit de aliquid. Et est retinendum quod in placitis burgorum utilitur Twernay in defensionibus defendendo wrang and unlawe

Of a burges til ansuer for his wyff

Ike spousyt man may ansuer for his spousyt wyff and stande in iugement and do for hir all thynge at the court demys hym, geyff that scho be challangyty of ony thing. And it is to wyt that in borow mutis thar is hantyd and oeyt thuertyn in defendande wrang and unlawe.

xxxii.

De narno capiendo a forinseco

Quilibet burgensis potest namum capere a forinseco infra burgum pro debito suo infra domum et extra domum. Et si sederit super equum suum non debet deponere eum de equo suo. Et si prius eodem die fuerit namatus vel venerit ad reintrandum namum prius captum non capietur. Sed si aliquis alius dixerit se prius cepisse namum eodem die affidet hoc et habeat namum suum quietum. Et sciendum est quod non oportet burgensem capere alium plegium pro narno suo quam burgensem nisi sponte voluerit

Of the burges pundyng of thaim at duellis upolande

Ike burges may tak a punde of a furth duelland man for his dette within house and out of house. Bot gif he syt apon his horse he aw nocht to put hym downe of his horse. And gif he be pundyt that day befor or gif he be passit to borow that ilke pund that is befor takyn, than saill nocht his punde be takyn. And gif ony man saysis at he tuko his punde befor, he saill there-tyll plycht his truth and than saill hafe his punde quyte till hym. And it is to wyt that law wyll nocht constrayny na burges to tak ony othir borch for his punde than a burges bot gif he will.
THE BURGH LAWIS.

xxxiii.
De impedimento nami
Sunt quatuor impedimenta propter quod namum non debet capi. Scilicet si dominus eius fuerit in exercitu domini regis vel fuerit in castello domini regis ad custodiendum castellum pro spatio quadranginta dierum vel si venerit ad comitatum vel si venerit ad burgum pro cibo domini sui emendo

Of the poynitis that lettis punding in burgh.
Thir are the four impedymentitis that lettis pundis takyn in burgh, that is for to wyt, gif his lorde be in the kyngis oste, or in the kyngis castell for to yheme it be the space of xl days, or gif he cumys to the counte, or gif he be paseyt to the burgh for bying of the lordis mete wyth whom he duellis.

xxxiv.
De replegiandis namis rure manecium
Scandum est quod ruremanentes possunt replegiare namos suos per tres vices de septimana in septimeana et postea per tres dies et non amplius Et si ex contrarietate noluerint replegiare namos suos et moriantur nami fame burgensis faciet extrahere equum si fuerit vel aliud animal sed non exoriatit sed retinebit frontem et caudam et postea accipiat alium namum

Of the borowyng of uplande mannis pundis
It is for to wyt that men upolande may borow thair pundis thryis fra wolk to wolk and syne thre dayis and na mare. And gif the uplandis man throuth fra-wartscyph of hym self will nocht borow his pund and it dee for hungyr, the burges sall ger draw it furth gif it be horse or othir beste, bot he sall nocht fla it bot hald it and tak of it the hede and the rompil and efterwart he sall take an othir punde.

xxxv.
De hiis quos non licet namare
Nullus debet namare piscatorem qui portat piscem ad vendendum nisi pro pisce aut pro proprio debito piscatoris Similiter nec illos qui ducunt
boscum ad vendendum et turbas nisi pro bosco et turbis aut pro propriis debitis suis

Of the punding of fyscharis in burgh

Na man aw to punde a fyschar that bryngis fysche to sell bot gif it be for fysche or than for the fyscharis awne dett Na yit thaim at bryngis wodd or petys bot for wodd or petys or for the propery dettis of hym that it bryngis.

xxxvi.

De annuo redditu brasiatricum

Quicunque brasiauerit per totum annuum dabit preposito quatuor denarios
Si per dimidium annuum dabit duos denarios

Of annual rent of broustaris

Wha sum evir will breu thrw the twelf moneth aw to geypf the aldirman in the yhere iiiij d. And for half a yhere to hym bot ij d.

xxxvii.

De redditu stalangiatorum et mercenariorum

Quilibet stalangiator vel faciat finem secundum quod convenire possit cum preposito vel dabit obolum quolibet die fori Mercenarius qui habuerit botham coopertam in foro die fori dabit obolum propter consuetudinem Ille vero qui non habet coopertam dabit quadrantem

Of stallangearias and mersaris tol

Ilike stallangear shall mak fyne with the borow greffis eftyr as thai may accord or ellis he shall geypf a halpeny ilk marcate day. And the mersar that has his bothe coverit in the marcate on the marcate day shall geypf a halpeny to the borow greff for custum, and he that has nocht his bothe coverit shall pay a ferding.

xxxviii.

De iuramento pro fractione assise

Prepositus non debet ponere aliquem vel aliquam de iure ad iuramentum pro fractione assise nisi aliquis conqueratur de aliquo Et si denegaverit
et aliqu non habeat testes tunc purgabit se secundum legem burgi
videlicet sexta manu

Of the brekyn of assyse in burgh
The burow greff may noch thruch rycht do na man to athe for brekyn of assyse
bot gif ony man plenysis hym of othir. And gif he nytis it and the playntyfe
have na wytns than the tothir sall clenge hym eftir the law of burgh.

xxxix.

De summa forisfacti in burgo
Sciendum est quod forisfactum burgi non excedit ultra octo solidos de
convictis in querela et in placitis sed raro plene capitur

Of the burges forfalt
It is to wyt that the burges forfalt is bot viij s. of thaim that ar convycte in
playntis and mutis. Bot the paynis ar all seldin tane.

xl.

De placitis principalibus per annum
Sciendum est quod tria sunt placita principalia per annum ubi quilibet
burgensis debet interesse Primum est post festum sancti Michaelis
Secundum post natale Domini Tercium vero post pascham Quicunque
burgensis ad hec non fuerit nec se legaliter essoniaverit nisi fuerit infirmus
vel extra patriam vel ad mundinas si fuerit manens in burgo dabit quatuor
denarios ad forisfactum Si extra viij solidos et hac de causa quod bur-
gensis ruremanens non compellitur venire ad aliqua placita per annum
 nisi ad hec tria placita principalia

Of the hevyd mutis that rynys thruch the yhere
It is for to wyt that three hevyd mutis are thruch the yhere that behoifs ilke
burges for to be at. That is to wyt the first eftyr the fest of sanct Michael, the
tother next eftyr Yoill, the thrid eftyr Pasch. And suilk burges hafe nocht beyn
at thir mutis na hafe nocht lafully essonyeit hym, bot gif he war seko or ututh
the countre or than at the fayris, gif he be wonnande in burgh he sal goyf iiid d.
for his forfautynge. And gif he be a burges aponlande he sal goyf viii s. for whi
the burges that is apon lande is nocht haldyn to cum til ony mutis thruch the
yhere bot thir thre hevyd mutis.
De burgagio collato in liberum maritigium

Si aliquis aceeperit burgagium cum aliqua in liberum maritigium et cum ea genuerit masculum vel feminam et casu contingente moriatur uxor viri illius et post mortem matris si filius vel filia vivat vel moriatur vir illo burgagio omnibus diebus vite sue gaudebit sed illud ultra nec vendere nec impignorare potest. Et si illa noxte qua nascitur filius vel filia simul moriantur mater et filius vel filia adhuc vir gaudebit bonis illius terre in vita sua ita tamen quod vir ille habeat testimonium duorum legalium virorum vel mulierum vicinarum qui audierunt infantem clamantem vel plorantem vel braiantem. Et sic si plures terras aceeperit in maritigium cum uxore sua. Si vero prolem non genuerit dicta terra revertetur ad proximos heredes uxoris sue.

Of borowage geyffin in fre mariaghe

Gif ony man has takyn a borowage in fre mariaghe wyth ony woman, and gettis with hyr a knayff chyldre or a maydyn, and thruch aventure the wyfe deys, and eftyr the dede of that modyr hir son or hir dochter leyffis or deys, the man soll ioys the borowage all his lyf tymne, but he may nocht wedset na sell it. And gif that ilke nycht at that son or that dochyr be borne bathe the modyr and the barne deys, than soll the man ioys all the gudis of that lande in his lyfe, suz at that man soll have wytnes of tua leil men or of women nychtburis that herde chylde cryand or grentand or brayand. And suz gif he haf tane ma landis wyth his wyfe in mariaghe. And gif he gettis with his wyfe na chylde the lande soll turn tyll his wyffis next ayre.

De terra vendita in necessitate

Quilibet potest in legitima potestate sua dare vel vendere terram quam habet de conquesto suo cuicumque voluerit. Sed si necessitate compulsus hereditatem vendere opporteat debit illum terram ad tria placita capita- alia proximis heredibus offerre. Quod si proximi heredes terram illam emere voluerint inveniant ei necessaria scilicet victum et vestitum sicut sibimet ipsis. Vestimentum sit unius coloris scilicet grisis vel albi. Quod
si sic facere noluerint aut per impotenciam non poterint licebit ei dictam terram prout melius poterit alibi vendere Quod si heres fuerit extra regnum in alio regno proximo expectare debet per xl dies Si autem in secundo regno per bis xl dies expectare debet et sic de regnis ulterioribus Si autem heres maliciose ultra dictum terminum se absentaverit licebit indigenti de terra sua prout melius poterit disponere

Of landis sauld be encheson of poverte

Lice man in his lege pouste may sell or geysf the landis that he has of conquist in burgh to quham sa evir he will. Bot gif that thruch node hym behovys sell his lande that he has of heretage he sal at the thre hevyd mutis proffyr that lande to the next of the ayris. And gif thaim lykis to by that lande thai sal fynd til hym at mysteris to sell mete and clathis suilk as beis necesare to thaim self The clathing sall be of a new gryand or quhyte. And gif thai nocht wil do susa, or than be unpowar may nocht, it sall be leifful til hym the foresaid lande as he best may speid to sell. And gif the ayr be ututh the kynrik in the next kynrik he aw to byde hym xl days. And gif that he be in a ferrar kynrik next that kynrick he aw to byde hym tuyis xl days, and sua of othir ferrar kynrikis. And gif the ayr be absent for ivy wyl or malyce langer than the foresaid termys til hym assignyt it sal be leifful to the man mysterand to dyspone on his lande whar he may best speid.

XLI.

De calumpnia terrarum in burgo

Si aliquid calumpniatus fuerit de terra vel tenemento suo in burgo non tenetur respondere adversario suo sine litteris domini regis nisi sponte voluerit Et ipse qui calumpniatus est potest currere ad dilaciones et ad racionales essonias semel secundo et tercio Et quarto veniet ad warantizandum essonias suas et respondere ballivis quales sint de die in diem

Of the chalange of lande wythin burgh

Gif ony burges be challangyt of his lande or of his tenement in burgh, he is nocht haldyn to anser to his party adversar foroutyn the kyngis lettyris bot gif hym lykis. And he a thr issetchallangyt may ryn til his delayis and til his skyfull essoinys anys tuyis and thrisy. And the ferde tym he sall cum to warande his essoinys ilke ane at he made as the ordyr of law will.
XLIV.

De namis non capiendis inter burgenses

Nullus burgensis capiet namum allicuis burgensis sed veniet ad domum suam cum bedello et ponet ei diem ad primum placitum ut veniat sibi responsurus si debitum reddere noluerit. Quod si ad diem statutum non venerit erit in forisfacto et citabitur ut veniat ad proxima placita responsurus et sic deinceps.

Na burges may tak punde of ane othir

Na burges sal take punde of ane othir wythin the kyngis burgh, but he sal cum til his house wyth the serian of the toune and he sal sett hym a dayes at the fyrst mote that he cum for til anser gif he wil nocht yhelde the dett. And gif he cumis nocht at the day til hym sett he sal be in amerciament, and he sal be sommonde that he cum to the neste mote for to anser and sua forthwartis.

XLV.

De calumpniate peregrinante

Sciendum est antem quod si calumpniatus de terra fuerit in peregrinacione vel in negociis suis in partibus transmarinis antequam calumnians monstraverit literas suas in curia expectare debet donec veniat nisi fraudulenter se absentaverit et tunc debet expectare secundum quod superius scriptum est per spaciwm xi dierum.

Of burges challengyt that is in pilgrimage

It is for to wyth that gif a man challengyt of his lande be passit in pilgrimage or on his errandis beyonde the see befor the party adverse schaw the kyngis letteris in court, he aw to byde whil he cum hame bot gif he haldis hym away fraudfully. And gif he sua dois he sal alyde hym xi dayis of lauch and resoun, and forsuth a langar.

XLVI.

De castellano et burgense

Si aliquis de castello forisfecerit burgensi burgensis petat ius suum ad
castellum extra portas Si vero burgensis forisfecerit castellano castellanus petat ius suum in burgo de eo

Of ane castellane and a burges
Gif ony man of the castell has oocht misdone til ony man of the burgh he sal askie lauch at the castell utth the yhettis. And gif ony man of the burgh has oocht misdone til ony man of the castell he sal askie lauch of hym in the burgh.

XLVII.
De cursu placitorum in burgo
Sciendum est quod a quindena in quindenum currunt placita in burgo tam de terris quam de mobilibus nec potest iudex contra voluntatem eius qui petit insticiam diem ponere ultra quindenum nisi ipse qui petit voluntatem aut conesserit aut ipse iudex ex debilitate curie et penuria consilii diem prolongaverit

Of the rynnyng of the mutis wythin burgh
It is for to wyt that fra xv dayis til xv dayis rynnis the mutis wythin the kyngis burgh alswele mutis of landis as of othir thyngis, na the bailye may nocht agane the wil of the party askande his rycht sett a langar day than xv dayis bot gif the party folowar wil and grant tharto, or ellis that the iuge thruch waykness of the court or akantness of soytouris may forrar contynew the daye.

XLVIII.
De mensuris et ponderibus
Quilibet burgensis potest habere mensuram in domo sua ad bladum suum mensurandum ulnam lapidem et pondus ad ponderandum Et omnes mensure et lapides ad ponderandum sigillo burgi debent signari Et sciendum est quod quicunque inventus fuerit cum falsa pondere vel mensura erit in forisfacto

Of mesurys and wechtys wythin burgh
Iike burges may hafe in his hous a mesure to met his corne, ane elnewand, a stane and punde wecht for til wey. And al thir mesuris and wechtis sal be selyt wyth the seele of the burgh. And it is for to wyt that whasa is fundyn with fals mesure or wecht sal pay a full amercyment.
XLIX.
De eo qui vult fieri burgensis domini regis

Nullus potest fieri burgensis domini regis nisi faciat servicium domino regi quantum pertinet ad unam perticatam terre ad minus

Of hym that yharnis to be mayd Kyngis burges

Na man may be the kyngis burges bot gif he may do service to the kyng of als mekyl as fallys til ane rude of lande at the leste.

L.
De vastacione per ignem

Si ignis exierit de domo alicuius unde combustio fiat plurimarum domorum vicinarum nullum gravamen vel molestia debet inferri ei amplius quam habet quandam satis dolore et angustia affectus est. Similiter erit de illo qui arserit torrallium alicuius sed amittet servicium suum. Si quis accomodaverit torrallium suum alicui et ardeat ipse cui accomodaverit tenetur reddere. Sed si conducerit pro suis denariis et ardeat non tenetur in aliquo restaurare.

Of the brynnyng of houis and kyllis

Gif that fyr passis out of ony mannis hous whar thruch hapnis mony housis to be brynt to the nychtburis, na grefyff nor na dystroblans sa be done til hym mar than he has, for sorow and hevines has he ineuch foroutyn mar. Rycht sua it is of hym that brynnes ane mannis kyll, bot he sal tyne his service. And whasa has lent his kyll til ony man and it brynnes, he that it to was lent is haldyn to restore it in sic ply as he it borowyt. Bot an he hyryt it for pennis and it byrn, he that it hyryt aw nocht to mak na mendis for it bot the hyre.

LI.
De replegiacione burgensis extra burgum

Si burgensis capiatur extra burgum suum pro aliquo debito vel foris facto vicini sui ibunt ad plegiandum illum super expensas suas proprias si
THE BURGH LAWIS.

fuerit captus infra vicecomitatum  Si autem extra vicecomitatum captus
fuerit ibunt super expensas illius qui captus est

Of the borowyng a burges ututh the burgh

Gif that a burges be attachyt ututh the burgh for det or for ony mysgilt, his
nychtbiris sall pas to borow hym on thair aune proprir dyspence, gif that he be
takyn within the schirefdom. And gif he be tane ututh that schirefdome thai
sall pas apon his dispence at is takyn.

LII.

De introitu et exitu terre vendite

Quicumque vendiderit terram suam vel partem terre sue ipse qui vendit
erit infra domum et exibit et alius qui emptor est stabit foris et intrabit
Et unus dabit preposito unum denarium pro exitu terre et alius dabit
denarium pro introitu suo et saisina. Si autem terras excambiaverint
inter se uterque illorum dabit duos denarios

Of the entre and furth passing of lande salde

Wha sa evir he be that sellis his lande or parte of his lande, he sall be innouth
and sall pas out, and the tothir standand thar furth sall enyr it. And the tane
sall geyff to the aldyrman a penny for the ische and the tothir sall geyff a penny
for the entre and his sesyng. Gif forsyth thai mak acouyssing or a change of land
among thaim selff ilke ane of thaim sall geyff twa pennyis.

LIII.

De namo licite capiendo pro firma terre.

Si firmarius tuus non reddiderit tibi firmam tuam ad terminum statutum
bene licebit tibi capere namum suum in terra tua infra domum tuam
sine licencia prepositi

Of pundis to be tane for ferme in burgh

Gif thi maill man pay yo nocht thi maill at the terme day it is rycht leyfull to
ye to take pundis in thi lande wythin that ilke house but leyff of the bailye.
LIV.

De stallangiatore namando infra burgum

Si stallangiatore debet aliquid debitum burgensi bene licet burgensi capere namum suum ubicunque invenerit illum infra villam de rebus suis propriis. Et sciendum est quod stallangiator nullo tempore potest habere loth cut neque cavyl de aliquo mercimonio cum burgense nisi infra nudinas quando quilibet potest habere loth et cavyl.

Of stallangear to be pundyt wythin burgh

Gif a stallangear sw ony det til a burges it sall be leyfull to the burges to tak his pund of his gudis whar that evir he fyndia hym within the burgh. And it is to wyt that na stallangear may hafe na tym loth cut or cayvyl with a burges of ony maner of merchandise but in the tym of the fayris when tham ilke man may hafe lot and cayvyl wythin the kyngis burgh.

LV.

De rebus accommodandis ballivis castri

Nullus burgensis accommodabit ballivis castri per assisam et legem ville nisi ad valorem quadranginta denariorum de suis rebus et hoc per spaciun quadranginta dierum. Et si infra spaciun xl dierum non reddiderint non accommodabit illis plus nisi sponte voluerit.

Of gudis lent to the bailyes of the castell

Na burges sall len to the bailyes of the castell thruch assyse and law of the burgh bot anerly to the valur of xl d. of thar gudis, and that thruch the space of xl dayis. And gif wythin that terme he payis it nocht, he sall nocht len hym mar bot gif it be lykand to the burges to len it of fre will.

LVI.

De burgense citato ad curiam regis

Quicunque fuerit burgensis et calumpniatus fuerit de aliqua querela in quocunque foedo fuerit et citatus fuerit ad curiam domini regis veniet ibi et esseniet se in curia domini regis quod in curia sua in burgo faciet plenarium rectum coram preposito suo. Si autem citatus fuerit a bedello
THE BURGH LAWIS.

coram ydoneis testibus et non venerit ad curiam domini regis ballivus regis veniet ad custodem illius feodi et habebit plenarium foris factum de eo si non habuerit rectum essonium Si autem ad curiam regis venerit et ibi plenarium reaponsum dederit et non fecerit mentionem de libertate sua vel feodo domini sui faciet in curia domini regis plenum ius

Of a burges sommonde to the kyngis court

What somevir he be that is a burges and he be challangyt of ony playnte, in what sa eir fee he haldis, and he be sommonde till apper in the kyngis court, he aw to cum thar and essoyne hym be the court of the burgh sayand thus that in his awne court of the burgh befor his alderman or his bailye he sall do full rycht. Gif forswth he be sommonde be a serande befor sufficiand wytynes, and he cum nocht to the kyngis court, the kyngis bailye sal cum to the warden of that fee and sal haf of hym a full forfalt gif that he haf na rychtuis essoyny. And gif forswth he cumis to the kyngis court and thar full anser makis, he makand na mension of his fredome or of the fee of his lorde, than sall he full rycht in that court of the kyngis do.

LVII.

De burgense calumpniato non habente plegium

Si aliquis burgensis calumpniatus fuerit vel irretitus de aliquo malefacto et non poterit habere plegios burgenses ville custodiant illum in domo sua propria in vinculis per quindecim dies Et postea si tune non habuerit plegios vicini sui ducant eum ad prepositum regis et ibi recipiatur ab eis et deducatur ad domum bedelli domini regis si burgenses non habeant carcerem et ibi custodiatur a calumpniatoribus suis Bedellus vero inveniet ei vincula bona et fortia

Of a burges challangyt nocht hafand borowis

Gif ony burges be challangyt or blamyt of ony mysede and he na borch may fynd, the burges of the toune sal kepe hym in festnyng in his awne house be the space of xv days And efterwarte, gif that he na borchis haf fundyn, his nycht-buris sal lede hym to the kyngis bailye and thar he sal be ressavit fra thaim, and he sal be lede to the house of the kyngis serianid gif that the burges hafe na presone, and thar he sal be yhemyt fra his challangeouris And that ilke serianid sal fynd festnyng gud and stallwart.
LVIII.

De percussis lepra in burgo

Si quis manens vel natus in burgo domini regis percussus fuerit lepra et si habuerit facultates unde possit sustentari et vestiri ponatur in hospitali illius burgi Et si nichil habuerit de proprio unde viveret burgenses ville facient collectam inter se unde pascent et vestient eum et sit illa collecta usque ad viginti solidos Leprosi non intrent in villam nisi pertranseundo nec cant ostiatim sed sedeant ad exitum ville et ibi petant eleemosinam ab introeuntibus et exeuntibus Preterea nullus presumat hospitare aliquem leprosum infra burgum super plenarium foris facturam

Of smyttyn leper in burgh

Gif ony that duellis in the kyngis burgh or was borne in it be fallyn in lepyr, that is callit mysal, gif that he hase gudis of his awne thruch the whilk he may be sustenyt and cled he sal be put in the spytail of the burgh. And gif he has nocht of his awne the burges of that toune sal ger be gadderyt amangis thaim a collec to the value of xx s. of the whilk he may be sustenyt and cled. And it is to wyt that mysal men sal nocht entre in the toune gangand fra dur to dur, bot anerly to pas the he way thruch the toune, and thair sal sit at the toune end and thair ask almous at furth passand men and ingangand. And mar attour na man sal tak on hand ony mysal man in his house to herbery na reste wythin the burgh on payn of a full forfalt.

LIX.

Quod ballivi non vendant panem nec cervisiam

Nullus prepositus ballivus vel bedellus faciat in domo sua propria cervisiam neque panem ad vendendum

Of burrowgreffis bakande or brewande

Nane aldirman bailyo na beddel sall bake brede na brew ale to sell wythin thair awin propri house durande the tym that thai stand in office.
THE BURGH LAWIS.

LX.

De pistoribus et venditoribus piscium

Pistores qui faciunt panes ad vendendum faciant albos panes et bisos secundum considerationem et probacionem proborum hominum ville prout tempus se habuerit. Et pistor habeat ad lucrum de qualibet celda secundum quod videatur probis hominibus ville. Item nullus qui facit panem ad vendendum abscondat panem sed ponat in fenestra sua vel in foro ubi communiter vendatur. Et qui convictus fuerit eo quod ita non fecerit dabit* sex oras id est; octo solidos ad forisfactum et panis absconditus pauperibus erogetur. Et similiter erit de venditoribus piscium.

Of baxtars and that sellis fyache.

Baxtars at bakis brede to sell sall bake whyte brede and gray eftir the consideration and prise of the gud men of the toune eftir as the season askis. And the baxtar sall hafe to wynning of ilke chaldir eftir as sall be sene thruch the gud men of the toune and nocht eftir his awne discretion. And wha that bakis brede to sell aw nocht for to hyde it bot sett it in thair wyndow or in the mercat that it may be opynly sauld. And wha sa dois othirways and thairof thai be convict thai sall pay amercymet of viii s. and the brede sall be deld to the puir folk. And rycht sa sw it to be of hym that bryngis fyache to sell to the burgh.

LXI.

De consuetudinibus in furno

Quicunque proprium furnum habuerit teneat in furno suo consuetudines domini regis factas secundum considerationem proborum hominum ville. Sicilet quod nullus habeat in furno suo plures servientes quam quattuor scilicet magistrum duos servientes et unum garciferum. Dominus furni habeat singulis vicibus pro furno suo obolum vel panem, magister furni obolum duo servientes unum denarium garcifer quadrantem. Et isti debent esse fideles et bone fame et iurabunt fidelitatem domino regi et communitati ville.

Of the customys of ovynis in burgh.

Wha sa evir has propir ovyn of his awne he sall hald wythin it the custumis of our lord the kyng eftir the ordinans of the gud men of the toune. That is to

* Not in the Ayr MS.
† Not in the Ayr MS., which agrees with the Scotch.
wyt at na man may hafe ma servandis in his bakhouse than four, that is for to
wyt a mayster tua servandis and a knayfe. The lorde of the ovyn sawl hafe ilke
tym for his ovyn a halpeny, the mayster a halpeny, tua servandis i d., the knayfe
a farthyng. And thai sall be lell and of gude fame, and thai sall be suorne to
kepe lawte to the kyang and the commons of the toune.

LXII.
De servientibus in molendino

Qui serviunt in molendino domini regis vel qui habent illud ad firmam
non habeant servientes in molendino nisi per considerationem proborum
hominum ville et qui sint fideles et bone fame et qui iurent fidelitatem
domino regi et magistris suis et hominibus qui veniunt ad molendinum
Magistris de multura fideliter capienda et servanda Hominibus ad
molendinum venientibus de blado servando et de recta multura capienda
et locum molendini qui vocatur roume unicuique fideliter observando

The maner to halde mylnis.

Wha sa evir he be that servis in the kyngis mylne or has it to male, he sall hafe
na servandis in the mylne but thruch consyderacion of gud men of the toune, and
thai aw to be lele and of gud fame and thai sall suer to kepe lawte to the kyng
and to thair maysteris and to thaim that cumis to the mylne. To thair maysteris
thai sall suer of multyr to be tane and kepyt. To thaim cumando to the mylne,
of corne to be kepyt, of rychtuis multyr to be tane and thair roume lely to ilkane
of thaim to halde.

LXIII.
De officio brasiatricum et corum forisfactis

Queneuncque feminas brasiare voluerit cervisiam venalem brasiet secundum
*constitucionem ville per totum annum Quod si non fecerit per unum
annum et unum diem suspendatur ab officio Et si cervisiam faciat
probabilem prout tempus se habuerit bene stabit Quod si malam fecerit
et contra constitucionem ville egerit et in hoc convicis fuerit dabit octo
solidos ad forisfactum vel iusticiam ville pacientur scilicet ponetur super
le cokestole et due partes cervisie pauperibus erogentur et tercia pars
fratribus hospitalis mittatur Simile iudicium erit de meda sient de mala
cervisia Et quelibet brasiarix ponat signum cervisie extra domum

* Consuetudinem—in the Ayr MS.
suam per fenestram vel ostium ut visibile sit omnibus et commune
Quod si non fecerit dabat quatuor denarios ad foris factum

Of the maner of ale brewing be assise.

What woman that wil brew ale to sell all brew al the yhere thruch eftir the
custume of the toune. And gif sho dois nocht echo sal be suspendyt of hir
office be the space of a yhere and a day. And sho sall mak god ale and
approbabill as the tym askis. And gif sho makis ivil ale and dois agane the
custume of the toune and be convykkyt of it, echo sall gif til hir mercymont viiii a.
or than thoyle the lauch of the toune, that is to say be put on the kuskyle, and
the ale sall be geyffin to the pure folk the tua part, and the thryd part send to
the brethyr of the hospitatle. And rycht sie dome sal be done of meide as of ale.
And ilke broustare sal put hir alewande ututh hir house at hir wyndow or abune
hir dur that it may be seabill communly til al men, the whilk gif sho dois
nocht echo sal pay for hir defalt iiiij d.

LXIV.

De officio carnificum

Quicunque carnes vendere voluerit vendat bonas carnes scuicet bovinas
ovinas et porcinas et vendat secundum consideracionem proborum
hominum ville et ponat eas in fenestra sua ut sint communes omnibus
emere volentibus Carnifices vero servient burgensibus tempore occasionis
scuicet a festo sancti Martini usque ad natale Domini de carnibus suis
preparandis et conficiendis in lardariis Si vero carnes male preparentur
carnifix restituet ei dampnum suum cuius erant animalia Carnifices
dum servint burgensibus comedent ad mensam illorum scuicet cum
servientibus eorum Et habeunt pro uno marto obolum pro quinque
ovibus obulum pro uno porco obulum

Of fleschewaris in the burgh.

Wha that wyll sell flesche he sal sell gude flesche beyff muttone and pork eftir
the ordinans of gud men of the toune, and he sal sett his flesche opynly in his
wyndow that it be sene communly til al men that will tharof. And fleschewaris
forsuth sal serve the burges in tyme of slaughter, that is to say fra the fest of
saynte Martynel whil Yhule, of the flesche in thar lardyner to be graythit and
dycht. And gif the fleschewar graythis ivil flesche he sal restor hym the scathis
that aw the bestys. And the fleschewarias whilis thai serve thaim thai sal ete at thair burde wyth thair servandis. And thair sal hafe for a cow or ane ox a halpeny, and for v schepe a halpeny, and for a swyne a halpeny.

LXV.

De animalibus emendis et interficiendis

Nullus manens extra burgum domini regis emat animalia ad interficiendum ante terciam pulsatam in hieme et primam in estate Proprii vero carnifices burgi emant animalia ad proprios usus ville qualibet hora diei Item nullus carnifex occidat animalia de nocte vel emat sed clara die et in botha sua et ponat in aperta fenestra sua Et qui aliter faciendo convictus fuerit dabit plenum forisfactum *[silicet sex oras]

Of bestys bocht to be alayne.

Na man duelland ututh the burgh sall by bestys for to slay befors that undeern be rungyn in wynyr and mydmore in somyr. Bot the proyr fleschewarias of the toune sal by bestys to the propr oysis of the toune al tym of the day at hym lykis. And na fleschewar sal ala na by na beste on nycht talle bot on lyght day in thair bothys and thair wyndowis beande opyn. And wha sa beis convykkyt othir wayis doande sal geyff viii s. for his ameriament.

LXVI.

De regratarii

Regratarii qui emnunt et vendunt ad lucrum non emant aliquam rem ad revendendum ante terciam pulsatam in yeme et primam in estate Neque laniam operatam vel aliam quam albam neque filetum neque aliquid alius de consimilibus emant aut recipiant excepto tempore mundinarum Et si quis super hoc convictus fuerit dabit *[octo solidos ad forisfactum] et rem emptam tali modo amittet

Of hukstaris.

It is to wyt that hukstaris that byis and sellis agane to wynning sal nocht by ony thing befors that undeern be rungyn in wynter and mydmore in somer. Na woll, wrocht na lyttyt, na none bot whyt woll, nor na yharne, nor none suilke, sal by na tak ouitane the tym of the fayre. And wha sa tharupon beis convykkyt sal geyff viii s. to the ameriament, and alsa he sal tyne the thyngis sa bocht.

* Not in the Ayr MS.  † The Ayr MS. gives—plenum forisfactum.
THE BURGH LAWIS.

LXVII.

De vendentibus generaliter in burgo

Omnes generaliter vendentes videlicet brasiatores pistores carnisces ac piscarii vendent omnibus tam transeuntibus quam aliis intraneis et extraneis quibuscunque et non plus retineant in domibus suis ad opus suum et familie sue nisi ad valorem quatuor denariorum qui totum residuum est commune omnibus ementibus Et qui aliter faciendo convictus fuerit dabit octo solidos ad forisfactum

Of sellaris of met and drynk.

All broustaris the whilkis sellis ale and thai that sellis brede or fleche or fyche and all hukstaris the whilkis byis and sellis communly, sal sell til al men als well gannah as cummand what somevir, and thai sall halde na mare in thair house to the oyse of thair hushalde gif that ony man wil by it bot to the valur of iii d. ouro nycht, and al the layff sal be common til al maner of man passand and cummand for thair payment. And wha dois the contrare of this and tharof be convyct he sall pay to his forfalt viii s.

LXVIII.

De falsitate in pondere vel mensura

Si quis scienter aliquam falsitateem fecerit in ponderando vel mensurando ut in iana vel in sepo animalium vel in adipe porcorum sive in consimilibus et super hoc convictus fuerit dabit octo solidos ad forisfactum *et iusticam ville patiatur Et inde castigabitur per ballivos burgi per forisfactum primo secundo et tercio Quarta vice sit in misericordia domini regis de vita et membro quia huiusmodi falsitas pertinet ad coronam domini regis et forisfactum burgi non excedit octo solidos Et in hoc casu forisfactum regis est x libre ideo pertinet ad regem;

Of men doand falscat in wecht and measure.

Gif ony man wyntandly dois falscat in mesurando or wyanye of ony thyng suilk as woll nowte creasche or swynge sayme, and apon that he be convyct, he sall pay amerciament of viii s. for his defalt and amend to the party. And suu he sall be chastyt be the bailyeis of the burgh be his forfalt the fyrst tym the second and the thryd. And the ferd tym he sall be in the kyngis mercy of lyff and of

* Instead of the remainder of this law, the Ayr MS. has—et rem emptam aut venditam totaliter amisset (and shall wholly lose the thing bought or sold).
membrys, for sic falset pertenys to the kyngis crowne syn the forfalt of the burgh exceeding nocht viii s., and in suilk case the kyngis amerciament is x li. forthi it pertenys to the kyng.

LXIX.

De precome consentiente falsitati

Si quis preco in burgo domini regis falsitati consentiat aut mercedem capiat causa constitucionis ville pessundande vel minorande et in hoc convictus fuerit dabit octo solidos ad forisfactum et privabitur ab officio suo et mercede et non stabit ulterius in testimonio

Of the falset of crioirs in burgh.

Gif the criour [or seriand] of the kyngis burgh consentis til falset or takis ony hyre to breke or to empare the constitucion of the toune and tharof beis convyct, he sall pay viii s. to his defalt and sall tyne his office and his hyre, and fra that tyme furth for evir mare nevir to be trowyt.

LXX.

De electione prepositorum in burgo

Ad primum placitum post festum sancti Michaelis eligendi sunt prepositi communis consilio proborum hominum ville qui sint fideles et bone fames et iurent fidelitatem domino regi et hominibus ville Jurent eiam fideliter conservare consuetudines ville *et quod non facient iusticiam de aliquo vel aliquo propter iram vel odium timorem vel amorem alicuius sed per constitucionem consilium et judicium proborum hominum ville Jurabunt eiam quod nec timore nec amore nec odio alicuius nec consanguinitate nec pro amissione pecunie parent alicui in justicia facienda

Of the chesying of the borowgrefis.

At the yrst mute nextt eftir the feste of sancte Mychael the aldirman and the bailycis sal be chosyn throuch the consaille of the gud men of the toune, the whilk aw to be lele and of gud fame. And thai sal sawer sawte til the lorde the kyng and to the burges of the toune. And thai sal sawer to kepe the customys of the toune and [that] thai sal nocht halde lauch on ony man or woman for wroth na for haterent na for drede or for lufe of ony man, bot throuch ordinans consaille

* In the Ayr MS.—et quod facient iusticiam euilbet nec parent alicui [and that they shall do justice to every one nor spare any].
THE BURGH LAWIS.

and dome of gude men of the toun. Alsua thai sauer that nother for radness na for lufe na for haterent na for coesynage na for tynsale of thair silver thai sal nocht spare to do rycht til all men.

LXXI.

De electione preconum in burgo

Precones in burgo eligendi sunt communiter ab omnibus burgensibus qui fideles sint et bone fame et iurent fidelitatem domino regi et prepositis ville et hominibus ville in pleno placito*

Of the cheynng of the criouris in burgh.

The criouris [seriandis] sal be choesyn communely be the consent of all the burges and thai aw to be lele men and of gude fame and thai sal suer fewte to the kyng and the aldirman and the baillycis of the toune and to al burges in full court.

LXXII.

De foristantoribus in burgo

Nullus infra burgum habitans vel extra sit tam audax in die fori exire extra portas burgi ad emendum aliquam rem antequam veniat infra burgi ianuas Et qui super hoc convictus fuerit dabit octo solidos ad forisfactum

Of foristantaris in the kyngis burgh.

Na man that wonnys in the kyngis burgh na yit ututh sal be sa hardy on the mercate day for to pas ututh the lymytis of the burgh for to by ony gudis befor that it cum wythin the yhetis of the toune. And thai that dois the contrare and thar apon is convyckit sal pay americament of viij s. unforgyffyn.

LXXIII.

De pisce lato ad vendendum.

Quicunque tulerit pisces ad vendendum in villa non ferat in aliquam domum sed ad forum domini regis si de die venerit Si de nocte venerit

* Bodem modo de Bedellis—Ayr MS. [and so of serjeants].
hospitare debet usque mane et tunc cum hora fuerit integre seratur ad forum domini regis et communiter omnibus ementibus vendatur. Nec presumat aliquis emere piscem ad mare vel alibi quam in foro domini regis ad revendendum. Et si quis super hoc convictus fuerit dabit octo solidos ad forisfactum. Si aliquis piscator assuetus fuerit venire de nocte et piscis abscondere causa luceri vel mali ingenii et super hoc convictus fuerit dabit octo solidos ad forisfactum. Item nullus qui emit piscem ad revendendum emat piscem nec scindat ante horam primam in estate et ante horam terciam in hieme. Et si fecerit dabit octo solidos ad forisfactum.

Of thaim that bryngis fysche to sell.

Wha sa that bryngis fysche to the toune for to sell sal nocht bere it in any house bot playny in the mercate, gif that he cumys on the lycht daye. And gif that he cumys on the nycht he sal gye herbery hymself and his fysche wythin the toune while the mornynge and when the tym cumys it sal be hadde unwemnyt to bryng it to the mercate, and thar til al thaim that wil it by, it sal be salde. Na man sal tak on hand to by fysche at the see or at ony othir place for to sell agayne bot in the kyngis mercate, and wha that is of this convycy sal geyff vij s. for his forfalt. Gif ony suilke of usage hantys to cum on nycht because of mukeryn and tavernys his fysche in house by nycht the whilk he salde sell on the day in the mercate, he sal geyff til his forfalt vij s. Alsua na man that byis fysche to sell agayn sal by thaim na scheyr thaim befor mydmorne in somyr and that undern be rungyn in wynitr. The whilk gif he dois he sal pay to his forfalt viii s.

LXIV.

De custodia burgensis irretiti de malefacto

Si quis irretitus fuerit de aliquo malefacto et retentus a calumpniatoribus suis infra burgum et dicat se habere plegium ducatur a calumpniatoribus suis infra burgum usque ad domum in qua dicit se habere plegium si de die captus est. Si de nocte capiatur cum clamore retineatur et custodiatur a calumpniatoribus suis et custodibus ville usque mane ut vicini qui prope sunt sciant qua de causa captus est ut si poterit habere
plegium habeat  Si non ducatur ad domum preconis et ibi custodiatur a
calumpniatoribus suis si carecere careant donee paciatur iudicium*

Of a burges takyn for ony mysedede.

Gif ony burges be arretit of ony mysedede and he be haldyn of his challangearis
wythin burgh and he says hym to hafe a borch, he sal be ledde be his
challangearis thruch the burgh to the house in the whilk he says his borch is,
gif that he be tane apon the day. And gif that he be tane apon nycht wyth cry
he sal be yemyt be his challangearis and be the keparis of the toune whil
mornynge, that his nychtburys that duellis neyrhande may wyt for what encheson
he is takyn that gif he may hafe a borch he sal hafe it. And gif he may hafe
nane he sal be ledde to the seriandis house and thar he sal be kepyt be the
challangearis, gif that the burgh has nocht a prisoun, whil he thole dome.

LXXV.

De tempore veniendi ad placita infra burgum

Quicunque debet inus capere vel facere in burgo veniatur ad placita in
hieme ante horam tercia et in estate ante horam primam  Et si venerit
ante iudicia facta appellator appellet appellacionem suam et calumpniatos
respondeat coram prepositis et probis hominibus ville in plena curia
Et secundum appellacionem et responcionem detur legale iudicium in
curia  Et si infra dictos terminos non venerit amittet placitum suum in
die illa si non habuerit legale essoniam

Of the tym of cumyng to mutis in burgh.

Wha sa evir that aw to tak rycht or do rycht in the burgh he sal cum to the
motis at the tym of undern in wynyr and befor mydmorne in somer. And gif
he cumys befor dome be giffyn the folowar sal put furth his challange, and he
that is challangyt sal mak ansuier befor the bailyeis and worthi men of the toune

* In the Ayr MS. is this addition:— vel sic. Si latro comprehensus fuerit cum fang aut
homicida cum layundary surgant hii qui tenent in baronia infra burgum per sectam calumpnia-
torum et atatem de iupon malefactore sive de die sive de nocte facient iustitie complementum. Quis
pro baronia in tali case reputabuntur.

[If a thief be taken with the fang or a murderer red-hand, they which hold in barony within
the burgh shall rise at the suit of the challengers, and shall straightway, whether it be day or
night, take full justice on the malefactor. For in such case they will be held for a barony].
in playn courte. And eftir the folowyng and the answeryng laufhulf dome sal be giffyn in the court. And gif he cumys nocht wythin thir termys he sal tyne his mote for that day bot gif he has ony laufhulf essonye.

LXXVI.

De calumpniis per prepositos vel bedellos

Si prepositus vel precones ville habeant calumpniam versus aliquem vel aliquos non possunt neque debent ducere testes contra illos in aliqua curia nec calumpnias sed pars defendens se acquietabit per legem

Of challange mayd be aldirman or bailyes.

Gif the aldirman or the serandis of the toune hafe ony challange agaynis ony man, thai may nocht na thai aw nocht lede wytnes agaynis hym in ony challange, bot the tothir party sal acquyt him laufhully aganis thaim.

LXXVII.

De proteccione peregrinancium

Si aliquid in burgo fuerit peregre profectus per licenciam ecclesie et vicinorum suorum in terram sanctam vel *[ad sanctum Jacobum vel ad alium sanctum locum et peregrinacionis causa] domus eius et familia sus sit in pace domini regis et prespositorum donec eum reduxerit Dominus

Of burges passyt in pylgrimage to be in pece.

Gif ony man of the kyngis burgh be passyt in pylgrimage wyth leyff of the kyrk and of his nychtburis, in the haly lande or than to sancte Jamys or til ony othir haly stede for the hele of his saule, his house and his meynye sal be in our lord the kyngis pece and the bailyes whil the tym that God bryng hym hame agayne.

LXXVIII.

De calumpniasto pluribus calumpniis

Si aliquid calumpniatus sit per aliquem pluribus calumpniis non tenetur

* The Ayr MS. has only—*alia peregrinationem.
THE BURGH LAWIS.

respondere uno die nisi de una calumpnia nisi sponte voluerit Sed diversis personis de diversis calumpniis respondere tenetur

Of syndry challangis.

Gif ony man be challangyt of syndry challangis he is nocht haldyn to anser to ma than ane on a day bot gif he wyl. Bot til syndry men he sal anser of syndry challangis.

LXXIX.

De terra in vadio posita infra burgum

Si quis *[habuerit terram] in vadimoniis positam potest eam acquietare quando voluerit nisi fuerit ad certum terminum impignorata Et cum perventum fuerit ad terminum offeretur ei vadimonium suum per tres dies placiti Et si noluerit eam acquietare vendatur et sumat creditor pecuniam suam Et si quid residuum fuerit detur ei cuius vadimonium fuerit

Of lande that is wedsest wythin burgh.

Gif ony man has lande laid in wed til ony man he may it outquyte when that evir hym lestis bot gif it be wedset til a certane terme. And when that terme war runnyn he sal profyr hym his wed at thre hed mutis. And gif he wil nocht it outquyte, it sal be salde and the creansour sal tak his dett. And al the remanande that he getis mar than the dett sal be geysin til hym that acht the wed.

LXXX.

De his qui sunt infra statem

Nullus faciat iuramentum vel ferat testimonium vel faciat responsionem in burgo qui sit infra statem sed custos eius sive tutor in cuius custodia est reddet responsum pro eo et pactetur indicium secundum consuetudinem burgi et consideracionem proborum ville

Of a chyld beand wythin eyde in burgh.

It is to wyt that nane beand wythin eyde in the kyngis burgh sal suer ath na wytnes bere na anser mak, but his wardane in whais yhemsall he is sal geysf

* Habuerit aliquam rem aut terram—in the Ayr MS.
ansuer for hym and thole dome for hym eftir the consuetud and the consideracion of the worthi men of the toune.

LXXXI.
De modo vigilandi in burgo

De omni domo in qua aliquis habitat qui racione vigilare poterit unus tenetur racione periculi vigilare qui cum baculus vigilie circumierit ostiatiim debet invenire aliquem virilis etatis cum duabus armaturis qui exibit quando ignitionum pulsaverit et sic vigilabit caute et solicite usque ad auroram diei. Et si in hoc defecerit dabit quatuor denarios ad forisfactum exceptis viduis

Of the manner of wakyng in burgh.
It is for to wyt of ilke house wythin the burgh in the whilk thar wonnys ony that in the tym of wakyng aw of resoun to cum furth, thar sal ane wachman be haldeyn to cum furth when that the wakstaff gais fra dure to dure, wha sal be of eylde, and sal gang til his wache wyth tua wapnys at the ryngynge of the courfeu, and sua gate sal wache wyly and beaily til the dawyng of the daye. And gif ony hereof faile he sal pay iii d., outtane wedous.

LXXXII.
De querela de blaa et blodi

Si quis verberando fecerit aliquem blaa et blodi ipse qui fuerit blaa et blodi prius debet exaudiri sive prius venerit aut non ad querimoniam faciendam. Et si uterque fuerit blaa et blodi qui prius accusaverit prius exaudietur

Of playnte of hym that is mayd blaa and blody.
Gif ony man strykis anothir whar thruch he is mayd blaa and blody, he that is mayd blaa and blody sal fyrest be herde, whethir he cumys fyrest to plenye or nocth. And gif that bathe be blaa and blody, he that fyrest plenyeis hym sal fyret be herde.
THE BURGH LAWIS.

LXXXIII.

De convictis de perjurio vel falso testimonio

Si quis semel convictus fuerit de perjurio vel de falso testimonio
nunquam postea exaudietur de iuramento prestando vel de testimonio
perhibendo

Of hym that is tayntyt manesuorne.

Wha sa evir he be that anys is convyct manesuorne or false wytnes borar, nevir
mare sal he be herde in preyff na in wytnes beryng.

LXXXIV.

De porcis habendis in burgo

Non licet alicui burgensi in burgo manenti porcos in burgo retinere nisi
habeat custodem eos sequentem vel pascat eos in hara unde vicini dampna
non incurrant

Of the maner of swyne haldyn in burgh.

It is nocht leyfull til ony burges wythin the kyngis burgh duellande for to halde
swyne in the burgh bot gif he hase a kepar folowand thaim in the foylde, whar
thruch his nychtburis inryn na scathe nor noye, or than that he hald thaim in
sty.

LXXXV.

De advenis non hospitandis in burgo

Nullus in burgo manens debet aliquem advenam plus quam una nocte
in hospicio suo retinere nisi plegium pro eo dare voluerit

Of uncouth men to herbery.

Na man wonnande in burgh aw to herbery ony strangear in his house langar
than a nycht, bot gif he becum borch for hym as a lauchfull man.

LXXXVI.

De constitucione pacis nundinarum

Hee est constituicio pacis nundinarum in burgo domini regis sitra Forth
seilicet postquam pax nundinarum proclamata fuerit nullus capietur nec
attachiabitur in illis nundinis nisi infrgerit pacem nundinarum versus
nundinas veniendo vel inde redeundo vel in ipsis nundinis moram faciendo
Vel nisi utlagus domini regis fuerit vel proditor regis aut talis malefactor
quem pax eclesie defendere non debet. Quod si talis fuerit malefactor aut pacem nudinatarum inregerit attachiabitur firmente usque ad placita nudinatarum. Et tunc recto stabit et iusticia de eo siet unde fuerit calumpniatus.

Of stablyng of the pece of fayris.
This is the ordinans of the pece of fayris on this halfe the watter of Forth, that is to wyt, that fra the pece of the fayr cryt that sal na man be takyn na attachyt wythin that ilke fayr bot gif he broke the pece of the fayr towart it cumande or wythin it duelland or fra thin passand, bot gif he war the kyngis traytour, or gif he war suilke a mysdoar that gytht of haly kyrk aw nocht to sauffe hym. And gif ony suilke mysdoar be fundyn, or sic as has brokyn the pece of the fayr, he sal be attachyt and sykerly kepytt till the motis of that ilke fayr, and thare he aw for to byde dome and lauch of the courte.

LXXXVII.
De rebus furatis et inventis in nudinis
Si quis invenerit rem suam in nudinis quam dicit sibi esse roboratam vel furatam vel amissam debet ducere eum quem quo res inventa fuerit ad ballivos nudinatarum et coram illis debet nominare dominum suum et ubi domum habet et invenire plegium coram ballivos nudinatarum calumpniatori quod quindecimo die post nudinas habebit rem calumpniatam in loco quem nominaverint ballivi et ibi stabit recto calumpniatori. Si vero plegium non habuerit ballivi debet retinere rem usque dum calumpniatori plegios invenerit aut amplius usque ad placita nudinatarum. Et si calumpniatus tunc venerit et plegium invenerit sicut dictum est res ei commendabitur et calumpniator loquetam suam prosequatur. Si autem calumpniatus ad placita nudinatarum non venerit res tradatur calumpniatori per bonos et securos plegios ita quod si aliquis alius veniat qui inde loqui voluerit ipse ad summicionem predictorum ballivorum perducat rem illam eo loco quo eam receptit et talem qualam eam receptit aut rei valenciam si res perierit aut custodia sua fuerit peiorata ad faciendum ibi quod iustum fuerit de eadem.

Of stollyn gudis fundyn in the fayre.
Gif a man fyndis his thynge in the fayre that he sayis war fra hym reft or stollyn or be ony maner tynt, he aw to lede hym wyth wham the thynge is fundyn.
De nativis fugitivis inventis in nundinis

Si quis invenerit nativum suum fugitivum in nundinis dum paz durat nundinarum non potest eum capere nec attachiare

Of bondis that ar fundyn in fayris.

Gif ony man fyndis his bonde in the fayre the whilk is fra hym fled, whil the pece of the fayr is lestande he may nocht of lauch chace na tak hym.

De burgense qui traxerit alium in plegium

Si burgensis traxerit alium burgensem in plegium et debitor moriatur et heres non habeat unde possit debitum patris sui persolvere preter terras quas pater suus dimisit oportet plegium dictas terras retinere per spacium quadraginta dierum Et infra quadraginta dies debet dictas terras offerre propinquoribus parentibus et amicis ad tria placita* Si autem eam emere vel acquietare noluerint licebit plegio dictas terras vendere ubicunque

* The Ayr MS. gives, after placita,— Si autem dictas terras aut emere aut acquietare noluerint habebat (if they wish either to buy the said lands or to pay the debt they shall have it).
LEGES BURGORUM.

melius poterit et respondere creditori de debito suo et si quid residuum fuerit restituet debitori

Of a burges drawand anothir in borowgang.

Gif a burges drawys ane othir burges in borowgang and the dettur deis, his ayr nocht haffande to mak assythe thar off outtane the landis that his fadyr left til hym, it behoifs the borch to halde the landis be the space of xi dayis. And wythin tha xi dayis tha ilke landis he sal peroffyr at thre hed courtis to the nerrest frendis. And gif thai may nocht by the landis or outquyte the dette, it is leyfull to the borch fra thin furth to sell tha landis whar evir he may best, and gif ocht remaynis attour the soum that he was borch for, he sal geyff it to the ayris of hym for whom he was borch.

xc.

De burgense debitore

Si burgensis debeat debitum alicui et ad terminum non habeat unde possit persolvere nisi terras suas oportet creditorem dictas terras retinere per unum annum et unum diem et infra annum et diem propinquioribus amicis dictas terras offerre. Et si eas emere vel acquietare nonserint liebit ipsi creditori eas vendere ubiunque melius poterit. Et si quid ultra pecuniam saum sive debitum residuum fuerit debitori restitutur

Of burges that aw dette.

Gif ane burges aw dette til ony man and at the terme hafe nocht to pay it bot his landis, the man that the dette is sucht to sal halde tha landis thruch a yhere and a daye and wythin that yhere and daye he sal peroffyr thaim to the nerrest ayris. And gif thai wil nocht by thaim or ellis outquyte the dette, it is leyful til hym to sell tha landis whar he wil. And gif thare be sucht attour, it sal be geyffin to the dettur.

xci.

De fraudulentia redempclione terrarum venditarum

Si aliquis burgensis vendiderit terram suam cogente necessitate et oblata fuerit propinquioribus parentibus et ipsi non habuerint unde eam possint emere tempore empcionis et postea cum viderit dictam terram promotam
et hospitatum veniat quidam ex predicta parentela et offerat se emere
dictam terram per pecuniam ei fraudulenter accommodatam non debet
exaudiri nec potest eam aliquo modo revocare

Of fraudulent redemption of landis salde.
Gif a burges sellis his lande for encheesoon of node wythin the burgh, and it haste
bene befor the sellyng of it byddin to the norrest of the frendis, that tym thai
nocht hafande whar wyth that thai mycht it by, and syne eftir when that lande
is wele byggit and anournyt than sum man of the next frendis commylys wyth a
soom of silver fraudfully tharto borowyt and byddis that lande to by, he aucht
nocht to be herde, na sal eftir agane call the byer of it on ony wyse.

xcii.
De essoniis in burgo
Sciendum est quod nullum essonium habet locum in aliquia querela in
burgo de terra calumpniata nisi fuerit pro infirmitate probata per testes
et pro servicio domini regis vel pro transitu ad nundinas

Of essonyeis in mote of lande wythin burgh.
It is to wyt that na essonye takis stede in the burgh in till the mote of lande, bot
gif a man be seyk and pruifyt be wytnes, or than he be in the kyngis service, or
at he has paseyt to certane fayris.

xciii.
De sustore tannante
Nullus sustor tannator potest emere coria ad tannandum maioris precii
quam quod cornua et aures sint equalis longitudinis

Of soutaris barkande in the burgh.
It is to wyt that na soutar duelland wythin the burgh aw to by ony hydis of mare
prise to bark bot tha that has the eyris and the hornis of a leuth.
LEGES BURGORUM.

xciv.
De gilda mercatoria

Nullus tinctor vel carnifex vel sutor potest esse in gilda mercatoria nisi abiuret facere officium suum manu propria sed per servientes suos sub so*

Of thaim that may nocht be in the gylde.

It is to wyt that nothir lytstar na fleschwar na soutar may be wythin the fredome of the gylde bot gif he sal forsuer to do that craft wyth his awne propri handis bot wyth servandis undir hym.

xcv.
De terris datis ad feodofirmam

Statutum est quod si quis dederit alicui terram suam ad feodofirmam salva sibi et suis quodam firma nominata et postea feodofirmarius necessitate compulsus voluerit dictam terram vendere ipse qui dedit dictam terram ad feodofirmam et sui erunt propinquiores ad dictam terram emendam quam aliquis alius

Of landis lattyn till feuferme in burgh.

It is ordanyt that gif ony man lattis his lande in feuferm wythin the burgh, sauffand til hym and his ayris a certane form nomyt, and othrwart he that tuk the lande in nede is stadd it to sell, he and his ayris at it to feuferme lete sal be nerrer to by that lande than ony othr man or woman.

xcvi.
De fatente sc inuirium fecisse

Si aliquis calumpniet aliquem quod verberavit eum vel aliam inuirium ei fecerit et ponat ad damnum suum centum marcas vel quantum voluerit dicere et calumpniatus in responsione sua negaverit wrang et unlaw et dicat bene recolo quod feci tibi aliud quam facere debui et illud

* The Ayr MS., which adds piscator to the men of trades excluded from the merchant gild, adds at the end of the law.—Nullus predictorum braciet servisiam ad vendendum nisi habeat plumba duplicia unum videlicet pro officio suo et alterum pro servicia.
[No man of the aforesaid trades shall brew ale for sale except he have two vats, one for his trade, the other for brewing.]
paratus sum emendare ad visum proborum hominum eo modo emendet
Et si tale responsum non dederit sed totum clameum sustineat et precise
neget et ad diem legis legem facere non poterit in forisfacto convictus
erit et condemnabitur ad totum damnum quod adversarius suus ponit
super eum

Of a man grantand his awne wrang.
Gif ony man challangis ane othir that he hafe dongyn hym or othir harmys till
hym done, and he put till his scathe i' markis or als mekil as he will, and he at is
challangyt in his answering nyte the wrang and unlauch and sayis this, I graunt
I did othir thyng na I aucht to do and I am redy to do amendis be the sycht of
worthi men, sua sal he amende it. And forsuth gif he mak nocht his answyer bot
agane haldis the clame and haly nyris it, and gif at the day of lauch he failyseis
of his acquittance, he sall be convyct and sall be put in all the scathe that his
adversar may set agane hym.

xcvii.
De namacione burgensis alterius burgi

Nullus debet namare vicinum suum de alio burgo pro alicuius debito vel
forisfacto nisi sit capitalis debitor vel plegius vel nisi prepositus defecerit
ei de iusticia quod absit

Of pundyng a burges of ane othir burgh.
Na burges aw to punde his nychtbur beande burges of an othir burgh for ony
mannis dett or trespas, bot gif he be hede dettour o borch til hym, or than the
balye falye hym of lauch that God forbede he suld do.

xcviii.
De custodia heredis burgensis
Si contingat quod burgensis moriatur heres et catalla sua si fuerit infra
etatem erunt in custodia parentum ex parte matris et hereditas tota in
custodia parentum ex parte patris

Of the kepyng of a burges ayre.
Gif a burges doe and lefe ony ayre, that ayre and his catall sal be in yemsell of
his frendis on the mudyryhalf, and his heritage sal be in yemsell of his frendis on the fadyrhalf till the leill elde of the ayre.

Xcix.

De possessore deiecto a possessione sua

Assisa tenta apud Novum Castrum* determinavit quod cum aliquid burgensis fuerit in possessione alicuius terre sive iustae sive iniuste et superveniat alius dicendo se verum esse heredem de illa terra et evertet eum de dicta terra et extra possessionem propria auctoritate sua et sine indicio Queritur utrum ipse qui prius fuit in possessione debet recuperare saisinam de deiectore antequam respondeat Et responsio datur quod ipse qui prius fuit in possessione sive iustae sive iniuste semper primo debet recuperare saisinam et eam tenere vel amitere in forma indicii Et deiector erit in forisfactum domini regis

Of ane burges eiect furth of his possession.

This is the assise of the New Castell, that gif ony man of ony burgh war in the possession of ony land whether it be rychtwisly or wrangwisly, and sua cummys ane othir in sayand that he is very ayre of that ilke land and hym out puttis that was in possession of his owne autorite and withoutyn dome. Wharfor it is askit at us burges of the New Castell whether he that was first in possession sal recover his seeing befor that he ansuer till him that put him out. To that than ansuer we, that he that was first in possession rychtwisly or unrychtwisly saill all tym first recover his possession, and after that gif he tyn his possession in forme of law and dome, that he is haldin to doo. And he that puttis him out be his owne propri autorite and will sal remayn in the kingis americiament.

c.

De dispersonacione prepositi

Si aliquis dispersonaverit prepositum in plena curia oportet eum cum amicis suis ut denegat aperto ore dicena quod mentitus est et cum vadimonio misericordie Et postea tactus sacrosanctis iurabit se nihil

* The Ayr MS. does not give the place where the law was enacted, but that and other MSS. shew that it was the result of a conference between the Burghs of England and Scotland.
THE BURGH LAWIS.

mali scire de eo Et si alias ipsum dispersona verit erit in iurisdictione prepositi et vicinorum suorum ut emendet

Of hym that myssayis the alderman.
Gif ony man dyspersonys or myssayis the alderman in full courte it behuifs hym wyth his frendis to nyte it wyth opyn mouth, sayand that he leyit of that at he sayd of hym, layande a wede in his wyl, cryande hym mercy thar off. And efterwart he sal suer apon the haly sacrament that nevir ivyll of hym he wate. And gif he myssay hym ane othir tym he sall be in the mercy of the alderman and of his nyghtburis, sua that he sall mak amendis to hym at he myssaide.

ci.

De terris non alienandis in lecto egritudinis

Consuetudo burgorum est quod nullus burgensis in lecto egritudinis sue de qua moritur aliquis terras quas hereditarie possedit in burgo nec alias quas acquisierit in sanitate sua a vero herede possit alienare vel alicui dare ab herede aut vendere nisi forte ere alieno esset oneratus quia de necessitate oportet ipsum terras vendere vel alienare cum necessitas legem non habet. Et nisi heres eius nec posset nec vellet eum de omni debito suo deliberare*

A seke burges may nocht analy.

It is for to wyt that the custom of the burgh is that na man lyande in bedde of dede, ony landis the whilk he has heritarily in burgh, na yhete other the whilk he purchast in his helo, fra the verray ayre may analy or till ony othir geyff or sell, bot gif it war sua that he war sa grety constreignit throu nede that it behovit hym algatis do, for nede has na law. And that his ayre walde nocht or for povere is nocht of puer his faderis nede to stanche or his dett to pay redyly.

cii.

De castellano prohibito

Nullus castellanus debet intrare in domo burgensis ad interficiendum porcos nec porcellos nec ancas nec gallinas Sed veniat ad ostium burgensis et petat si habeat aliquod de predictis ad opus domini Regis

* This is part of the matter consulted upon at Newcastle.
LEGES BURGORUM.

Et si habeat vendat. Et si habeat et non vult vendere et inveniantur in vico licbit castellano occidere et vicini apresciabant illud animal et dabitur precium possessori cuius est. Et hoc non facient castellani vel ministri Regis nisi ter in anno scilicet ad natale domini ad pascha et ad pentecosten et non ulterius.

Of castellayne at rynnis in the town, &c.

It is for to wyt that na castellayne sall ryn in the town to a swyne grysey na goysa na hennys, but he sall cum to the burges house and he sall ask gif onyx suylk be thar to sell to the kyngis myster. And gif thi ony hafe thi sall sell thaim. And gif thi hafe ony and nane will sell and thi be fundyn in the streyt it sall be lefull to the castellayne to alaa thaim, and the nichbouris sall prye thaim and the prye sall be geyffin to the possessouris. And this sall nocht the castellaynis do bot thryse in the yhere, that is for to wyt befor the Yule Paske and Whytsunday, and in the yhere nane oftare be law of burgh.

CHII.

De pectricibus relinquentibus burgum

Si pectrices reliquerint burgum *[propter campestres] capiantur et incarcerentur dummodo infra burgum possunt opera querere sufficienter

Of kemestaris that forsakis the burgh.

Gif ony kemestaris levis the burgh to dwell wyth uplandys men, havand sufficient worke to occupie thaim within burgh, thai aw to be takyn and prisionyt.

CHIV.

De viduis ementibus in burgo

Si vidua manens in burgo vult emere cum vicinis suis et vendere debet communicare in omnibus auxiliis suis cum eisdem et econverso†

Of wedowys byand and selland in burgh.

Gif a wedow wyl by and sell wyth her nychtburis in the burgh, scho aw to common wyth thaim in alkyne helpys, bot nocht utherways.

* In the Ayr MS.—pro campestibus in patria gerendis [for rural work].
† Instead of the concluding words the Ayr MS. had—in omnibus auxiliis proter vigilare [in all aids except watching]—altered on the margin, in an old hand, to the reading here given, which is that of the later MSS.
De electione lineatorum infra burgum

Prepositus burgi per visum et consilium communis debet eligere lineatores ad minus quattuor viros providos et discretos ita quod nullus clamor ad camerarium domini Regis veniat pro defectu lineacionis. Et si clamor ita veniat omnes erunt in foris facto tam gallivi quam lineatores. Et dicti lineatores iurabunt quod fideliter in longitudine et latitudine lineabunt tam frontem quam partem ulteriorum tenementi secundum rectas et veteres divisas burgorum.

Of the lyneris wythin burgh.

The alderman at the sicht and be the consale of the commune of the burgh suid cheise lyneris at the lest four wise and discrete men sua that na complaynt cum to the kyngis chalmerlane for inlak of lyning. And gif ony complaynt beis maid thai sal be all in an unlaw alsewele balyeis as the lyneris. And the saidis lyneris sal suer that thai sall leilhy lyn in lenth as braidnes baith for part and back part of the land according to the richt and suid merchis withyn the burgh.

De capitali messuagio non alienando

Nullus potest alienare messuagium suum capitale ab herede suo nec inde dotare uxorem suam si terram aliquam aliam vel terras habuerit ad uxorem suam dotandum vel pro necessitate vendendum.

Of alienacion of the cheze tenement.

Na man may put away his cheze bigging fra his ayre, na dow his wyfe thar in, gif that he has ony othir lande wyth the whilk he may mak lauchful dowre, of ellis he be constrenysit to sell it thruch node.
cvi.

De alienacione terrarum propter necessitatem

Si contingat quod aliquis habens terras de hereditate sive de conquestu et ipse in tantum dilexerit filium suum heredem quod eodem filio omnes terras suas in legitima potestate sua dedit. Et postea inexcusabilis necessitas patri evenerit et ostendat filio suo inopiam suam et ipse filius noluerit patri suo succurrere pater potest easdem terras de hereditate et conquestu vendere vel invadere cuiunque voluerit. Et debet illa paupertas probari ante vendicionem vel alienacionem per duodecim legales et fideles homines videlicet quatuor manentes ex una parte ipsius vendentis et quatuor ex altera et quatuor ex opposito ipsius aliter vendicio nulla est.

Of the succession of the sone to the fadris herytage.

Gif it sa betyde that ony man hafe landis outhir of herytage or of conquest, and he luf his sone that til hym is ayre sa mekyll that he gevis to that sone all his landis in his lege pouste, And afterwart a myster unexcusabill cумис to the forsaids fadre and he schawis til the sone his myster, the whilk sone will nocht do to the fadre na succour, than may the fadre leyfully sell or wedsett the landis whethir herytage or conquest to wha sum evir he will for his myster. And suilk nelle sw to be provy before that the landis be sald or analyt be the athis of xii lele and worthi men of the burgh, that is to wyt four wonnande on the ta halfe and four on the tothir halfe and ethir foure fore anent the house, or ellis that alienacion sal be of nane avale.

cviii.

De terris datis per patrem suis liberis

Si quis habuerit plures terras et plures pueros et dederit unicusique unam terram et forte omnes pueri sint infra etatem et custodiam patris. Tune forte dicet heres post decessum patris quod donacio patris nulla est quia pater suus cepit in tota vita sua fructus eaurndem terrarum. Sed in hoc
heres non debet exaudiri quia pater eius dedit eas in legitima potestate sua

Of landis geyfis be a fadre to syndry chyldir.

Gif a man hafe syndry landis and syndry chyldir and till ilke ane he geyfis a lande, and peraventure it falls in the chyldir ar wythin elde and wythin yhomsale of the fadre, and peraventure the ayre walde [say] eftir the fadris diisse that suilk gytis war of na vale, for why that his fadre tuk the froytis tharof in all his lyfetyme. Suilk saw of the ayre sall nocht be herde, be this resoun that the fadre gafe his landis ssa in his lege pouste.

cxix.

De essomiiis et dilacionibus

Hoc intelligendum est quod tot essonia et tot dilaciones habebit appellator quot et ille qui defendit de dampnis et iniurias vel de terris calumpniatis quia quot modis dicitur unum oppositorum tot modis dicitur et reliquum

Of essomyeis and delayes.

It is til undirstand that als mony delayes and als mony essomyes he that followys sall hafe as he that deffendis of scathys or wrangis or of landis challangyt, for why in als mony maneris as a thyng is sayd of a kynd als mony maneris is sayd ane othir waye in that ilke kynd.

cx.

De citacione facta per servientes regis

Seiendum est quod citacio facta burgensi in burgo per servientes domini Regis sine bedello eiusdem burgi non est audienda

Of somondis maid be the kyngis seriandis.

It is to wyt that sumondynge maid til a burges wythin the burgh be the kyngis seriandis, foroutyn a seriand of the burgh, aw nocht to be herd.
LEGES BURGORUM.

cxii.

De saisina data in burgo

Si saisina data fuerit in burgo coram vicinis burgi licet sit extra curiam nec fuerit in curia prelocuta sufficit tamen ista tali saisina.

Of geyffynge of seyynge in burgh.

Gif seyynge be geyffyn in burgh befor the nychtburis of the burgh thocht it be ututh the courte na forespokyn thar in, it sall suffice wele inoch.

cxiii.

De legibus servandis in burgo

In omni burgo tocius regni Scocie superior illius burgi faciat duodecim legales burgenses sufficientiores et discretiones burgi sacramento suo asserere quod omnes leges et iustas consuetudines pro posse suo legitime conservabunt et manutenebunt.

Of the kepyng of the lawis in burgh.

In evir ilk burgh of the kynrik of Scotland the mare or aldirman of that ilk burgh sal ger xii of the leelest burges and of the wysest of the burgh suer be thair gret athe that all the lawys and the usyt custumys lauchfully thai sal yeme and mantene eftir thar powar.

cxiv.

De uno debito et uno plegiagio

De uno debito erit nisi unus debitor et unnum plegiagium et unnum forisfactum de uno forisfacto Et erit nisi una misericordia licet plures sint plegii.

Of dettis and borowgang.

Of a dett thar sal be bot a dettur or a borch, and for a mysedede thar sal be bot a forfalt. And althocht thar be ma borowis than ane thar sal be bot a merciment.
cxxxiv.

De hereditate burgagii vendenda

Si aliqua hereditas burgagii cadat alicui in burgo viro vel femine vel sororibus ex parte patris aut matris et oporteat ipsum vel ipsos vel eorum aliquem propter sui paupertatem dictum burgagium vendere invadiare vel ad feodosfirmam dimittere vel quocunque modo alienare non licebit ipsi vel ipsis vel eorum alicui dictum burgagium vendere invadiare nec ad feodosfirmam concedere nec aliquo alio modo a seipsis alicui extraneo alienare si proximi heredes illud emere voluerint vel ad vadium aut feodosfirmam accipere

Of heritages of borowagis to be salde.

Gif ony heritage of borowagis fallys till ony man or woman or systeris on the fadyrhalf or on the modyrhalf in burgh, and it behufs hym or hyr thruch povertie their borowage to sell or to wedset or to ferme lat or ony othir maner to put away, it is nocht leful to thaim that borowage to sell na to wedset na to lat to fee na on nane othir wais to put fra thaim selif til ony strange man, gif the nerrast ayris wil by it or tak in wed or in feuferm.

cxxxv.

De divisione honorum burgensis

Consuetudo est in omnibus burgis Scocie a tempore de quo non extat memoria in contrarium quot si alicuiis burgensis liberos procreaverit de uxore sua legitima et ipse decedat tertia pars omnium bonorum debetur filiis et filiabus ipsorum. Legitimus autem filius primogenitus et heres eiusdem viri et uxoris habebit eandem porcionem bonorum quam et filii aliui videlicet equalum cum aliis libris nisi ipse primogenitus fuerit forisfamiliiatus.

Of the partyng a burges gudis.

The custum is in the burgis of Scotland, and that lang tyme that na man may think. That gif ony burges hafe barnis lauchfully gottin betuix hym and his wyfe, and he dee, the thryd part of all the gudis sall be to the barnis dochteris or

* One of the matters consulted on at Newcastle.
De vasis et utensilibus ad heredem pertinentibus

Si homo vel femina burgensis in burgo moriatur sive testamentum fecerit sive non de omnibus bonis suis heres habebit ad domum suam ista utensilia scilicet mensam meliorem mappam manutergium pelvim lavatorium principalem lectum cum lintheaminibus et ceteris pannis ad lectum pertinentibus lectum plumalem melius plumbum cum maskfat cupam barellum lagenam cacabum tripodem fissum caminum urceolum uncum Ista a domo legari non possunt Item qui quidquid edificatur plantatur aut seritur totum solo cedit Item habebit cistam hucham aratrum plastrum bigam redam ollam eremum patellam cratem ferream girdarium mortarium pilam discum perapsidem ciphum duodecim coclearia scannum scabelium tribulam stateram cum ponderibus vangam securim Et si terra sit hereditaria omnia ista ad ius hereditarium spectare noscuntur Sed in legitima potestate vendi possunt si necessitate vel paupertate dominus eorumdam compulsus fuerit et hoc testificetur per burgenses Et de predictis vasis et utensilibus omnibus et singulis semper meliora pertinent ad heredom

Of thynge pertenand to the burgs ayre.

Gif a man or a woman that is burges dee in the burgh, whethir that thai mak testament or none, of all the gudis the ayre sal hafe thir necessare thynge pertenand til his house, that is to say the best burd wyth the trestis, a burd clathy, a towall, a basing, a lawar, the best bed wyth the scheytis and all the laif that tharto pertenys of claithis, and the best fether bed [or noppis gif thar be na fothirbed], aloyd with a maskfat, a gylfat, a barell, a caldron, a ketill, a brandreth, a posnet, a chymnay, a stop, a cruk. Thir foresaidis thynge aw nocht to be left in legacy fra the house. Alsuas what evir be byggit set or saune all sall byde wyth the grunde. Alsuas he saill hafe a kyst, a schymn, a pluch, a wayne, a car, a char, a brasyn pot, a pan, a rostying yrne, a girdill, a mortar, a pestall, a masar, a dubblar, a cop, teyl spynys, a benk, a furm, a stall, a balance and wychtys, a spade, ane ax. And gif the lande be herytage all thir thynge foresaid till herytabill
THE BURGH LAWIS.

rycht ar knawin to perteyn, nevir the less the burges in his lege pouste all thir thyngis may sell gif that he be constrenyeit wyth necessite or poverte, and that sall be wytnesseyt be the burges. And of all thir forsaid thyngis and all uthiris of househalde the best pertenys to the ayre.

CXVII.
De manente infra burgum attachiato

Si quis manens infra burgum attachiatus fuerit ob aliquam causam per ballivos regis non ducatur extra libertatem burgi ad castrum vel clausuram nisi defecerit de plegiis

Of ane burges wythin burgh attachyt.

Gif ony man wonnande in burgh be attachyt be encheson thruch the kyngis bailyes he sall nocht be had ututh the fredome of the burgh, nouthir to castel na til nane uthir firmyn, bot gif it be that he hafe na borowis.

CXVIII.
De delicto uxoris burgensis

Si uxor burgensis deliquerit vicino suo aliquo modo et invenerit plebios de stando iuri sine consensu sui mariti et in curia in stultaam responsione inciderit et convicta super aliquo delicto fuerit per iudicium curie maritus eius non tenetur inde respondere videlicet de delicto neque de misericordia neque de peticione aut querela partis adverse ulterius quam ad valorum-quatiorum denariorum nisi sponte voluerit Tenetur tamen eam quasi ignorantem et sine consilio viri sui agentem negligenter sicut puerum infra etatem castigare cum non sit sui iuris

The payne of ane wyfe trespassand.

Gif the wyfe of a burges trespassis til hir nichtburis and fyndis a borch to stand to the law wythout the consent of hir husband, and gif in the courte scho fallys in foly anser and thar of be convyct be dome of courte, hir husband is nouthir haldyn til anser for the amerciament na yit for the askyng of the folowar forthir than the soum of iiiii d. bot gif hym lykis. Bot he sall chastly hir as a barne wythin eyld as echo at for faut of knawlege wrocht out of his consale.
LEGES BURGORUM.

CXIX.

De lineacione terrarum in burgo

Si utraque parte presente terra aliqua sit lineata per ballivos et fideles homines ville et mete posite fuerint et saysina illarum metarum tenta et usa fuerit per unum annum et unum diem altera vice non debet lineari

Sed si aliqua meta remota fuerit ballivus tenetur facere iusticiam conquerenti.

Of lyning of lande.

Gif ony lande be lynit be the bailyeis and lell men of the toun bath the partis beand present, and the merkis be laide and sasing of the merchis haldyn and oysyt be a day and a yer, the saide lande ane other tym aw nocht to be lynit agane. Bot gif a merk be remuffit the balye aw to do rycht to the plenysour.

EXPLICIUNT LEGES QUATUOR BURGORUM.

[THE END OF THE LAWS OF THE FOUR BURGHS.]
ASSISE REGIS WILLELMII.

THE LAWS OF KING WILLIAM THE LION, IN SO FAR AS THESE RELATE TO THE BURGHS.
ASSISE WILLELMI REGIS.

THE LAWYS MADE BE THE KYNG WILLAME.

xxxix.
De libertate gilde mercatorie

Item statuit [Rex Willelmus] quod mercatores regni habeant gildam suam mercatoriam et ista gaudeant in pace cum libertate emendi et vendendi ubique infra limites libertatum burgorum ita quod quilibet sit contentus sua libertate et nullus occupet libertatem alterius ne forte in itinere Camerarii nostri condemnetur ut foristallator et puniatur

The libertie of the merchandis gilde.

Item it is statut that the merchandis of the realme sall halfe their merchand gilde and sall ioice and possesse the samyn, with libertie to by and sell in all placis wythin the boundis of the liberties of burghis, sua that ilke ane be content with his awne libertie and that nane occupy or usurpe the libertie of another, that he be nocht convict and punischit in the Chalmerlane ayr as ane forestaller.
LAWIS OF KING WILLIAM.

XL.

De mercimoniorum venditione.

Item statuit quod nullus prelatus aut persona ecclesiastica neque comes baro aut persona secularis presumat emere lanam pelles coria aut huiusmodi mercimonia sed huiusmodi vendant mercatoribus burgorum infra quorum libertatem et vicecomitatum morantur domini vendentes Et precipit dominus Rex quod huiusmodi mercimonia et omne genus mercimoniorum presententur ad forum et crucem burgorum suorum et ibidem ad minus profferentur mercatoribus burgorum effectualiter sine fraude Et inde ibidem solvatur custuma regia

Of buying and selling of merchandise.

Item it is statut that na prelat or kirckman erl baron or secular person sall presume to by woll akynnis hydis or sic lik mercandise, bot that thai sall sall the samyn to merchandis of burghus wythin whais schirefdom and libertin the awnaris sellaris of tha merchandises dois duell. And it is commandit be the King that the merchandises forsaid and all other merchandises salbe presentit at the mercat and mercat croce of burghis, and thar at the lest salbe profferit to the merchandis of the burgh effectuualie wythout fraud or gyle. And the custome tharof salbe payit to the King.

XLI.

De extraneis mercatoribus

Item statuit quod nullus extraneus mercator cuiuscunque nationis fuerit emat vel vendat aliquod genus mercimoniorum extra burgum sed in burgo tantum et precipue mercatoribus et a navibus mercatorum burgi Precipit etiam dominus Rex quod nullus extraneus mercator cum navibus veniens et cum merchandis scindat pannum vel vendat in denariatis sed in grosso et tunc in burgo et mercatoribus burgi Et si aliquis extraneus mercator faciens in contrarium reperiatur capiatur per
ministros de gilda et detineatur et puniatur tanquam defensem regiam confringens

Of strangear merchandis.

Item it is statut that na strangear merchand of whatsoever nation he beis sal by or sell ony kind of merchandise wythout burgh, bot wythin burgh allenarly, and cheffy to merchandis and fra schippis pertenand to the merchandis of the burgh. Likewise the King commandis that na strangear merchand arrivand with schippis and merchandise sall cut claith or sell in penny worthis bot in grete, and that wythin burgh and to the merchandis of the burgh. And gif ony strangear merchand sall happin to be fundyn doand in the contrar he salbe apprehendid be the servandis of the gilde, and salbe punischit as ane brekar of the Kingis protection.
STATUTA GILDE.

THE LAWIS OF THE GILD.
STATUTA GILDE.

THE LAWIS OF THE GILD.

Hic incipiunt statuta Gilde apud Berwicu facta.

In nomine Domini Dei et individiue Trinitatis et beate Marie Virginis et omnium sanctorum Hec sunt Gilde burgensium statuta per dispositionem domini Roberti de Berhame militis tunc maioris de Berwico, Symonis Maunscl et aliorum predicti Burgi proborum virorum primo et principaliter constituta, Vt per multa corpora in vno loco congregata sequatur et vnica voluntas et vna eorumdem in relacione vnius ad alterum firma et sincera diletio ne particulariter aliqui Burgensium nostrorum congregati aliquo [loco] generalis Gilde libertatem uel statuta possint elidere aut nova consilia contra Gildam hanc possint concipere in futurum.

Heyr begynnis the lawis of the gyld.

In the name of the Haly indiuid Trinite and of the blessyt Mary the Vergyn, begynnis the statutis of the gilde of Scotland, be the disposicioun of Robert Bernhame mair of Berwick and Simon Maunsell and other gude men of the said burgh ordanit and constitute, sa that throu mony bodyis in a place gaderit togidder thru the relacion of ane til an other may folow vnite and concord, ane will and ferne and sekyr lufe ilk ane til other. Sa that na particular congregacione the fredoume of the generall gyld in ony thing may hurt or its statutis break or ony new consайл again this gilde tak.
I.

Prohibicio ne aliqua alia Gilda procuretur.

Statuimus ut omnes particulares Gilde hactenus in Burgo nostro habite abrogentur et catalla eis rationabiliter et de jure debita huic Gilde exhibeantur. Et nullus amodo aliquam aliam ab ista in Burgo nostro presumat procurare. Set habito omnium membrorum ad vnum capud vno respectu vnum inde in bonis actibus proueniat consilium, vna societas firma et amicitia verissima.

Off the kepyn of the generall gylde.

We haf ordanit that all particular gilde hidertill oysyt in ony burgh salbe away put, and the catall [to] thaim reasonabillly and of law aucht salbe govin to this gilde, and in tym to cum be na maner of wys ony vthir gyld thai presume to procure, bot vnyon had of all the membris til a hed in all gud deidis thar sall cum to gothir a falouschip sekyr and a suthfast frendship bot dyssayt.

II.

De forisfactis spectantibus ad Gildam.

Statuimus quod omnia forisfacta excedentia octo solidos nisi fuerint de tollonio Regis, juri uel libertati communi prepositorum spectantia, huic Gilde exhibeantur.

Off forfauttis of the gylde.

We haf ordanyt that all forfautis excedand viij s., out tayne thaim that ar of the Kingis toll, or thaim that pertenys to the richt and the fredomis of the baylyheis, salbe gyffin to this gylde.
III.

Quod fratres Gilde legent aliquid ad Gildam.

Statuimus etiam ut fratres huius Gilde in dispositione testamentorum tertio loco secundum quod eis libuerit de parte eos tangente huius Gilde delegent nisi ex negligencia fuerit omissum ita quod aliquid legent.

Off testamentis of the gylde.

We haf ordanyt that the brother of this gyld in the dispositioun of testment, in the thryd place, efter as it be lykand to tham, of the part to tham pertainand thaj left to this gylde, bot gif thru negligence it be left vndone.

IV.

De illo qui non est confrater Gilde.

Item si quis non fuerit confrater huius Gilde et in extremis suis aliquid de bonis suis eidem Gilde delegauerit recipimus eum in confraternitatem nostram et ad debita sua perquirenda et in aliis necessitatis suis ac si esset confrater predicte Gilde eidem concilium nostrum et auxilium concedimus.

Of thaim that salbe ressauit in the gylde.

Gif ony be nocht brother of this gyld and in his last days of his gudis to the samyn gyld he ocht leyff, we ressaue hym in our brutherhed, tills his dettis to be gottin and in his other nedia to be done, and rycht as he war brother of our gyld we grant hym oure consall and oure helpe.

V.

De delicto confratris Gilde contra confratrem.

Item Statuimus insuper quod si quis confratrum nostrorum verbotenus deliquerit, ad Gildam nostram adeundo uel morando ibidem seu inde
THE LAWIS OF THE GILD.

redeundo, erga confratrem suum, primo, secundo, et tercio emendacionem faciat Gilde in, xi. denarijs.

[Of trespass by a brother of the Gild against another.]

Item, we haief ordanit that giff ony of oure brother trespas till ane othir throu wordlaik, other gangand fra the gyld or duelland amangis the gyld or cummand to the gyldke, he sall amend in xi. d. the fyrest tyme, the secund and the thyrst tyne.

VI.

Ordinacio qualiter transgressor puniatur.

Item si quarto deliquerit verbo vel facto, condenmetur et puniatur secundum arbitrium Aldirmanni, Ferthingmanorum, Decani et aliorum confratrum Gilde et secundum decreatum corumdem satisfaciat leso.

[Ordinance how an offender shall be punished.]

And giff the ferd tym he trespas, he salbe condampnit at the will of the Alderman [the Ferthingmen] the Dene of the gyld and of the laf of the brother, and sall mak amendis for the skayth efter the decreit of thaim.

VII.

Alia ordinacio de transgressorisibus.

Item si quis confratrum nostrorum pungno alium percusserit emendet Gilde in dimidia marca et secundum arbitrium Aldirmanni Decani et aliorum confratrum satisfaciat leso. Et si quis confratrum ab alio sanguinem extraxterit violenter emendet Gilde in xx. solidis, et secundum arbitrium Aldirmanni Decani et et ceterorum confratrum leso satisfaciat secundum delicti quantitatem. nec debet aliquid de emendis istis prece alicui relaxari.

[Another ordinance ament offenders.]

Item, giff ony of the brother styrk ane vther with his nef he sall amend it with halff a mark, and etter the will of the Alderman and the Den and the layff of the brother he sall mak asyth to the pertf. Item, giff ony of the brother of the gyld thru violence drawis blud of ane othir he sall amend wyth xx s., and etter the will of the Alderman and of the Dene and of the layff of the brother he sall assyth. Nor ther sall nayn of thir mendis wyth ony prayer be loussit na slakyt be na maner of way.
STATUTA GILDE.

viii.

Inhibicio contra contumeliosum.

Statuimus inasuper quod nullus contumeliosus audet uel presumat infra limina Gilde nostre culpellum cum puncto portare quod si fecerit emendet Gilde in xij. denariis.

Off hym that has a knyf in the gyld.

Item, we haf ordanit that na barganour within the boundis of the gyld sal ber a knyff with a poynt, the whilk giff that he dois he sall amend with xij. d.

ix.

De sanguine extracto.

Item si quis baculo aut armo ferreo ab alio sanguinem violenter extraxerit aut aliquod membrum mutilauerit secundum arbitrium Aldirmanni condemnatur.

[Of blood drawn.]

Item, giff that ony with a staffe or with ony yrne wapin or ony vther wapin vyolently drawys blud of ane other or makis ony mutilacion, he salbe condamnyt after the will of the Alderman.

x.

De forisfacto pertinente ad lumen Gilde.

Item si quis minxerit super calciamenta sua in vili modo aut super parietes domus Gilde nostrre duringe Gilda nostra emendet in quatuor denariis ad lumen Gilde.

[Of forsets belonging to the gild light.]

Item, gif ony stal in the yet of the gilde or upon the wall of the gild endurand the gild, he sall gif iiiij. d. to the mendis.
THE LAWIS OF THE GILD.

XI.

Ordinacio confratris Gilde.

Statuimus etiam ut nemo recipiatur in confraternitatem nostram huius Gilde nostre minus quam xl. solidis exceptis vero filii et filiabus burgensium et confratrum Gilde nostre.

[Of receiving of brother of the gild.]

Item, we hav ordanit that none salve rosawyt within our fraternite of gilde les than xl. s., except they be Gild sonnes and Gild dochters.

XII.

De confratre in decrepita etate vel morbo.

Item si quis confratrum nostrorum Gilde nostre in decrepitam etatem uel paupertatem aut morbum incurabilem inciderit et de proprio non habuerit vnde possit sustineri secundum disposicionem Aldirmanni et aliorum confratrum releuetur secundum facultas Gilde nostre.

Off hym that fallis cruukyt in the gylde.

Giff any of our brother of the gilde in his eyld fall cruukyt or pure or in ane incurabill seyknese, and he haue nocht of his awin whar of he may be sustenynt, after the estymacion of the Alderman and of the brother, as the faculte of the gyld askis and may susten, he salbe releffyt.

XIII.

De filia confratris Gilde.

Item si quis confratrum nostrorum Gilde post obitum suum relinquat filiam suam ex eius vzoce coningata qua sit landabilis conversationis et bona fame et non habens de proprio vnde sibi prouideri poterit de viro vel de domo Religionis si caste viuere voluerit secundum dispositionem Aldirmanni et aliorum proborum secundum facultas Gilde de viro vel de domo Religionis sibi prouideatur.

Off the dochter of the gyl brother.

Giff that any of the brother of the gyld after his desces leyff a dochter off his spousit wyff borne, the whilk be of loffabill conversacione and of gud fame,
STATUTA GILDE.

geyff sco haf nocht of hir awin whar of it may be purwayt hir of a man [or of a religiouse house gif that sco lyk to lef chast] effer the estimation of the alderman and the faculte of the gilde, it sai be purwayt til hir of a husband or than a hous of relygione.

xiv.

Ordinacio super exequias fratris Gilde in paupertate.

Item si confrater Gilde nostre moriatur et non habuerit de proprio unde exequias suas poterit celebrare confratres Gilde nostre de facultatibus eiusdem Gilde corpus defuncti honorabiliter faciant humari. Et si qui de confratribus Gilde in villa existentias ad humacionem confratris sui non venient sinit in foris facto vnius bolle ordeacei brasei.

[Order anent burial of a poor brother of gild.

Gif ony of the breder of the gilde hapyn to disse, and has not to bring him to the erde as aferis, or to ger sing for his saule, the breder sal tak of the facultis of the gilde and ger his bodye be honestly layd in erde. [And if any of the brethen of the Gild, being in the town, shall not come to the burial of his brother, he shall forset one boll of barley malt.]

xv.

De confratre calumpniato quomodo vicini cum eo laborabunt.

Item si quis confratrum nostrorum aut plures extra burgum de vita et membris fuerint calumpniati vel vexati probi viri duo vel tres de Gilda laborabunt cum eo duas dictas recedendo super expenses Gilde si vero vltra duas dictas cum ipso laborauerint reus tunc propriis expenses suis eos cum ipso adducet et reducet. Similiter si necesses fuerit viterius super expenses rei cum eo laborabunt, Si per aliquem super aliquo facto iniuste vexatus fuerit. Si vero iuste vexatus reus adducet super propriis expenses confratres et secundum arbitrium Aldirmanni etc. condempnabitur.

Off hym that is vexit vtruth the burgh.

Giff that ony ane or ma of our brother of the gyld be vexit or chalangit vtruth the burgh of lyff and of membris, ij men or iiij men of the gyldes sall travell vyth hym tua days passand fra hame upon the expenses of the gyld, and giff thai be furth langer than tua days the perty gylty, of his awn expenses sal leide thaim
THE LAWIS OF THE GILD.

with hym, and gif mister [langer] be, thai sall trawal with him apon the expens of him that maid the defalt. And gif he be rytwisly wexit, he sal leid thaim with him of his own expens.

xvi.

De vicino nolente laborare cum vicino.

Item statuimus quod quisquis confratrum nostrorum hanc confraternitatem nostram contumaciter neglexerit nullus de confratribus nostris ei consilium uel auxilium verbo vel facto infra Burgum uel extra ministrabit. Et si etiam super vita et membris placitatus fuerit uel in aliquo honorem terrenum tangente vexatus fuerit non ei succurremus.

Off hym that passes away fra the gylde.

Item, we haft ordanit that giff ony of our brother pass away fra the gylde necligentlye, nan of the brother sall mynister till hym consall na help in vord nor in deyde vythin the burgh nor vtruth. All thocht he be impledyt and in perall of lyff and membryce or in ony other erdy charge, he sall haue na help of thaim.

xvii.

Ordinacio qualiter vicini aggregari debent.

Statuimus etiam ut quocienscumque Aldirmannus et Ferthingmanni et ceteri probi congregare voluerint confratres ad negocio Gilde tractanda omnes confratres Gilde conveniant indilate audita campana super foris factum. xij. denarius.

[Ordinance for gathering of the brethren.]

Item, we hai ordanyt that als oft as the Alderman [and the Ferthingmen and other good men] will gader the brother of the gylde till ther nedia to be trett, all the brothe sall gather to gether, the bell herd vnder the payn of xijd. And. when the lyttill bell is rungin thro the town than the bell in the bellhous salbe rungin thris, yrst shortly and syn twys, ilk tim a reasonabill space, and whatsomeuer brother of the gylde what place of the town that he be in and heris that bell and cummys nocht to the place of the congregatioun, or the ryngin of the bell ces, he salbe in his amerciament.
Statutumus ut nullus leprosus ingrediatur limina portarum Burgi nostri et si quis casualiter ingressus fuerit per servientes Burgi nostri statim eiciatur. Et si contra hanc prohibicionem nostram aliquis leprosus portas Burgi nostri consuetudinarie ingredi presumpserit indumenta sua quibus indutus est capiantur et comburantur et nudus eiciatur quia de communi consilio pruousum ut eis colligantur elemosine ad eorum sustentacionem in loco competenti extra Burgum nostrum et hoc dico de leprosis alienigenis.

[Ordinance concerning Lepers.
We ordain that no leper shall enter the ports of our Burgh, and if one by chance enter he shall be forthwith thrust out by the serjeants of our Burgh. And if, contrary to this our prohibition, any leper shall presume to come customarly within the gates of our Burgh, his clothes wherewith he is clad shall be taken and burned, and he shall be thrust forth naked, because it is provided of common consent that alms shall be collected for the sustenance of lepers in a proper place outwith our Burgh; and this I say concerning stranger lepers.]

XIX.

Ordinacio ne fimum ponatur in foro nec in communi via.
Statuimus ut nullus presumat uel audeat apponere fimum uel aliquod puluerulentum uel cineres in via communi uel in foro uel super ripam de Twede in dampnum et lesionem circumtransientium. Et si quis hoc fecerit condamnetur in octo solidis ad forisfactum.

[Ordinance against putting filth in the market-place, or on the common way.
We ordain that no one presume or dare to place filth or any dust or ashes on the common way, or in the market-place, or on the banks of the Tweed, to the hurt and skaith of the passers by. If any one so do, he shall be fined eight shillings as forfeit.]
xx.

Ordinacio loquendi in curia.

Statuimus quod in placitis nostris nullus loqui audeat de hoc quod tangat causam nisi tantummodo actor et reus aut eorum advocati. Et tantummodo Ballini qui tenent curiam, ct hoc ad inquisitionem cause vtriusque partis. Set tam actor quam reus ad consilium suum vnum- quemque indifferenter poterit euocare. Et si quis contra hanc prohibicionem nostram venire presumpsit condempnetur in octo solidis.

[Ordinance anent speaking in court.
We ordain that in our courts no one shall dare to speak of that which touches a cause, except only the pursuer and the defender, or their advocates, and except also the Bailies who hold the court, and that for trying the case of each party. But the pursuer as well as the defender may call upon any man indifferently to give counsel. And if any one presume to contravene this our prohibition he shall be fined eight shillings.]

xxi.

De Burgensi carente equo.

Statuimus insuper ut quicumque Burgensis habuerit in castella x. libras habeat in stabulo suo equum decentem ad minus de valore xl. solidorum. Et si quis ab equo suo aliquo casu priuat us fuerit, morte, vendicione donacione, ut quicumque allo modo equum perquirat infra xl. dies. sin-autem condempnetur in octo solidis ad Gildam.

[Of Burgesses being without a Horse.
We ordain that any burgess having in goods ten pounds shall have in his stable a seemly horse worth at least forty shillings. And if he be deprived of his horse by any chance, death, sale, gift, or in any other manner, he shall within forty days provide another. If not he shall be fined eight shillings to the Gild.]
xxii.

Ordinacio de molis manualibus.

Statuimus quod nullus frumentum, mastilionem uel ciliginem ad molas manuales molere presumat nisi magna tempestate cogente uel penuria molendirorum hoc faciente, et si quis in tali casu moluerit ad molas manuales dabit pro multura, xiiij. vas. Et si quis hanc prohibicionem nostram contraire presumperit a molis manualibus priuetur imperpetuum, et braseum suum molet ad molendina ad. xx. iiiij. vas.

[Ordinance anent hand mills.

We ordain that no one shall presume to grind wheat, mixed grain or rye, at hand mills, unless compelled by great storm or scarcity of mills; and if in such case any one shall grind at hand mills, he shall give the thirteenth measure for multure. And if any one shall presume to contravene this our prohibition, he shall be deprived of his hand mills in all time coming, and shall grind his malt at mills paying the twenty-fourth measure.]

xxiii. :

De libertate confratris Gilde.

Statuimus ut nullus emat coria lanam aut pelles lanutas ad revenden-
dum aut pannos scindat nisi fuerit confrater Gilde nostre uel extraneus mercator ad sustentacionem officij sui et non habebit Loth neque Cauel cum confratre nostro.

[Of the liberty of brother of the Gild.

We ordain that no one buy hides, wool, or wool skins to sell again, nor cut cloth, unless he be a brother of our Gild, or a stranger merchant, for the sustaining of his office, and he shall not have lot nor cavil with brother of our Gild.]
THE LAWIS OF THE GILD.

XXIV.

Ordinacio de suture tannatore.

Statuimus ut nullus sutor debet tannare aliqua coria nisi quorum cornua et aures fuerint eiusdem longitudinis equalis. Et nullus tannator debet salsare aliqua coria.

[Ordinance anent shoemakers tanners.

We ordain that no shoemaker ought to tan any hides but such as have the horns and ears of equal length. And no tanner ought to salt any hides.]

XXV.

De aliena pecunia non mercanda.

Statuimus ut si quis confrater nostre accipiat denarios alicuius mercatoris alienigenae ad negociandum et de his super forum certum lucrum capiat de sacco lane nel lasta coriorum aut de pellibus vel aliis mercioninis, condempnetur primo et secundo in xl solidis. Et si tercio super hoc conuictus fuerit amittet Gildam in perpetuum. Nisi Aldirmannus et confratres Gilde sibi gratiam concedere voluerint.

[Money of a stranger not to be traded with.

We ordain that if any brother of our Gild take money of a stranger merchant on commission, and of it take a certain profit above the market, of a sack of wool, or a last of hides, or for skins or other merchandise, he shall be fined for the first and second offence forty shillings. And if he be convicted of it a third time, he shall lose his Gild for ever, unless the Alderman and the brethren of the Gild be pleased to grant him pardon.]

XXVI.

Ordinacio super empeione allecium et piscium.

Item statuimus quod nullus emat allec [nec] pisces aliquos qui per nauum deferuntur ad villam antequam nauis iaceat super siccam terram et
remus foris mittatur. Nec aliqua alia mercimonia scilicet de blado, fabis, pisis, vel sale. Et si quis convicctus fuerit super hoc dabit vnum dolium vini ad Gildam pro forisfacto aut per vnum annum et diem a villa euacuetur.

[Ordinance anent the buying of herring and fish.]

Also, we ordain that no one shall buy herrings or other fish which are brought by ship to the town until the ship be on dry land and the oars taken out. Nor any other merchandise, such as corn, beans, pease, or salt. And if any one be convicted thereof, he shall give to the Gild a cask of wine as forfeit, or be expelled the town for a year and a day.]

xxvii.

Ordinacio quod nullus neget vicino suo partem de hiis subscriptis.

Item si quis emerit allec, sal, bladum, fabas, aut pissa ad naues vel aliquod de consimilibus mercimoniis non negabit vicino suo partem quantum voluerit emere ad cibum suum ad sustentacionem domus sue pro foro quod ille emerit. Sin autem condemnavitur in suo plenario forisfacto vnius dolii vini ad Gildam. Et similiter qui emerit plus quam ad cibum suum et vendiderit eadem pena puniatur quia dixit se tantum ad cibum suum emere et super hoc partem petierit et optinuerit. Et quod quarta pars tocius rei empte semper remaneat emptori. Et quod soluat infra bordam cum optinuerit rem emptam.

[Ordinance that no one refuse to his neighbour a part of the things underwritten.]

Also, if any one shall have bought herring, salt, corn, beans, or pease at ships, or other like merchandise, he shall not refuse to his neighbour as much as he may wish to buy for food to sustain his household, at the price at which he himself bought. Otherwise he shall be condemned in his full forfeit of a cask of wine to the Gild. And, in like manner, he who shall buy more than for his
food, and shall sell the same, shall be punished with the same penalty, because he said that he bought for his food only, and on that ground asked a part and had it. And that the fourth part of the whole thing bought always remain with the buyer. And that he pay on board ship whenever he has had delivery of the thing bought.]

XXVIII.

Constitucio de arris datis mercatori.

Item si quis emerit allec uel alia predicta mercimonia et dederit denarium dei uel aliquod argentum in arris, pacabit mercatori a quo predicta emerat secundum forum prius factum sine felling uel herlebreking et si non fecerit et in hoc convicetus fuerit dabim dolium vini a Gildam aut a villa per annum et diem euacuetur.

[Ordinance concerning arles given to merchant.

Also, if any one buy herring or other merchandise foresaid, and give God's penny or any siver in arles, he shall pay to the merchant from whom he bought the said merchandise according to the rate before agreed upon, without felling or herlebreking. And if he do not, and be convicted thereof, he shall give a caak of wine to the Gild, or be expelled the town for a year and a day.]

XXIX.

Constitucio de mercatura bona super et deteriore subquam.

Item statutum est si contigerit quod emptor alicius rei viderit aliquod mercimonium quod bonum sit supra et deterius subquam emendare debeat venditor rei per visum et consideracionem proborum hominum ad hoc assignatorum.

[Ordinance concerning merchandise good above and worse below.

Also it is ordained, that if it happen that the buyer of any thing shall discover any of his purchase to be good above and worse below, the seller of the thing ought to amend it at the sight and consideration of honest men appointed to that effect.]
ITEM statutum est quod nullus carnifex donec voluerit officium exercere emat lanam aut coria nisi velit abjurare suam securim et quod manum suam bestiis non apponat.

[Also, it is ordained that no butcher, as long as he chooses to practise his trade, buy wool or hides, unless he will abjure his axe and swear that he will not lay his hand upon beasts.]

XXXI.

Quomodo Brocariij eligi debent.

Statuimus quod Brocarii sint electi per visum communitatis ville Berwici qui dabunt singulis annis vnum dolium vini communitati ville predicte ad festum sancti Michaelis sine ulteriori dilacione. Et nomina eorum per commune consilium inbreuientur.

[In what manner brokers should be chosen.

We ordain that brokers should be elected at the sight of the community of the town of Berwick, and they shall give a cask of wine to the community of the town yearly, at the feast of St Michael without longer delay. And their names shall be minuted by counsel of the community.]

XXXII.

Constitucio de regratariis quod non emant ante certam horam.

Statuimus etiam quod nullus regratarius emat pisces, fenum, anenas, caseum ul aliquod alium quod ad Burgum differatur vendendum ante pulsacionem campane in berfredo. Et si quis vero contra hanc prohibicionem nostram venire presumptserit, res empta capiatur et secundum considerationem Balliuro rum nostrorum pauperibus ville erogetur.

[Ordinance anent regraters that they buy not before a certain hour.

We ordain also that no regrater buy fish, hay, oats, cheese, or any other thing which is brought to the burgh for sale before the ringing of the bell in the
belfry. And if any person presume to go against this our prohibition, the
thing bought shall be taken and distributed among the poor of the town,
according to the discretion of our Bailies.]

XXXIII.

Constitucio de mercimoniiis emendis.

Statuimus insuper quod nullus emat aliqua mercimonia que ad Burgum
differantur ad vendendum super pontem de Twede neque in Briggate
neque extra portas ville antequam ad forum Burgi perueniat. Et si quis
super hoc convinctus fuerit rem emptam amittet et commodum illius ad
Gildam nostram vertatur.

[Ordinance concerning the buying of goods.

We ordain, moreover, that no one buy any goods which are brought to the
Burgh for sale, on the Bridge of Tweed, nor in Briggate, nor without the
ports of the town, till it arrive at the market place of the Burgh. And if
any one be convicted of this he shall forfeit the thing bought, and his profit
shall be applied to our Gild.]

XXXIV.

Constitucio facta de lana et de corio venientibus ad villam.

Item statuimus quod nulla mulier virum habens emat lanam in vico nec
aliquis burgensis habeat tantummodo vnum gacionem ad lanam vel
coria emenda. Et si quis irrationabiliter emat lanam vel coria vitra
statutum mercatorium in deteriorationem communitatris ville dicta lana
vel coria capiantur et ad commodum Gilde vertantur et dictus homo vel
gario sit in forisfacto viij. solidorum.

[Ordinance anent wool and hides coming to the town.

We ordain also that no woman having a husband shall buy wool in the street;
nor shall any burgess have more than one servant to buy wool or hides. And
if any one shall unreasonably buy wool or hides beyond the appointed market
place, to the prejudice of the community of the town, the said wool or hides shall be taken and applied to the profit of the Gild, and the said man or servant shall be fined eight shillings.]

xxxv.
Constitucio quod nullus procuret forinsecum pro eo placitare contra vicinum suum.

Item ordinamus et stricte precipimus quod nullus comburgensis noster procuret aliquem forinsecum extra libertatem nostram manentem ad placitandum pro ipso contra aliquem vicinum suum super plenariam forisfacturam vnius dolii vini sine fauore vel prece leuandi.

[Ordinance that no one shall procure a stranger to plead for him against his neighbour.

Also, we ordain and strictly charge that no fellow-burgess of ours shall procure any one from without, dwelling beyond our liberty, to plead for him against any of his neighbours, under the full forfeit of one cask of wine to be levied without favour or prayer.]

xxxvi.
Constitucio facta de conspiratoribus.

Item statuimus si aliquis faciat conspirationem aliquam retro communitatem ad eam separandam vel spergandam et super hoc consuetus fuerit dabit vnnum dolium vini ad forisfactum.

[Ordinance made anent conspirators.

Item, we ordain that if any one shall make any conspiracy against the community to separate or scatter it, and of this be convicted, he shall give a cask of wine as forfeit.]

xxxvii.
Constitucio facta de gubernacione communitatis Berwici.

Statuimus insuper per commune consilium quod communia de Berwico gubernentur per xx. iiiij. probos homines de melioribus et discretioribus
ac fidedignioribus eiusdem Burgi ad hoc electos vna cum maiori et quatuor prepositis. Et quandocunque predicti xx. iiij. homines fuerint citati ad commune negotium tangendum, qui non venerit ad citacionem sibi factam ultra noctem dabit duos solidos ad Gildam.

[Ordinance made concerning the government of the community of Berwick.

We ordain, moreover, by common consent, that the community of Berwick shall be governed by twenty-four good men, of the better, more discreet, and more trustworthy of that Burgh, thereto chosen, together with the Mayor and four bailies. And whencesoever the said twenty-four men are summoned to treat concerning the common business, he who comes not at the summons before night shall give two shillings to the Gild.]

XXXVIII.

Constitucio de electione maioris et prepositorum.

Item statuimus quod maior et prepositi eligentur per visum et considerationem tocius communitatis. Et si aliqua controversia fuerit in electione maioris vel prepositorum fiat tunc electio eorum per sacramenta xx. iiij. proborum hominum predicti Burgi electorum ad eligendum vnam personam ad dictam communitatem regendam.

[Ordinance anent the election of the Mayor and Bailies.

Item, we ordain that the Mayor and Bailies shall be chosen at the sight and by the consideration of the whole community. And if any controversy be in the election of the Mayor or Bailies, then their election shall be made by the oaths of twenty-four good men of the said Burgh, elected to choose one person to rule the said community.]

XXXIX.

De consilio osteno contra sacramentum.

Statuimus in supe si aliquis Burgensis contra sacramentum suum prestitum consilium vel secreta Gilde nostre ostendere presumpeisset prima vice secundum considerationem Aldirmanni et aliorum fidedignorum Gilde nostre punitur. Si vero secunda vice in tali casu deliquerit
libertatem Burgi nostri per annum et diem amittet. Et si tercia vice super talia conuictus fuerit libertatem Burgi amittet pro termino vite sue. Et sciendum est utra quod infra illud Burgum nec in aliquo alio infra regnum amplius libertatem gaudere de iure non poterit. quia infamis reputatur.

[Of the revealing of counsel against the oath.

We ordain, moreover, that if any burgess contrary to his oath shall presume to reveal the counsel or show the secrets of our Gild, the first time he shall be punished according to the consideration of the Alderman and other trustworthy men of our Gild. But if he offend in like sort a second time he shall lose the liberty of our Burgh for a year and a day. And if he be convicted a third time of such offence, he shall lose the liberty of the Burgh for all his life. And be it known further, that he shall not, within that Burgh, nor in any other Burgh within the realm, be any more lawfully able to enjoy freedom because he is reputed infamous.]

XL.

Constitucio facta de cyrotecariis et pellipariis de pellibus lanutis.

Item statuimus quod nullus pelliparius aut cyrotecarius aut aliquid alius Burgensis faciat lanam de aliquibus pellibus a festo Pentecostis vsque ad festum Sancti Michaelis set vendat pelles quales fuerint secundum quod melius poterit. Et si aliquis pelliparius uel cyrotecarius super contrarium conuictus fuerit ab officio suo per vnum annum et diem depreuetur. Et si aliquis Burgensis contrarium fecerit et super hoc conuictus fuerit quociens esset debit vnum dolium vini ad Gildam.

[Ordinance made concerning glovers and skinners.

Also, we ordain that no skinner, nor glover, nor any other burgess make wool of any skins from the feast of Whitesunday till the feast of St Michael, but he shall sell the skins as they are and as he best may. And if any skinner or glover be convicted of breaking this ordinance, he shall be deprived of his craft for a year and a day. And if any burgess break the ordinance and thereof be convicted, for each offence he shall give a cask of wine to the Gild.]
THE LAWIS OF THE GILD.

XLI.

Constitucion facta de allecibus et de modo empcionis eorumdem.

Item statuimus quicunque Burgensis emerit allec omnes vicini sui quicunque presentes fuerint ad empcionem dictorum allecium habebunt pro eodem precio quo ipse emit sine aliqua fraude. Et si quis voluerit partem habere qui ad empcionem dictorum allecium presens non fuerat dabit emptori ad iucrum xij. denarios. Et si quis convicstus fuerit de contrario dabit vnum dolium vini ad Gildam. Et si quis non satisfecerit venditori dictorum allecium de solucione pecunie sibi debite et super hoc convicstus fuerit similiter ipse dabit vnum dolium vini ad Gildam. Et hoc intelligendum est de confratribus Gilde et non de alis.

[Ordinance made touching herrings, and the mode of buying the same.

Item, we ordain that whatsoever burgess shall buy herring, all his neighbours who were present at the buying of the said herring shall have for the same price at which he bought, without any fraud. And if any one who was not present at the purchase of the said herring would have a part, he shall give to the buyer for his profit twelve pennies. And if any one shall be convicted in the contrary, he shall give one cask of wine to the Gild. And if any one fail to satisfy the seller of the said herring about payment of the money due, and shall thereupon be convicted, he shall likewise give one cask of wine to the Gild. And this is to be understood of the brethren of the Gild and not of others.]

XLII.

A.D. MCC.LXXXI.

Constitucion facta de tractagio vini.

Item statutum fuit die Mercurii proxima ante festum sancti Marci Anno domini m. ce iiij. primo. quod quilibet Burgensis dabit plenum tractagium pro quolibet dolio vini quod ponit in tabernam et quod ponit in nauem et extra. Pro dolio remouendo de vno sellario ad alterum dabit
duos denarios et obolum. videlicet vnum denarium ville et denarium et obolum pro Beriuagio. Et pro uno dolio ad potum suum dabat denarium pro Beriuagio.

[Ordinance made concerning the carriage of wine.

Also, it was ordained on Wednesday next before the feast of St Mark, in the year of our Lord 1281, that every burgess shall give full drawage for every cask of wine that he places in his booth, and that he puts on board ship or out of ship; for removing a cask from one cellario to another he shall give two pence and one halfpenny, that is to say, one penny to the town, and a penny and a halfpenny for drink money. And for a cask for his own drinking he shall give a penny for drink money.]

XLIII.

De aucenis venientibus burgo vendendis.

Item statutum fuit in Ecclesia sancti Nicholai in crastino sancti Cuthberti proximo sequente anno supradicto quod nulla mulier emat in foro aucenas ad faciendum braseum ad vendendum plusquam vnam coldram. Et si plus emerit amittet quantum emerit. Et sciendum est quod tercia pars remanere debet Balliuis Burgi et residuum ad Gildam.

[Concerning oats coming into the Burgh for sale.

Also, it was ordained in the Church of St Nicholas, on the morrow of Saint Cuthbert next following, in the year aforesaid, that no woman buy in the market oats to make malt for sale more than one chalder. And if she buy more, she shall forfeit all that she buys. And be it known that the third part should go to the bailies of the Burgh, and the remainder to the Gild.]

XLIV.

A.D. MCC.LXXXIII.

Constitucio facta de carnificibus animalia ementibus.

Item statutum fuit die Mercurij in vigilia apostolorum Symonis et Jude Anno MCCC.LXXXIII. quod nullus carnifex a festo sancti Martini vsque ad Natale debet ire extra villam ad obuiandum bestias venientibus ad villam vendendis nec aliquo die infra dictum tempus bestias emere in foro ante
prandium nec in fraude proenrabit sibi bestias vsque post prandium
teneri. Et si quis vero contrarium fecerit ab officio suo per annun et
diem exponatur.

[Ordinance anent butchers buying beasts.

Also, it was ordained on Wednesday, in the vigil of the apostles Simon and
Jude, in the year 1283, that no butcher ought to go beyond the town to
meet beasts coming to the town to be sold, from the feast of St Martin till
Christmas; nor ought he to buy beasts in the market before dinner on any
day within the same time, nor should he fraudulently procure beasts to be kept
for himself until after dinner. And if any do in the contrary he shall be deposed
from his trade for a year and a day.]

XLV.

Constitucio de corio tannato.

Item statuimus quod nullus extraneus ferens coria tannata ad vendendum
vendat ea infra domum set in foro communi et hoc tantum per diem fori
statutum. Et licet coria fuerint cesa in frusta dabit tolloneum.

[Ordinance regarding barked hides.

Item, we ordain that no stranger bringing barked hides for sale shall sell them
within house but in the common market, and that only upon the appointed
market day. And though the hides shall have been cut in pieces he shall
pay custom.]

XLVI.

Constitucio de molis manubibus.

Item nullus habeat nisi duo paria molarum et qui plura habuerint a
molis suis per vnum annun et diem priuentur.

[Ordinance anent hand mills.

Item, no one shall have but two pair of mills, and they who have more shall be
deprived of their mills for a year and a day.]
XLVII.
A.D. MCC.LXXXIV.

Constitucio de congregacione communitatis pro communi negocio.

Item ordinatum fuit die Sabbati proximo post festum sancte Trinitatis anno Domini m- cc- octogesimo quarto quod quandocunque Aldirmannus et Ferthingmanni propter commune negocium tractandum voluerint confratres Gilde congregari campana per vices pulsata in berfredo silicet primo, secundo, et tercio, debet per interualla pulsari. Et quicunque confrater Gilde hoc audierit et ad locum congregationis possit accedere et noluerit venire antequam a pulsacione cessatur sit in misericordia xij. denario rum.

[Ordinance concerning the assembling of the community for common business.

Item, it was ordained on the Saturday next after the feast of the Holy Trinity, in the year of our Lord 1284, that whenever the Alderman and Ferthingmen desire the brethren of the Gild to be assembled for treating of common affairs, the bell should be rung at intervals in the belfry, to wit once, twice, and thrice. And whatever brother of the Gild shall hear it, and shall be able and come not to the place of assembling before the bell has stopt ringing, shall be amerced twelve pennies.]

XLVIII.

Constitucio de Loth et Cauly.

Item die Jouis proximo ante festum beati Mathei apostoli Anno domini m- cc- iiiij- iiiij ordinatum fuit quod nulius confrater Gilde nostre debet habere lotte neque cauly cum alio in minori quam dimidio quarterio pellium et dimidia daera coriorum et in duabus petris lane.

[Ordinance concerning lot and cavil.

Item, on Thursday next before the feast of St Matthew the Apostle, in the year of our Lord 1284, it was ordained that no brother of our Gild ought to have lot or cavil with another in less than a half quarter of skins, and half a dakir of hides, or in two stones of wool.]
De empcione fabarum et pisarum vel similium ad naues.

Prima curia tenta die Jouis ante festum Penthecostes anno Domini m· cc· nonogesimo quarto in aula fratrum ordinis sancte Trinitatis statutum et ordinatum per vnanimem concensum et assensum expressum et voluntarium omnium fratrum Gilde quod nullus emat aliquod genus bladi, fabarum, pisarum, salis, carbonum, seu cetera venalia apud Berwickum venientia per mare nisi sit ante bordam nauis videlicet at the Rade bra, nec portet dicta bona empta de naue ante ortum solis set ab ortu veque ad declinacionem solis fiat portagium sine requie. Et si quis huiss rei contrarium fecerit et super hoc convicatus fuerit dabit vnum dolium vini fratribus Gilde.

[Of the buying of beans and pease or such like at ships.

At the first court held on Thursday before the feast of Whitsunday, in the year of our Lord 1294, in the hall of the friars of the order of the Holy Trinity, it was declared and ordained with the unanimous consent and assent express and voluntary of all the brethren of the Gild, that no one buy any kind of corn, beans, pease, salt, coals, or other merchandise coming to Berwick by sea, unless it be at the ship's side, that is at the Rade bra, nor carry the said goods bought from the ship before sun rising, but the carrying thereof shall be from the rising to the setting of the sun without rest. And he who does in the contrary, and thereof shall be convicted, shall give a cask of wine to the brethren of the Gild.]

De americamentis leuandis confratribus Gilde.

Item ordinatum fuit eodem die per assensum et consensum omnium fratrum Gilde in aula predicta in crastino sancti Mathei anno supradicto, quod omnia merciamenta capta ab extraneis mercatoribus pertinere debent fratribus Gilde et Burgensibus ville exceptis illis que pertinent ad dominum Regem quae sibi de iure sunt reservata.
[Of levying fines for the brethren of the Gild.]

Also, it was ordained on the same day, by the assent and consent of the whole brethren of the Gild in the foresaid hall, on the morrow of St Matthew, in the year above written, that all amerceements taken from stranger merchants ought to belong to the brethren of the Gild and to the burgesses of the town, except those which pertain to our Lord the King, which are reserved to him by law.]

LI.

Constitucio facta de Burgense forishabitante.

Item eodem die ordinatum est ex assensu et consensu predictorum confratrum Gilde quod nullus Burgensis vel confrater Gilde nostre forishabitans audeat nec presumat aliqua mercimonia ad Gildam nostram pertinentia infra Burgum nostrum emere vel vendere nisi tantum in die fori. Et quod nullus forishabitans emat aliqua victualia ad Burgum nostrum per nanes venientia ad tabernanda nisi tantum ad sustentacionem domus sue. Et si quis contrarium fecerit et super hoc convicctus fuerit dabit vnnum dolium vini ad Gildam nostram.

[Ordinance anent burgesses dwelling beyond the Burgh.

Item, on the same day, it is ordained with the assent and consent of the said brethren of the Gild, that no burgess or brother of our Gild dwelling beyond the burgh shall dare or presume to buy or sell within our burgh any merchandise pertaining to our Gild, except only upon the market day. And that no burgess dwelling beyond the burgh shall buy any victual coming to our burgh in ships to sell in retail, but only for the sustentation of his house. And if any one shall do in the contrary, and shall thereupon be convicted, he shall give a caek of wine to our Gild.]
THE BURGH LAWIS.

responder uno die nisi de una calumpnia nisi sponte voluerit Sed diversis personis de diversis calumpniis respondere tenetur

Of syndry challangis.

Gif ony man be challangyt of syndry challangis he is nocht haldyn to anser to ma than ane on a day bot gif he wyl. Bot til syndry men he sal anser of syndry challangis.

LXXIX.

De terra in vadio posita infra burgum

Si quis *[habuerit terram] in vadimonio positam potest eam acquietare quando voluerit nisi fuerit ad certum terminum impignorata Et cum perventum fuerit ad terminum offeratur ei vadimonium suum per tres dies placiti Et si noluerit eam acquietare vendatur et sumat creditor pecuniam suam Et si quid residuum fuerit detur ei cuius vadimonium fuerit

Of lande that is wedset wythin burgh.

Gif ony man has lande laid in wed til ony man he may it outquyte when that evir hym lести bot gif it be wedset til a certane terme. And when that terme war runnyn he sal proffyr hym his wed at thre hed mutis. And gif he wil nocht it outquyte, it sal be salde and the creansour sal tak his dett. And al the remanande that he gettis mar than the dett sal be geeffin til hym that aucth the wed.

LXX.

De his qui sunt infra etatem

Nullus faciat iuramentum vel ferat testimonium vel faciat responsionem in burgo qui sit infra etatem sed custos eius sive tutor in eius custodia est reddet responsum pro eo et pacietur iudicium secundum consuetudinem burgi et consideracionem proborum ville

Of a chyld beand wythin eyld in burgh.

It is to wyt that nane beand wythin eyld in the kyngis burgh sal suer ath na wytnes bere na anser mak, but his wardane in whais yhemsall he is sal geeff

* Habuerit aliquam rem aut terram—in the Ayr MS.
 LEGES BURGORUM.

ansuer for hym and thole dome for hym eftir the conversetud and the consideracion
of the worthi men of the toune.

LXXXI.

De modo vigilandi in burgo

De omni domo in qua aliquis habitat qui racione vigilare poterit unus
tenetur racione periculi vigilare qui cum baculus vigilie circumserit
ostiatim debet invenire aliquem virilis etatis cum duabus armaturis
qui exibit quando ignitegium pulsaverit et sic vigilabit caute et solicite
usque ad auroram diei. Et si in hoc defecerit dabit quatuor denarios ad
forisfactum exceptis viduis.

Of the maner of wakyng in burgh.

It is for to wyt of ilke house within the burgh in the whilk thar wonnys ony
that in the tym of wakyng aw of resoun to cum furth, thar sal ane wachman be
haldyn to cum furth when that the wakstaff gais fra dure to dure, wha sal be of
eylde, and sal gang til his wache wyth tua wapyns at the ryngyn of the courfeu,
and sua gate sal wache wyly and beaily til the dawyn of the daye. And gif
mony hereof failye he sal pay iii d., outtane wedous.

LXXXII.

De querela de blaa et blodi

Si quis verberando fecerit aliquem blaa et blodi ipse qui fuerit blaa et
blodi prius debet exaudiri sive prius venerit aut non ad querimoniam
faciendam. Et si uterque fuerit blaa et blodi qui prius accusaverit prius
exaudietur.

Of playnte of hym that is mayd blaa and blody.

Gif ony man stryks anothir whar thruch he is mayd blaa and blody, he that is
mayd blaa and blody sal fyrst be herde, whethir he cumys fyrst to plenyse or
nocht. And gif that bathe be blaa and blody, he that fyrst plenyes hym sal
fyrst be herde.
QUONIAM ATTACHIAMMENTA.

LIBER DE ATTACHIAMENTIS

ALITER DICTUS LEGES BARONUM.

[THE LAWS OF THE BARONS
IN SO FAR AS CONCERNS THE BURGHS.]
QUONIAM ATTACHIAMENTA.

XL.

De breui de recto [in burgo].

Breue de recto in burgo habet talem processum:—Robertus* dei gracia etc., preposito et ballius burgi talis salutem mandamus vobis etc.—Primo presentatur tale breue ballius in plena curia et visis litteris indilate prepositi appereant breue ita quod aliquantulum sigilli fine pendeat et adherat caude breuis. Et postea incontinenti legatur breue quo lecto prepositi ad requisicionem et mandatum partis breue presentantis precipiant bedello quod assumptis securum testibus personaliter adeat ad domum deforciantis et ipsum summoneat quod illo die et nominetur dies

[Concerning Briefs of right.

The Briefe of right in Burgh has this forme of proces:—

Robert, by the grace of God, etc., to the Provost and Bailies of such Burgh, greeting. We command you, etc.†

First, such brieve is presented to the bailies in plane Court, and the letters being seen, the bailies shall, incontinent open the samine, in sic maner, that a small piece of the seale shall hing, and stick at the tag of the brieve. And thereafter incontinent, the brieve shall be red, whilke being red, the bailies, at the desire and mandate of the partie, presenter of the brieve, shall give command to the sergent, that he with wittnes shall personally pass to the dwelling-house of

* In several of the MSS. this style runs in name of Alexander Dei Gratia Rer, etc.
† See the remainder of the Form of Breive of Right in article 57, infra.
ad quindecim sit coram preposito et balliuis illius burgi in botha sua vel ad crucem fori vel vbicunque sederint ad respondendum tali viro nominato et breui regio de recto per ipsum imperato et presentato super tali terra sive tali redditu contentis in dicto breui et super hoc habeat testimonium duorum testium fidelium et proborum. Adveniente vero die quindecimo pars processuam comparat in curia et petat partem suam et faciat eum vocari per bedellium ter vel quater ad minus. Et si comparat calumpniat eum in forma iuris. Et si fecerit se essoniari aliter quam per infirmitatem lecti aut per servicium domini regis vel per transitum ad nundinas pars processuam vel eius procutor arrectet essonium illud tanquam nulium quia aliter quam per essonia illa non potest essoniari legalter. Et dicat essonium illud esse contra ius commune in burgo ideo nulium est quare videtur michi quod ipse est in defectu et sic videtur michi quod ego deueni ad prosecucionem meam et de hoc peto iudicium istius curie per meam allegacionem. Faciat eciam processuam quolibet die curie summonciones probari legalter et in curia irrotulari sive se essoniet deforcians sive defectum fecerit. Et

the committer of the force and summone him that on a particular day—and a day shall be named within fiftene dayes—he shall compere before the provost and bailies of that burgh, in their booth, or at the market cross, or where they sell happen to sit, to answere to such person named, and the king's brief of richt, imperat be him, and presented anent sic land, or sic rent contained in the said briefe,—and heirenant shall have the testimity of twa leill and trew witnesses. And the fiftene day being come, the persewer compeirand in the Court, sal call for his partie, and sal cause him to be called be the sergent, thrise or four times, at the least. And gif he compeirs, he sal persewe him in forme of law. And gif he uses any essonzie, but ouly be reason of bed evill and infirmitie, or of the king's service, or be passing to a faire, the persewer, or his procutor, sal alledge that essonzie to be null, because he cannot be lawfully essonzied bot by these essonzie. And he sal alledge that essonzie to be contrare to the common law within borgh, and therefore to be of nane availl, [saying] Wherefore it seems to me that he is in ane default, and thus it appears to me that I have my cause, and on that account I ask the interlocutor of this Court, upon this my alledgeance. Mairover, the persewer sal cause the summons ilk day of the Court to be lawfullie verified, and to be enrolled in the Court, whether the committer of the force uses essonzie, or makes default. And
sic faciat pars prosequens in omnibus per tres dies placitorum. Quarto vero
die si compareat calumpnietur hoc modo per prolocutorem prosequentis.
Roberte qui ibi stas Johannes qui hic stat dicit tibi et ego ex parte sua
quod tu ei inustis deforciis quandam particatam terre vel peciam terre
cum pertinentiis iacentem infra talem burgum inter terram talis ex
parte orientali ex parte vna et terram talis ex parte occidentali ex parte
altera in vico nuncupato sic prout dictum breue domini regis in se
plenius proportat vel talem suum redditum annuum debitum de tali
terra iacente in talis burgo inter terram talis ex parte talis ex parte vna et
terram talis ex parte talis ex parte altera de qua vel de quo R. auus suus
vel pater suus seu vnus de antecessoris suis obiit vestitus et saisitum
vt de feodo et sic fuit de iure et libero burgagio in tempore talis regis
cuius nomen nominetur. Et si sit annuus redditus tunc dicitur quod
talis suus vel alius de antecessoris suis cepit talem annuum redditum
per annos et dies ad tales terminos viz. medietatem vnam ad festum
Pentecostes et medietatem aliam ad festum sancti Martini post decessum
cuius dicta particata terre cum pertinentiis vel pecia terre siue annuos
redditus descendit seu descendere debet de iure hereditario dicto Johanni

the persewer sall doe the samine, in every respect, at ilke day of thrie Courts.
And gif he compeirs on the fourt day, he sall be challenged, in this manner, be
the prolocutor of the persewer.—Thou Robert who stands there, John who
stands heir, sayes to thee, and I for his part, that thou unjustlie deforces ane
rude of land, or peecse of land, with the pertinent, lyand within sic borgb,
betwix the land of sic ane man, at the east, upon the ane part, and the land of
sic ane man at the west, on the other parte, in the vennell called be sic ane
name, as the said brieve of the king in itselwe at mair lent beares, [or sic ane
annuell rent, due to him, forth of sic ane land, lyand within sic ane borgb,
betwix the land of sic ane man, on the ane parte, and the land of sic ane man,
on the other parte] in the whilk land R., his grandfather, or his father, or ane
uther of his predecessours, died vest and saisid as of fie, and so was of richit, and
in frie burgage, in tyne of sic ane king, whais name sall be named. And gif it
be ane annuell rent, then he shall say: That such his grandfather, or ane uther of
his predecessours, take up the whilk annuell rent be yeares and dayes, at
sic termes: that is the ane half at the feast of Whitsunday, and the other halfe
at the feast of St Martin, after whais deceis the said rude of land, with the
pertinent or the peecse of land, or annuell rent, descends or should descend,
tanquam proximiori heredi filio fratri seu sorori quem vel quam tenere clamat hereditarie de domino rege tali nomine et heredibus suis roddendo inde annuatim sibi tantum ad tales terminum et tantum ad alium terminum vnde eum deforciasti pudorificasti et damnificasti ad montan- ciam tali summe argenti. Et si tu sis talis homo qui hoc negas idem Johannes precatur prepositum et balliuos curie sibi facere iusticiam.

Aduersarius sic habet respondere: Domine balliui Robertus qui hic stat iniuriam et ininustum deforciamentum ac ius dicti Johannis in dicta particata terre vel pecia terre sine in tali anno redditu cum pertinenciis de verbo ad verbum negat. Et petat tunc breue ad consulendum sibi in premissis et tunc recepto breui exeat a curia et consulat se. Et cum reintraverit negare debet sicut prius et indilate suas excepciones proponat vel contra breue vel contra personam impetrantis vel potest petere visum terre, sinaute oportet eum trahere ad warantum ad diem et terminum.

Heretablie to the said John or narrest heire, sonne, brother, or sister; the whilk land or rent, he claimes heretablie to be halden of the king of sic ane name, and his heires, payand to him yearelie sameikill at sic ane terme and sameikill at the utter terme, whereof thou hes deforced, shamed and defamed him, to the amount of sic ane summe of silver. And gif thou be sic ane man that will deny this, the said John, persewer, prays the provost and bailies to doe justice to him in Court.

The party adversar shall answere in sic ane maner: My lord bailie—Robert, wha stands heir, denies word by word the wrang and unjust deforment, and all richt of the said John in the said rude of land, or in the peece of land, or in the said annuell rent, with the pertinents. And then he saill aske the brieve, to be adysed in the premisses, and then hauand receaved the brieve, he saill pass out of the Court and seik counsell. And when he enters againe, he should deny, as of before, and without delay he shall propone his exceptions, contrare the brieve, or against the person of the persewer, or he may crane the sicht of the ground, or on the contrary he may put off till a day and terme to call his warrant.

LVII.

Forma breuis de recto [in burgo].

Rex tali vicecomiti et balliuos suis salutem mandamus etc. quatenus plenum rectum teneri faciatis tali de terra de tali loco cum pertinenciis
in tenemento de K. infra balliam vestrar quam de nobis tenere clamat hereditarie. Reddendo inde nobis hereditarie talem summam et faciendo forinsecum servium et auxilium quantum pertinet ad dictam terram quam quidem terram cum pertinenciis B. de F. iniuste deforciat sicut dicit Tantum inde facientes quod pro vestro defectu [amplius inde justam queremoniam non ausiamus].

[Form of the Brief of right in Burgh.

The King, etc., to such a Sheriff and his bailies, greeting. We command that ye cause full right to be maintained to such one, of such lands, in such a place, with the pertinenta in the tenement of K., within your jurisdiction, which he claims to hold heritably of us. Paying therefor heritably to us such a sum of money, and doing such forinsec service and aid as appertains to the said land, Which land, with the pertinenta, B. of F. unjustly deforces as he says. So therein doing that for your default we hear no just complaint any more.]

lx.

Forma breuis lineacionis terre infra burgum.

Rex preposito et balliuis burgi de P. salutem mandamus etc. quatenus per meliores et fideliorem burgenses dicti burgi magno iuramento iuratos iuste et secundum legem dicti burgi lineari faciatis terram de W. que est inter terram talis ex parte vna et terram talis ex altera in dicto burgo secundum rectas diuisas burgorum et veteres. Et sicut perdictos linearios predicte diuise fuerint lineate ita eas de cetero observari faciatis etc.

[Form of the Brief of lining land within Burgh.

The king to the Provost and Bailies of the Burgh of P. greeting. We command, etc., that by the best and most trustworthy burgesses of the said burgh, sworn by their great oath, ye cause to be lined justly and according to the law of the said burgh, the land of W. which is between the land of such one on the one part, and the lands of such one on the other, in the said burgh, according to the right boundaries of burghs and those of old used; and as by the said liners the foresaid bounds are lined, so ye cause them henceforth to be kept.]

CONSTITUTIONES NOUE PRO BURGENSIBUS.*

[II.]

De eo qui potest habere brascinam extra burgum.

Nullus extra burgum habeat brascinam nisi ibi quis habuerit furcam et fossam et ibi unam solam brascinam.

[Of him who may have a brewhouse beyond burgh.

No one without burgh shall have a brew house unless he there have pit and gallows, and there one brewhouse only.]

[II.]

Quod nullus faciat pannum tinctum nec tonsum extra burgum.

Nullus extra burgum faciat pannum tinctum nec tonsum, ultra misericordiam regis. Et si inveniatur capiatur ad opus domini Regis.

* These ordinances, corresponding with privileges granted to individual burghs by William the Lion, are found in a little capitolar by themselves, engrossed in the Chartulary of Glasgow, of venerable antiquity, in a hand of the thirteenth century. No old translation is found.
Et de tintore et de tonsore capiatur misericordia domini Regis, vel corpus eius si non habeat unde eam reddat.

[That no one make cloth dyed nor cut beyond burgh.

No one without burgh shall make cloth dyed or cut, on pain of the king’s amercement unforgiven. And if such be found it shall be seized for the use of our lord the king. And of the dyer and the cutter shall be taken the king’s amercement, or his body, if he have not whence he may pay it.]

[III.]

Quod transiens habeat pasturam extra prata et segetes.

Nullus vexet aliquem ducentem equum vel vaccas vel huismodi vel bladum, pascentem extra prata et segetes.

[That a traveller have pasture, saving meadows and corns.

None shall trouble one travelling with horse or cows or the like, or corn, if he pasture his beasts outwith meadow and standing corn.]

[IV.]

Ne balliuii tabernas teneant.

Nullus balliuius domini Regis vel seruiens eius in burgo tabernam habeat, nec vendat panem nec faciat ad vendendum ultra misericordiam Regis.

[No bailies to hold taverns.

No bailie of our lord the king, nor any his servant shall have a tavern in burgh, nor sell bread, nor bake it for sale, on pain of the king’s amercement unforgiven.]
ASSISA DE TOLLONEIS.

PARVA CUSTUMA QUE DICTUR LE TOL.
[Of petty customs called toll.]

ASSISA REGIS DAVID REGIS SCOTTORUM Facta apud nouum
castrum super Tynam per totam communitatem
suam socie tam baronum burgensium
quam aliorum de tolloneis et
customis burgorum.

[The assize of King David King of Scots made at Newcastle upon
Tyne by his whole community of Scotland, barons
burgesses and others, concerning the
tolls and customs of burghs.]
ASSISA DE TOLLONEIS.*

THE LAW OF CUSTOMS.

PARVA CUSTUMA QUE DICTUR LE TOL.
[OF PETTY CUSTOM CALLED TOL.]

1.

De custuma quadrigarum et trussellorum.


Of waynis and tursels.

Inprimis of a wayne of four oxyn iiiij peniis. Of a wayne of four hors ij peniis. Of a tursel behind a sadyl a halfpeny. Of a tursel in a sadil a peny. Of a tursel befor a man iiiij d. [Of a feather bed iiiij d. Of a pillow a halfpenny.]

* In the MS. collections of ancient laws, there is much confusion of petty customs or proper burgal dues taken at the town gate, and the king's custom levied at ports on exports and imports.
II.

De custuma tymbriarum.

De tymbría wipium cirogriillorum martinorum muelegorum sabinorum beueriorum uel similium de vnaquaque timbria ad exitum iiiij. d. De timbria schorellorum ij. d. De mile de gris uel de scorello preparatis et coieratis, vijij. d. De qualibet pelle de lutir, ob:

Of peloure.

Of a tymmyr of akynnis of toddis, quhytredys, mertrikis, cattis, beueris, sable, firretis or swylk vthyrf of ilk tymmyr, at the outposting iiiij d. Of the tymmyr of akurel ij d. Of ane hundreth gray gryse and akurel dycht and letheryt vijij d. Of ilk otyr skyyn a halfpeny.

III.

De custuma bladi et tolloneo summarum equorum et fassiculorum hominum et de custuma fori de thurtuloneo animalium.


Of corne salt and syk thyng.

Of ilk chaldr of corn mele or salt i d, of half a chaldr a halfpenny, of a quarter i farding. Of ilk sek of corne mele or salt or malt, and it excede a bol it sal gyf at the outegang a farding, and gif it excedis nocht it sal pay nocht.
ASSISA DE TOLLONEIS.

And swa it sal be of benys and pese. Of a sowme of lekys on a hors a halfpeny. Of a byrthynge on a manis bak of brede or lekys a fardeing; and gif he bere thaim on his heed he sal pay nocht. Of a sowme of pettys on a hors a halfpeny. Of a byrthynge of pottys on a manis bak a fardeing. For a burding of berrys or cheese on a hors a passage a halfpeny. Of a byrthynge of cheese on a manys bak or buttyr a fardeing. Of a sowme of ivery i d. Of a sowme of madyr or wauld on a hors i d. Of a byrthynge of madyr or waulde to sal a halfpeny. Of a byrthynge of mercery a fardeing, and gif ony thing thereof is sauld a halfpeny, and gif he opinis his birding in the market to sell and nocht sellis he sal gif a fardeing. Of a pece of clath sald in the market nathyng salbe gevin to the custume bot gif be clath be schorne thraw the Aldymannys leve and be sauld be elny the sellar sal gyf a halfpeny to the burow serjeand.

IV.

De custuma diuersarum bestiarum.

De vacca empta, ob: De equo empto, i. d. De quolibet equo empto non equitato transeunte de foro sine sella, ob: De quolibet boun uel vacca transeunte vbi custuma dari solet, qdr. De decem bidentibus, capris, uel porcis i. d. De v. uel iiij^m bidentibus capris uel porcis, ob: De iiij. uel ij. bidentibus capris uel porcis, qdr. Si autem animalia predicta fuerint aliquiis libere tenentis per cartam et forinsecum servicium pro propriis suis visibus nihil prestabit. Si autem vendere voletur pro lucro dabat custumam ut predictum est de animalibus.

Of custome of bestys.

Of any ox boucht in the market a halfpeny. Of a kw a halfpeny. Of a hors a peny. Of ilk hors boucht and nocht rydin gangand out of the town bot a sadil a halfpeny. Of ilk ox or kw gangand whar custome sald be gyfin a fardeing. Of ten schepe gayt or swine i d. Of four orfive gayt schepe or swyne a halfpeny. Of twa or three gayte schepe or swnye a fardeing. And gyf thir bestis be of only fre haldand man with charter ty i his awyn oste thai sal gyf nathyng. But gyf he wyly sel thaim thai aw custume on this wyse.

V.

De custuma coriorum lene et fellium lanutarum.

De lasta coreorum, viij. d. De quolibet daeca coriorum si vendantur per dacras, i. d. De dimidia daeca, uel iiij^m coreis, uel tribus uel duobus
THE ASSIZE OF PETTY CUSTOMS.


Of custome of hydis and skynnis.

Of a last of hydis viij d., of halfe a last iij d., of ilk dakir of hydis sauld in dakir i. d., of halfe a dakyr or four or three twa hydys i halfpenny, of a hid at the oute passing a fardynge, of a last of hert hydys sucht peninis, of a dakyr of bynd calwis thre half peninis, of a last of wol that is to say for ten sekkys gaddryt togyddyr sucht peninis, of a sek of wol four peninis, of a waw of wol that is to say half a sek twa peninis, of sucht seven or sex stane of wol a peny, of five four thre or twa or ane stane of wol a half peny, of a stane of lytty wol a half peny, of a hundredth wol skynnys four peninis, of thre score twa peninis, of a bynde of skynnys of schorlyng that is to say twenty four a penny, of ane hundredth hog skynnys thre half peninis, of ane hundredth lam skynnys thre half peninis, of ane hundredth gayte skynnys or har skynnys thre half peninis.

VI.

De custuma allecium et piscium.

De lasta allecium, iijj" d. De mille allecibus, i. d. De c. salmonibus ad introitum nihil, ad exitum, iijj" d. De piscibus kelynge et lynge, hadok, de quelibet c. iijj. d. de exitu, et nihil de introitu. De mille de hadoch, uel de whyttinge, uel de codelinge, j. d. De summa equi de salmonibus, i. d. ad introitum. De summa equi cuiuslibet modi piscium uel allecium siccatorum ad exitum, i. d. De summa equi, moluel, hadoch, codelynge, wyttinge, uel ostriarum, uel cuiuslibet piscium posita ad vendendum detur pro stallagio fori, i. d. De summa equi cuiuslibet modi piscium ducta extra villam vbi custuma debetur,
ASSISA DE TOLLONEIS.

i. d., preterquam de colmouth vnde debetur, ob: De fascicula piscium super dorsum hominis ad exitum, ob: De allocibus si per summam equi ducantur, pro mille allocibus, i. d. Et pro stallagio fascicule cuivalibet, ob: Item pro ix', uel pro viij', uel viij', allocibus, i. d. Item pro vij', uel vi', uel iij', ob: Item pro iij', uel iij'. qdr. De lasta allocium recentium, iijj. d. De dimidia lasta, iij. d. Si ducantur per eum qui eam emit, set si ducantur ad portum maris per piscatorem nihil debetur pro allocibus set pro sua sede.

Of custome of heryng and fischis.

Of a last of herynge salbe payt to custome four peniis, of a thousand herynge a peny, of a hundredth salmond ar the entryng nathyng, bot at the furth passyng four peniis, of ilk hundredth fysch kelyn gleyng or hadok at the entryng nocht, bot at the oute passyng four peniis, of a thousand haddockis or whytingis [or codlyng] a peny, of a hors lade of salmonde at the entry a peny, of a hors some of any other manner of fysch or herynge dry, at the furth passyng a peny, and of a hors lad of kelyn gis haddockis whytingis or codlyngis or oystris, of sik maner of fysch put to sel for the stalage a peny, of a hors some led oute of the tour of sic maner of fysch a peny. Outane colemoth a half peny, of a byrthyngh of fysch on a mannyys bak at the furth passyng a half peny, of a thousand herynge and thai be led on a hors a penny, for ilk byrthyngh for the stalange of the market a half peny, and for nine aucyth or seven hundredth herynge a peny, for sex five four thre twa or ane hundredth herynge a fardyngh. Item for a last of fresche herynge four peniis. Item half a last twa peniis and gyn thai be led thryw the byar thai byis thaim, bot gyn thai bo led to the havyn with the fyschar he sal gyn nathyng for the herynge, bot for his set.

vii.

De custuma aneriorum ponderis.

De brasil ad introitum nihil dabit, set de c. de brasil ad exitum, ij. d. De cera ad introitum nihil dabit, set de qualibet uaga cere ad exitum, viij. d., si ponderetur per petras qualibet petra debet pro custuma ad exitum, i. d. De carca scilicet bale piperis, cemini, uel alumpni, zynzeberis, setenale, amigdalorum, uel risarum, aut talium consimilium nihil ad introitum, set de qualibet carca scilicet bale, iijj. d. ad exitum.
THE ASSIZE OF PETTY CUSTOMS.

De poketa alumpni ad exitum, ij. d. De c. libris piperis et eunslibet
modi predictorum, ij. d. De quibuscunque c. libris aueriorum ponderis
de quolibet c. per se ad exitum, ij. d. et pro quolibet c. libris quando
uenduntur, pro custuma fori, ij. d. De c. ferri, ij. d. De quadriga
plumbi videlicet de xxiiiij. fotemalis, iiiij. d. De vaga cepi uel vncti, i. d.

Of custome of merchandise.

Brasyl at the entryng aw nathyng, bot at the outgang ilk hundredth of brasyll
sall pay twa peniis, and of wax at the entre nathyng, bot of ilk waw at the oute
passeyng aucht peniis gyf it be wewyt be wawys, and gif it be wewyt be stanys
of ilk stane at the furth passeyn a peny for custome. Of karkys or balys of peper,
coymn, aloym, gyngger, setwell, almondis, or ris fygys rasynys or vther syk thynge at
the entre nocht, bot of ilk bale at the furth passeyn four peniis, of a pokat of
alam at the furth passeyn twa peniis, of ilk hundredth pund peper or of vther
syk thynge forsaid twa peniis, and of al maner of thingis ofawy de paiis, of ilk
c. pund at the outgang twa peniis, and for ilk hundredth gyf it be said of custom
twa peniis, and for the custome of the market twa peniis, of a hundredth iryn
twa peniis, of a wayne wyth lede that is to say xxiiiij fotmellis four peniis, of a
waw of grese sayme or cyle a peny.

VIII.

De custuma canubii retium filorum meremi et cultellorum.

De c. canubij, j. d. De c. taysis de rethibus ad introitum, ij. d.
De c. libris filorum pro rethibus faciendis, ob: De c. libris linei, ob:
De c. bordis, iiiij". d. De c. de cheenerons, iiiij. d. De c. cultellis, ob:

Of the custome of cannes kellis threde burdis and knyfys.

Of a hundredth cannes a peny, of a hundredth karkes of kellis at the entryng twa
peniis and at the furth passeyn twa peniis, of a hundredth pund of threde to mak
kellis a half peny, of a hundreth pund of lynyn threda a half peny, of a hundreth burdis of tymmer four peniis, of a hundreth cheueronyys four peniis, of a hundreth knyfys a half peny.

IX.

De custuma de cordewane, baterie.


Of the custome of cordwan.

Of a dusane cordwan skynnys at the entryng nocht, bot at the furth passyng four peniis, of four or three cordwane skynnys a peny, of twa a half peny, of ane nathyng, of a dusane of pannys of battry at the furth passyng twa peniis, at the entryng nocht, of a dusane of caldronys at the outgang thre peniis, and nocht at the entre, and of half a dusane of caldronis thre half peniis, and of thre caldronys a peny, of twa a half peny, of a dusane brasyn pottys at the furth passyng thre peniis, and of a dusane of lokkys a half peny.

X.

De cepis [et custuma] alleorum calibis ferri ciste et arche.

De cepis et alia nihil ad introitum, set de qualibet summa equorum, videlicet xxiiiij. rasis ad exitum, ob: De mille cepis ad exitum, ob: De garba calibis videlicet xxx. esperdiis ad exitum, obulum. De garba ferri pile, videlicet de xvij. esperdiis ad exitum, ob: Qui portauerit
THE ASSIZE OF PETTY CUSTOMS.

ferrum in doleo, pro c. ferri iiiij. d. ad introitum. Et cum vendiderit, doleum vacuam erit ad vaum Regis. De cista vel archa sine serura, i. d.

Off the custome of onyonis garlek, etc.

Of onyonys and garlik at the entre nathynge, bot of ilk soume of garleke that is to say xxiiij rasys at the furth passeyng a half peny, of ilk thousand vnonnis at the outgang a half peny, of a schef of stel that is to say xxx gaddys at the furth passeyng a halfpeny, of ilk schef of jryn pile that is to say xv j gaddis at the furth passeyng a halfpeny, and whasa bryngys iryn in ton ho sal gyf for the hundreth iryn four penis at the entre, and when it is saulde the tome ton salbe the kyngis, of a kyst or of ane ark with lok twa penis, bot lok a peny, of a kyst or a schryne wyth sapes in it twa penis, of a kyst or schryne with wax a peny.

xi.

De doleis.


Of tonnys.

And gyf ony tassall walde or ony vthyr marchandyas brocht in tonnys be tappyt and sauld the tome ton salbe the kyngys, and thai sal hafe for ilk ton at the entre four penis, and for ilk thousand tassalis a peny, and ilk barel of tassil twa penis, of a barel wyth assis twa penis, of a barel wyth stele aucht, of a barel wyth oyle at the entre twa penis, at the furth passeyng twa penis.

xii.

De guello.

Si aliqua nauis veniens carcasa fuerit cum guello dabit pro quilibet frayel ad introitum xxij. d. et ad exitum, xxv. d. Pro quilibet mensura scilicet sectinge de guello dabit ob: Item pro quilibet frayel de guello
que remanet in burgo penes extraneum non vendita ultra festum sancti Martini debet xviij. d. de retornato.

Of walde.

And gyf ony schyp cum wyth walde he sal gyf for ilk frael at the entre twenty and twa peniis, and at the furth passying twenty five peniis, and for ilk mesure that is callyt a settynge a half peny, and swa for ilk frael remaynand in the burgh of strange mannys vnsauld atoure the feste of Sanct Martyn it sal gyf auchten peniis for the retret wardis.
CUSTUMA PORTUUM.

OF THE CUSTOME OF SCHIPPIS.

Capitulum hie subsequens in quibusdam libris lingua scribitur Gallicana, verum utcommunius et apertius intelligatur in Latinum transcriptum est in hunc modum.

Scient omnes hoc scriptum visuri vel audituri quod anno gratie millesimo [etc.] facta fuit hec inquisito in Abbathia de Calcow de precepto illustris regis Socie Daud primi huius nominis, de rectis custumis regni Socie ex rebus venalibus venientibus ad villas vel portus Socie, in hanc formam.

[The following Capitulary is written in the French language in some books, but that it may be more commonly and readily understood it is transcribed in Latin in this manner.

Know all by whom this writing shall be seen or heard, that in the year of grace one thousand [etc.] this inquisition was made in the Abbey of Calchow by command of the illustrious King of Scotland, David the first of that name, anent the proper customs of the Kingdom of Scotland out of merchandise coming to the towns or ports of Scotland, in this manner.]
Primo si aliqua nauis applicuerit apud Berwyc vel aliam villam aut portum Socie plena frumento et frumentum sit in vna societate dabit ij. bollas vel pretium sicut venditur et xij. denarios pro sua sede, si nauis sit Anglie vel de ultra mare. Set si nauis sit Soccie dabit ij. bollas et iiij. denarios pro sua sede, et si navis et frumentum sint de duabus societatibus vel de pluribus quilibet societatis dabit ij. bollas, si aliqua nauis venerit carcuta de blado vel de pisis aut de fabis ipsa dabit ij. bollas de meliori et xij. denarios pro sua sede. Item si aliqua nauis veniat carcuta de frumento vel de sale semper ipsa dabit ij. bollas vel precium duarum bollarum secundum quod venditur, et faciet finem secundum quantitatem vel multitudinem bladi uel salis scilicet xviij. denarios vel xx. denarios vel ij. solidos si ipsa veniat ante festum sancti Martini, sed si veniat post ipsa faciet altiorum finem secundum quod ibi erit multa quantitas de sale. Nulla nauis onerata de sale disonerabitur in aliqua domo ad vendendum per bollas nec per celdras nec per paruas mensuras nisi mercator illius nauis vendiderit totum in grosso mercatoribus regni. Si aliqua nauis sit anchorata et vendiderit unam partem sui salis et aliam partem asportare velit secum versus Socciam [vel versus moraiam] vel alibj, ipsa dabit pro qualibet celdra ad exitum i. denarium. Etiam quilibet extraneus qui dare debet custumam dabit pro celdra salis i. denarium et pro bolla nihil dabat.

Gyf ony schyp aryve at the havyn of Berwyk or ony vthyr havyn wythin the kynryck of Scotland wyth whote or wyth vthir corne or wyth pese benys or salt, he sal gyf for his set in the havyn xij d., and twa bollis of the best that is thar in or the pryse of thaim als dere as he sallys the lave, and swa it salbe gyf the schyp be of Ingland or ony oute kynrycke. And gyf it be of Scotland it sal gyf the ij bollis as is befor said, and for his set in the havyn iiiij d. And gyf the corne or ony vthyr be of syndry faloschippys, ilk faloschip sal gyf ij bollis of the best or the prise as thay may be derrest salnde. And gyf the schyp be chargit with salt thai sal gyf ij bollis as is befor said, and thai sal mak fyn with the balzeis of that burgh after as the quanyte of the salt is outher, xviij d., or xx d., or ij a., after as he may best seil his salt thare at the land, and gyf the schyp cummys befor Martymes in wyntyr, and gyf the schyp cummys after that feste,
thai sal mak heyar fyn eftyr the quantifye of the salt is. And gif the schippis
duellis and makis resting and tweeches the erd with anker and a parti of his salt
saud a part walde lede in Scotland or in ony other stedis, he sal gyf for ilk
chaldre at the furth pasyng iiiij d. And ilk strange man that aw custom he
sal gyf at the furth pasyng of ilk chaldre of salt j d., and for a bol he sal gyf
nocht.

II.

De custuma vini mellis olei uel similium.

Si nauis aliena carcata veniat de [vino] uel doleis cum melle uel oleo
uel cardonibus dabit pro sua sede xij. d., et pro quolibet doleo, iiiij. d. ad
introitum, et iiiij. d. ad exitum. Si aliquod doleum vendiderit tabernando
doleum vacuum erit Regis.

Of the custome of wyne hony oyle or tassilis.

Giff ony alien schip come carkyt wyth wyn or tonnys wyth hony or oyle or
tassilis, he sal gyf for his set in the havyn twal peniis, and of ilk ton at the entre
four peniis, and at the furth pasyng four peniis. And gyf ony ton be tavarnyt,
the tome ton salbe kygys.

III.

[De nave ad forgrippum.]

Si aliquis Burgensis de Scocia qui quietus sit de custuma conducerit
nauem ad forgrippum cum vino, blado, uel oliquo alio mercimonio vsque
ad villam de Berwyk uel aliquem alium portum, et magister nauis
vendiderit aut emerit ad vendendum quod valeat ad vendendum ad
lucrum, xij. d. preter prandium suum, dabit pro sua sede, xij. d.

Of a schip to forgryp.

Gyf ony burges of Scotland that is qwyt of custom hyre a schyp to forgryp wyth
wyne corne or ony vthyrr marchandyss to the toun of Berwyk or ony vthyrr havyn,
and the maystyr of that schyp by or sel ony thyng to sel agayne that is worth to
sel to the valour of twal peniis outane his mete, he sal gyf for his sege twal
peniis.
De navi piscatoria.

Si aliqua nauis piscatoria veniat car cata de allecibus vel alijs piscibus dabit iiiij. denarios pro sua sede quando vendit aliquid, et si nihil vendit nihil debet, et si inde vendidit xij. denariatas debet inde iiiij. denarios, sed si nauis veniat vacus nihil dabit.

Of a fysschar schip.

Gyf ony fysschare schyp cum chargyt with heryng or ony vthir fysch and sel ony thyng to the valw of xij d., he sal gyf for his sege in the havyn iiiij" d. And gyf he sell nocht to the valw of xij d., he sal gyf nocht. And gyfe a schyp cummys tome, scho sal gyf nocht. And of a litill schip that is to say a farcoest or a crayour, an it cum with gudis helyt it sal pay ii d. and of a helyt bate ii d.

CETERA PATENT SUPRA
IN CAPITULO
INTITULATO
DE
PARUA CUSTUMA REGIA
[SIVE
ASSISA DE TOLLONEIS.]

[THE REST APPEAR ABOVE IN THE CAPITULARY INTITULED “OF THE KING’S PETTY CUSTOM.”]
DE ARTICULIS INQUIRENDIS
IN BURGO IN ITINERE CAMERARII
SECUNDUM VSUM SCOCIE.

[OF THE ARTICLES TO BE INQUIRED IN BURGH
IN THE CHALMERLAN AIR
ACCORDING TO THE CUSTOM OF SCOTLAND.]
ARTICULI INQUIRENDI IN ITINERE CAMERARII.

OF INQUIRIES IN THE CHALMERLAN AIR.

[1.] In primis, si balliui faciant iudicium et iusticiam omni tempore.  
[Imprimis, gif the bailleis doe judgment and justice at all times.]

[2.] In primis etiam, si balliui faciant iusticiam diuitibus et pauperibus equo.  
[Imprimis also, gif the bailleis doe justice equallie to the pur and the ritch.]

[3.] Item si balliui capiant munera pro iusticia alicui facienda.  
[Also, gif the bailleis tak gifts for doing justice to any.]

[4.] Item si balliui faciant se partes in Curia.  
[Also, gif the bailleis mak themselves parties in Court.]

* Where Sir John Skene has followed the best Manuscripts, his translation has been for the most part adhered to.
INQUIRIES IN THE CHALMERIAN AIR.

[5.] Item si balliui servient assisam panis, seruisie, et carnium.
[Also, gif the bailies keep the assis of bred, aill, and flesches.]

[6.] Item si balliui visitent ter in anno pro leprosis emittendis.
[Also, gif the bailies serch thrice in the year for casting forth of lipper-folk.]

[7.] Item si balliui dederint saisiam alicuius terre ultra defencionem.
[Also, gif the bailies haue giuen saising of any land beyond what is defended.]

[8.] Item si aliquis dispersneruerit ballium in Curia uel ultra.
[Also, gif any one hes mis-sayed the bailie in Court or outwith.]

[9.] Item si aliquis deforcieruerit ballium uel serianuum uille.
[Also, gif any hes deforced the bailie or serjant of the town.]

[10.] Item si aliqua judicia sint reddita contradicta et non presentata.
[Also, gif any judgments haue been pronounced, falsed and not presented.]

[11.] Item si balliui fecerint judicium de pistoribus et brasiatoribis uel brasiatricibus postquam fuerint ammerciati.
[Also, gif the bailies have executed judgment upon baksters, browster men and women, after they be amerced.]

[12.] Item si brasiatrices uendunt seruisiam per quartam et per fideles mensuras.
[Also, gif browster-wives sel aill be quart and be just measures.]

[13.] Item si balliui fecerint mensuras pondera et vlnas debite examinari.
[Also, gif the bailies have caused measures, wechts, and elnes to be duly examinit.]
ARTICULI INQUIRENDI IN ITINERE CAMERARII.

[14.] Item si brasiatrices brasiënt et vendant seruisiam secundum precium eis impositum per gustatores. Et si vendant antequam seruisia fūerit appreciata per gustatores.

[Also, gif browster-wives brewe and selle aill conform to the price set upon it by the taisters. And gif they sello before the aill hes been prised be the taisters.]

[15.] Item si braciatrices uendant seruisiam suam per ollas plenas et non per mensuram signatam.

[Also, gif the browster-wives sell their aill by potesful, and not by sealed measure.]

[16.] Item si pistores custodian pneumonia panis eis per balliues liberata. Et quociens quilibet pistor et fractores assisarum sint ammeciat in anno.

[Also, gif baksters keip the wechts of bred delivered to them by the bailies. And how oft ilk bakster, and breakers of aisse are amecedd in the yeare.]

[17.] Item si carnifices emant aliqua alia animalia quam sana.

[Also, gif flechshers buy any other than sound beastes.]

[18.] Item si carnifices vendant carnæ aliter quam in foro commüniter.

[Also, gif flechshers selle fleche otherwise than publickly in the market.]

[19.] Item si carnifices servent assisam impositam super carnes boum multonum et porcorum.

[Also, gif fleashers keip he aisse imposed on beef, mutton, and pork.]

[20.] Item si appreciatores carnium iuste et quociens requisiti sint faciant suum officium.

[Also, gif the appryzers of fleche doe their office justlie, and sa oft as they are requyred.]
INQUIRIES IN THE CHALMERIAN AIR.

[21.] Item si gustatores servisie inste et quociens requisiti sint faciant suum servicium uel officium.
[Also, gif the taisters of aill perform their service or office justlie, and sa oft as they are requyred.]

[22.] Item quociens braciatrices sint amerciate in anno. Et quociens pistores et carnifices sint amerciati in anno.
[Also, how oft browster-wives are amerced in the year. And how oft baksters and fleschers are amerced in the year.]

[23.] Item si ballini faciant panem uel servisiam venalem in domibus suis.
[Also, gif the bailies makes bred and aill for sale in their own houses.]

[24.] Item si aliqui foristallent burgum per mare uel per terram.
[Also, gif any man forestall the burgh by sea or land.]

[25.] Item si aliqui leprosi receptentur occulte in villa.
[Also, gif any lipperfolk are receavit secretly in the toun.]

[26.] Item si aliqui sint scandalizatores communes non puniti.
[Also, gif there be any common sklanderers not punished.]

[27.] Item de binis mensuris veiatis in burgo et vlnis ac ponderibus, scilicet vna ad emendum et alia ad vendendum.
[Also, anent the use within the burgh, of double measures, elnes, and wechts; that is to say, ane for selling, and ane other for buying.]

[28.] Item si aliquis uel aliqua non habens libertatem burgi ea vtatur contra libertatem burgi in dampuum domini Regis et burgi sui infra dictum burgum uel extra.
[Also, gif any man or woman, not hauand the freedom of the burgh, uses the freedom against the priviledge of the burgh, within or without the said burgh, to the hurt of our Lord the King, and of his burgh.]
[39.] Item si quis occupauerit, intrauerit, et tenerit terram domini Regis uel alicuius alterius iniuste.
[Also, gif any man hes occupied entered or held the land of our Lord the King, or any other manis unjustlie.]

[30.] Item si quis detinuerit a domino Rege debitum servicium suum uel annuum sibi debitum de terra sua.
[Also, gif any man halds fra our Lord the king his service or the annual rent due from his land.]

[31.] Item si quis vendiderit aliquas grossas mercandisas, maletout et paruam custumam domini Regis ab ipso et custumariis suis auferendo.
[Also, gif any hes sold any merchandise wholesale, abstractand the maletout and sma custome of our Lord the King from him and his customers.]

[32.] Item si aliquis balliuus in assecadione profectum domini Regis fuerit particeps capcionis.
[Also, gif any bailie in the asedation of profite of our Lord the King hes been a partaker of the tak.]
INQUIRIES IN THE CHALMERLAN AIR.

[35.] Item de terris alienatis ad manum mortuam sine licencia Regis. [Also, anent lands disposed in mortmain without the Kingis license.]

[36.] Item de illis qui suntur libertate burgi non habentes aliquam terram edificatam ultra annum. [Also, anent them who use the libertie of the burgh not hauing bigged land, after a year.]

[37.] Item de cocis decoquentibus carnibus in pane uel pisses minime sufficientes humano suis uel eciam postquam talia tenuerint ultra debitum tempus e alias recslefaciant et vendunt in manifestam populi deceptionem. [Also, of coukes makand reddie flesche or fish in pastry not fit for the use of man; or if after they have keipt such attour the proper time, they heat it againe, and selle it to the manifest deception of the people.]

[38.] Item de allocacionibus factis prepositis burgi non solutis pauperibus carriagium uel alios labores facientibus. [Also, of allowances made to the bailies of the burgh, the puir nocht payit for doing carriage and other labours.]

[39.] Item de subtrahentibus bona sua in aduentu camerarij uel clericorum suorum pro eo quod ea domino nostro Regi vendere noluerunt. [Also, of them wha abstract their geir at the cummung of the chalmerlan or his clerks, because they will not sell it to our Lord the King.]

[40.] Item de natiuis domini nostri Regis latitantibus in burgo. [Also, of the bondmen of our Lord the King hiding within the burgh.]

[41.] Item de taxacionibus positis in burgo si equaliter ponuntur, super diuitibus et pauperibus iuxta eorum facultates. [Also anent taxations in burghs, gif they be equallie impost upon the ritch and puir conforme to their means.]
ARTICULI INQUIRENDI IN ITINERE CAMERARII.

[42.] Item si de communibus profectibus burgi assedatis legalis fiat
assedatio et leuacio et si de eisdem fidele compotum communitati burgi
reddatur. Et si ita non sit per quem et in quorum manus deuenerunt
et si comoda transeunt in negotiis communitatis.

[Also, gif there be a just assedation and uptaking of the common gude
of the burgh, and gif a faithful compt of the samine be made to the comunity
of the burgh. And gif it be not sa, be whom, and in whais hands the pro-
duce hes come, and gif the common gude is bestowed in the busines of the
community.]

[43.] Item de iiiij\textsuperscript{a} marcis argenti concessis per dominum Regem pro
mundacione ville Berewyci in quorum manus deuenerint uel ad priuatas
personas et villa non erat mundata per illam pecuniam.

[Also, anent four score merks of silver granted by our Lord the King for the
cleansing of the town of Berwick, into whose hands they have come, and
whether into the hands of private persons, and the town was not cleansed by that
money.]

[44.] Item de gaugerie pannorum et vinorum qualiter observauntur.
Et de custodia magne custume priuatem inquiratur.

[Also, anent the guaging of claiths and wynes how they are keipit. And
anent the keiping of the great custome be it privately inquired.]

[45.] Item de debitis sectis ad Curiam domini nostri Regis subtractis.
[Also, of suits aucthand to the court of our Lord the King and abstractit
therefra.]

[46.] Item de carriagiis captis et reuenditis.
[Also, of carriages taken up and sauld againe.]

[47.] Item de brigatoribus omnibus in Curia.
[Also, of all turbulent folk in Court.]
[48.] Item si balliui fecerint breuiare placita que tangunt Coronam Regis contingentia infra burgum, videlicet, de incendio, raptu mulierum, murderdo, et roboria.

[Also, gif the bailies have made ane rol of the pleyes perteining to the Kingis Crowne within burgh: that is burning, revissing of wemen, murther, and reif.]

[49.] Item si balliui fecerint terminare aliquas querelas inter burgensem et mercatorem post terciam maris reflexionem per dilacionem volunterie.

[Also, gif the bailies have made end to any quarrels betwix burges and marchand after thrie ebbings and flowings of the sea be delay voluntary.]

[50.] Item si omnes mensure et pondera vile sint signate sigillo burgi. Et si quis alias tenuerit non signatas.

[Also, gif the hail measures and wechts in the town be sealed with the seal of the burgh. And gif any man hold others not sealed.]

[51.] Item si quis teneat in furno suo plures seruiientes quam vnnm magistrum, ij. seruiientes et vnum garciferum. Et si dominus furni plus capiat pro furno suo quam obulum vna vice, magister ob., ij seruiientes j. d., et garcifer quadr.

[Also, gif any man balds in his owene mae servants than aine master, twa servants, and ane knave. And gif the owner of the owene tak for his owene mae than ane halfpenny at ilk time, the maister ane halfpenny, the twa servants ane pennie, and the knave ane farthing.]

[52.] Item si vigilie sufficienter custodian tur in burgo et si currant hostiati. Et si vidue compellantur ad vigilandum.

[Also, gif watches be sufficiently kepit within burgh, and gif they go from house to house. And gif widowes are compellit to watch.]
ARTICULI INQUIRENDI IN ITINERE CAMERARII.

[58.] Item si quis retinuerit aduenas in domibus suis plusquam vna nocte qui pro eis plegium dare noluerit.
[Also, gif any man keipis strangers in his houses langer than ane nicht, wha will not give pledge for them.]

[54.] Item si aliqui susceperint superfluas tollonias ultra constitutionem burgi.
[Also, gif any man hes taken excessive tolls above the constitution of the burgh.]

[55.] Item si balliui burgi servent constitutionem de piscatoribus et non ponent pisces in domibus set in foro si venerint de die.
[Also, gif the bailies of the burgh keip the ordinance anent fischers, and place nocht fisch in houses, but in the market, if they come during the day.]

[56.] Item si omnes precones communiter eligantur ab omnibus secundum constitutionem burgi.
[Also, gif all the serjants are commonlie chosen be all conforme to the constitution of the burgh.]

[57.] Item de hiis qui scindent pisces ad vendendum ante horam terciam in hyeme et ante primam in estate.
[Also, anent those who cut fish for sale befoir the third hour in winter and befoir the first hour in summer.]

[58.] Item si quis tenuerit molas manuales alius quam burgenses, ac brasiauerit et braseum fecerit absque fine facto et quis eos advocat.
[Also, gif any man keipe hand mylne, other than ane burgese, and brewes and makes malt, composition not made, and wha manteins them.]

[59.] Item si balliui fecerint illotulare curias suas et assisas.
[Also, gif the bailies have made rolment of their courts and asises.]
[60.] Item si qui sutores emant alia coria quam ut aures et cornua equa fuerint longitudinis.
[Also, gif any sowters buy skins other than such as have the eares and hornes equal in length.]

[61.] Item si quis alius quam burgensis fecerit lardarium ad vendendum.
[Also, gif another nor ane burges make lard for sale.]

[62.] Item de discoopertoribus assisarum et secretorum Regis in burgis.
[Also, anent the revealers of asises and the secrets of the King in the burghs.]

[63.] Item si quis [sit] balliuus uel aliquis alius communis minister burgi qui non sit burgensis eiusdem burgi nullam habens terram hospitatem in eodem.
[Also, gif there be any bailie or any other common servant of the burgh wha is not a burges of the same burgh haueand no inhabite land within the same.]

[64.] Item si quis locum tenens domini camerarii uel balliuus burgi steterit in placitis contra dominum Regem uel contra statum uel contra libertatem sue communitatis, cum episcopis, abbatibus, prioribus, comitibus, uel quibuscunque alii prece uel precio.
[Also, gif any man hauidand the place of Lord Chalmerlan, or a bailie of the burgh, hes stand in playes against our Lord the King, or against the estate or libertie of his communitie, with bishops, abbates, priours, earles, or with any others for price or for prayer.]

[65.] Item si qui burgenses existant qui mercatores tam extraneos quam priuatos ad burgos cum bonis suis per mare uel per terram venientes tam difficiliter pertractent leges [non] observando, debitas soluciones detinendo seu alia grauamina sibi inferendo quod tales
mercatores accessus suos ad burgos et portus burgorum in dampnum domini nostri Regis et communitatum burgorum depauperacionem manifestam, occasione huiusmodi grauuminum penitus relinquunt.

[Also, gif there be any burgeses wha hardlie handle als well stranger marchands as marchands of this realm, cumand to burghs with their geir be sea or be land, by not keiping the lawes, not makand payments aucht to them or doing other injuries to them, by reason whereof such marchands wholly leave their cumming to burghs, and the portes of burghs, to the damage of our Lord the King, and the manifest wrack of the communities of burghs, on account of herships of this kind.]

[66.] Item si stallagiarij emant et vendant libere in burgo ut burgenses et ex cuius permissione. Si brasiauerint nel braseum fecerint aut molas tenuerint.

[Also, gif stallangers commonlie buys and selle within the burgh, as burgeses, and be whais permission. Gif they have brewed, or made malt, or hauld mynes.]

[67.] Item si sedes ad molendum debite observuentur burgensibus secundum eorum status per molendinarium. Et si plures molendinarii sint quam lex permittit.

[Also, gif roumes in the mylne be duly keipit for the burgeses according to their station, by the myller. And gif there be more myllers nor the lawe permits.]

[68.] Item si molendinarii delargient circuitum curborum mole ultra defensionem vnius virge estiualis.

[Also, gif the myllers enlarge the ring of the curbs in the mylne mair than the space of ane wand of a summer growth.]

[69.] Item si aliqui ceperint salmones ad stagna molendinorum per retia vel alia ingenia.

[Also, gif any take salmon in myln dams by nets or other engines.]
[70.] Item de hiis qui trahunt vicinos suos ad curiam Christianitatis de hiis que coram bailius de iure deberent terminari.
[Also, of them who drawes their nychboures befoir the ecclesiastical Court anent matters which should be richt be tried before the bailies.]

[71.] Item de servientibus munera capientibus pro iuratis amouendis de assisa.
[Also, of serjants who takes gifts to hauld back from the aaise them who have been sworn to passe upon it.]

[72.] Item de hiis qui pareunt diniitibus et pauperes faciunt somonire ut intersint assise.
[Also, of those who spare the ritch, and cause summons the puir to be on the aaise.]

[73.] Item de hiis qui abiurauerunt uillam et postmodum latent in eadem et per quem.
[Also, anent those who are sworn to passe furth the town, and yit are conceilit in the same, and by whom.]

[74.] Item de hostilagiis in burgo.
[Also, of hostillages within burgh.]

[75.] Item de carnificibus burgensibus ponentibus manus suas in ventres martorum.
[Also, of fleschera, being burgees, putting to their hands to kill mairte.]

[76.] Item de tynctoribus burgensibus ponentibus manus suas in le wadde.
[Also, of litsters burgeses, wha putis their hands in the wadd.]
ARTICULI INQUIRENDI IN ITINERE CAMERARI.

[77.] Item de tenentibus terras in manibus suis quas habuerunt ex dono domini Regis ante Bannock contra revocacionem factam apud Cambuskenel.

[Also, of those who held in their hands lands which they had been given by our Lord the King before Bannock [burn], contrary to the revocation made at Cambuskenneth.]

[78.] Item de detentoribus et subtractoribus multure domini Regis de molendinis domini Regis.

[Also, of those who abstract the multers of our Lord the King, from our Lord the King's mylnes.]
JURAMENTA OFFICIARIORUM.

[THE OATHS OF OFFICERS.]

Integrum juramentum burgensis et confratris gilde.

Quod erit leel et feel domino Regi et communitati illius burgi in quo factus est burgensis. Et quod dabit Regi firmam fideliter pro terra quam defendit. Et quod erit obediens in llicitis preposito et balliuis. Et quod celat archanum consilium communis. Et si damnum eorum nuerit premuniet eis uel in hoc poterit. Et quociens requisitus fuerit pro communi negocio fidele consilium et auxiliu eis dabit pro posse suo. Et quod libertates leges et consuetudines dicti burgi durante vita secundum posse suum manutenebit.

Et facto hujusmodi sacramento osculari debet prepositum et vicinos si frater Gilde fuerit.

[The entire oath of a burgess and brother of the gild.

That he will be leel and feel to our Lord the King and to the community of that burg in which he is made burgess. And that he will give to the King faithfully, rent for the land which he defends. And that he will be obedient in things lawful to the provost and bailies. And that he will keep the secret counsel of the community. And if any thing to their prejudice shall come to his knowledge
he will forewarn them or apply a remedy if he can. And that as often as he shall be asked he will give them faithful counsel and assistance in the common business to his power. And that he will maintain the liberties, laws, and customs of the said burgh during his life according to his power.

And the oath being made in this manner, he ought to kiss the provost and the brethren, if he be a brother of the gild.]

**Juramentum sectatoris.**

*Quod ipse veram et fidelem recordacionem in illa curia faciet. Et quod legale et fidele iudicium dabit secundum scientiam sibi a Deo datam. Et quod in omnibus aliis articulis ad officium sectatoris pertinentibus secundum intellectum suum legaliter et fideliter deserviet durante tempore.*

[The oath of a suitor.]

That he will make true and faithful record in that court. And that he will give lawful and just judgment according to the knowledge given him by God. And that in all other articles pertaining to the office of suitor, he will serve lawfully and faithfully according to his judgment during the time.]

**Juramentum seriantis.**

*Seriantus iurabit primo domino suo a quo habet officium et deinde jurabit quod legaliter attachiabit et fideliter attachiamenta suas presentabit. Ac omnia et singula ad officium suum spectanti secundum scientiam suam sine fraude favore et timore fideliter faciet.*

[The oath of a sergeant.]

The sergeant shall swear first to his lord from whom he holds office, and then shall swear that he will lawfully attach and faithfully present his attachments. And that he will faithfully perform all and singular the duties belonging to his office, according to his knowledge, without fraud, favour, and fear.]
THE OATHS OF OFFICERS.

Juramentum gustatorum.

Primo iurabunt servisiam fideliter gustare et legale precium super eam ponere secundum forum brasei et ad illud faciendum pro timore nec amore nemini debent parere.

[The oath of ale tasters.

First, they shall swear faithfully to taste the ale, and lawfully to apprise the same according to the price of malt, and that in so doing they will spare no one for fear nor favour.]

Juramentum appraeciatorum de carnibus.

Jurabunt carnes fideliter appraeciare secundum quod animalia venduntur in patria et ad illud faciendum pro timore nec amore nemini debent parere.

[The oath of the appraisers of fleshes.

They shall swear faithfully to apprise fleshes according to the price at which beasts are sold in the country, and that in so doing they will spare no one for fear nor favour.]

Juramentum balliui burgi.

Primo iurabunt quod erunt leal et feal domino Regi et communitati burgi, et iurent fideliter leges burgi conservare et consuetudines tenere et regere et quod justiciam facient divitiibus et pauperibus eque secundum intellectum suum et quod nulli parcent pro amore nec timore nec pro munere capiendo.
[The oath of bailies of the burgh.

In the first place they shall swear that they will be loyal and true to our Lord the King and to the community of the burgh; and they shall swear faithfully the laws of the burgh to preserve, and its customs to hold and administer, and that they will do justice to rich and poor equally according to their judgment, and that they will spare no one for favour nor fear nor for the taking of gifts.]
MODUS PROCEEDENDI
IN ITINERE CAMERARII
INFRA REGNUM SCOCIE.

THE CHALMERLAN AIR.

[THE FORM OF PROCEEDING IN THE CHALMERLAN
AIR IN THE KINGDOM OF SCOTLAND.]
ITER CAMERARII.

1.
Preceptum camerarii.

Camerarius Scoeie aldirmanno et balliusburgi de P. salutem. Quia deo disponente iter nostrum camerarie in dicto burgo penultimo die Novembris proximo futuri proponimus inchoare, Vobis mandamus et precipimus quatinus summoniri et premuniri faciatis omnes comburgenses vestros tam forinsecos quam inhabitantes quod sint coram nobis vel locumtenentibus nostris dictis die et loco cum continuacione dierum ad audiendum tractandum subeundum et perficiendum ea que de jure in dicto jtinere sunt audienda tractanda perficienda et subeunda. Et summoniri faciatis balliusos, seruiantes, gustatores ceramicie, appreciatores carnium, pistoires, braxiaires, carnifices, custumarios magne et parue custume, molendinarios, piscatores salmonum et aborum piscium, tabernatores vini, custodes throne, custodes gaugerie, vna cum omnibus et singulis officialis qui se in dicto burgo intromiserunt ab ultima sessione camerarij ibidem quod sint ibidem coram nobis dictis die et loco super sibi obiciendis responsuri et juri parituri. Et habere faciatis ad tunc ibidem omnia nomina predicta et omnia nomina secte curie dicti burgi, et nomina fratrum gilde, et tenentium bothas mercimonij tam inhabitantium quam forinsecorum. Et omnia nomina porcos tenentium extra custodiam in legibus statutam, in rotulamento sufficienter et distincte scripta. Premunientes eciam omnes officiarios predictos...
THE CHALMERLAN AIR.

quod ibidem ad tunc presentent omnes mensuras suas stateras, pondera, vinas, et alia instrumenta cuiuscunque generis quibus tvntur vel vsi sunt in officijs, quolibet instrumento nomine cuius sit distincte scripto. Et publice proclamari faciatis quod omnes quicunque coram nobis prosequi vel defendere voluerint in forma juris quacunque de causa quod captis inde per vos plegis tam de defensione quam prosecutione quod sint ibidem ad placita sua prosequenda et defendenda in forma prescripta. Et liberati faciatis vicecomiti et balliuis suis de P. sub sigillis vestris omnia nomina foristallatorum forinsecorum dictum burgum emendo vel vendendo foristallantium, et nomina omnium purpresturam in proprietate vel communi domini nostri Regis facientium infra vel extra attachiandorum, quod sint ibidem ad tunc dictis die et loco cum continuacione dierum nobis vel locum nostrum tenentibus ex parte regia responsuri viteriusque facturi quod in promissis dictauerit ordo juris, habentes ad tunc summonicionis premunicionis et attachiamenti testimonium et hoc breue. Et hoc non omittatis nec omittant sub pena que competit in hac parte. Insuper penes forines seu forinsecos Vobis precipimus et mandamus quatinus ipsoo indictari et arrestari faciatis meliores modo quo poteritis prout coram nobis in dicto jtinere volueritis respondere. Prouidesatis eiam pro expeenis predictorum erga aduentum nostrum et illorum bene et competenter. Datum etc. apud E. tali die mensis etc. Anno domini M". etc.

The chalmerlan precept.

The chalmerlan of Scotland to the alderman and balyeis of P. greting, for why God disponand our chalmerlane ayr in the forsaid burgh, sic a day of Nouember next to cum wit continuacion of days we etill to begyn, to you we bide and commandis that ye ger be sommond and warnyt, all yur burges alswell furth duelland as in duellande, that thai be befor ws or our steid haldande the forsade day and place wit continuacion of days for till her tret do and vnderly the thingis the whilkis of law in the forsaid ayr ar to be herd tretyst vndergan and done, and at ye ger be somonde your balyes, seriandis, tasteris of all, prisaris of flesche, baxtaris, breustaris, fleschowaris, custumaris alswel of greit custom as of smal custum, millaris, fyscharis of salmond and whyt fysch, tauernaris of wyn, kepasis of tron, kepasis of gaugerij, and wit all and syndrie officias the whilkis has had entermytyn in the said burgh fra the sessing of the last chaumerlane ayr. And at ye ger be brocht thar that tym, al the names forsade and all the
names of soyt of court of the forsaide burgh, and the breder of the glide and thaim that haldis buthis of merchandis alswale induellande as furth duelland, and all the names of thaim that haldis swyn vtought keping in the law statut, in sufficient rolment distinctly wrytyn, and at ye warn also all the forsaid officiaris that thai present that tym al thar mesuris, balandia, wechis, eloondis and all other instrumentis of whatsuomever kynd the whilkis thai haif oysit in ofice, ilk instrument be the swin name distinctlie wrytyn, and opinly at ye ger cry that al thai whatsuomever befor we will folow or defende in furm of law in whatsuomever caus, that borowris therof be you be tan alswel of defending as of folowing, thai be thar thar mutis to folow and to defend in the furme forsaid, and at ye ger deliuer to the shery and the balyes of P. vnder your sel al the names of the furth duelland forstalleris of the forsaid burgh byand and selland forstalland, and the names of al thaim doand purprasicion in propirte or in commoun of our Lorde the King within or vtouth, to be attachit to be thar that tym, the forsaid day and place with continuacion of dais befor us or our stedhaldand, on the Kingis behalp to ansuar and mar forthirly to do in the forsaid thingis eftir as the order of law ditis, hafand at that tym with yow of your summondis warnyng and attachment witnes, and this breff etc.

II.

Littera vicecomiti.

Camerarius vicecomiti et balliuis suis de Edinburgh salutem. Vobis precipimus et mandamus quatimus omnes illos forinseco quorum nomina balliuii burgi de Edinburgh vobis in scriptis presentauerint attachietis indilate ponentes ipsos sub saluis et secures plegias quod compareant coram nobis aut deputatis nostris pluribus aut vno apud Edinburgh die lune penultimo die mensis Novembris proximo futuri cum continuacione dierum super sibi objiciendis responsuri et juri parituri. Et sitis vos vicecomes et balliuii vestri jbidem coram nobis seu dictis deputatis nostris dictis die et loco cum eadem continuacione dierum habentes vobiscum vestri attachiamenti testimoniun et hoc breue. Et hec non omittatis, etc.

[Letter to the Sheriff.]

The Chalmerlan to the Sheriff and his deputes of Edinburgh greeting: We command and charge you that incontinent ye attach all stranges whais names

* Sir J. Skene's translation is followed for the most part.
the bailies of the burgh of Edinburgh sall present to you in writ, placing them under safe and sure pledges that they shall compeir before us or our deputes ane or mae at Edinburgh upon Mononday the penult of the moneth of November next to come with continuation of dayes, to answer to charges against them and obey the law. And ye the Schiref and your deputes sall be there, before us or our deputes the saide day and place, with the same continuation of dayes bringand with you ane testimonie of your attachment, and this brieve. And this ye fail not to do, etc.]

iii.

De modo tenendi iter camerarij.

Primo compareant coram camerario vel locum suum tenente omnes burgenses tam inhabitantes quam forinseci qui nominatim vocari debent et qui absentes innueniuntur per iudicium amercientur. Secta tamen prius vocetur et curia affirmetur. Hinc inde vocentur omnes balliui et bedelli anni presentis eciam et anni preteriti quoniam debent accusari a tempore vltimi itineris usque ad tempus nouorum balliuorum. Hinc inde leuetur assisa pro inquisizione facienda super articulis itineris camerariij. Item quatur si balliui habeant commissionem vel non. Et quibus legibus clamant burgum domini Regis gubernari. Hinc inde vocentur omnes querele et super hoc leuetur bona assisa et non suspecta, de melioribus et fidelioribus. Item petatur rotulius sine retornatio precepti camerariij cum plegijs svper administracione in omnibus. Deinde petatur rentale burgi per quod firme perticarum leuentur, tam de terris edificatis quam vastis. Item petatur in scriptis omnia nomina burgensium infra habitantium et extra, videlicet nomina fratrum gilde per se, et aliorum per se. Item petatur rotulus secte curie tam infra habitantium quam extra et tam de terris vastis quam edificatis. Item petatur nomina balliuorum et aliorum singulorum officiariorum in scriptis.

Of the maner to hald the chalmerian ayr.

Fyrst aw to appere befor the chaumerlane or his steid haldande all the burges of the burgh, alswel forreyns as deynseens, the whilkis aw to be callit be thar
ITER CAMERARII.

names, and that that ar fundyn absent salbe amercit be dome, ner the les the soytis salbe callyt and the court affermyt. Syn efter salbe callyt the balyes and the bedal of that place. And syne efter aw ane assyse to be rasyt for the inquest to be maid apon the articles of the chawmerlane ayr. And than sal freschly be askit of the balyes gif thai haf ony commissioun or nane, and with what lawis thai clame the kyngis burgh to be gouernyt, and efter that salbe callit all the playnts and tharupon to be vpraysit ane gude assise and unsuspect of the best and the worthiest. Than salbe askyt the retour of the precept of the chauerm-

lane with the borowis apone ministracioun of that ilk precept in all thyngis. Syn efter salbe askyt the rentall of the burgh, be the whilk thai gedyr the kyngis fomentes alsuele of biggyt landis as of wast. Item than salbe askit in wryt all the names of the burges both induelland and vtouth, that is to say the names of the breder of gilde be thaim self, and the names of other burges be thaim self. Item thar salbe askit the roll of the soyt of court, alswell within as vtouth duelland, and alswell of wast landis as of biggyt landis. Than aw to be askyt the names of the balyes and of the laff of the officiaris ilkan be thaim self in wryt.

De modo calumpniandi balliuos infra burgum.

In primis quod non faciunt justiciam et ad hoc non sunt parati cum fuerint requisiti omni tempore secundum formam juramenti prestiti in sua confectione. Item quod non faciunt justiciam eque tam pauperibus quam diuitibus. Item quod omittunt facere justiciam, favore, odio, vel amore aliquorum. Item quod capiunt munera pro justicia facienda vel omittenda. Item quod faciunt panem vel ceruisiam venalem contra jura burgi. Item quod dant saisnam hereditariam vel ad longum tempus de aliquo burgagio alienando antequam legaliter offeratur pro-
pinquioribus de sanguine alienantis. Item quod dant saisnam de aliqua terra in burgo contra defensam opponentis. Item quod non scrutantur burgum legaliter pro leprosis eiciendis. Item quod non custodiunt nec faciunt custodiri assisam panis et ceruisie vini et carnium legaliter. Item quod non faciunt justiciam de fragentibus assisam quociens leges requirunt. Item quod non faciunt examinationem singulis septimanis vel saltem singulis quindenis de pane ceruisia vino carnibus et ceteris in
burgo examinandis. Item quod faciunt se partem in curia per quod
justicia fieri non potest unde jus partis prosequentis vel defendentis plus
solito retardatur. Item quod non exequuntur legaliter mandatum domini
Regis vel camerarij sibi directum. Item quod imponunt collectas
indebite non consulta communitate burgi. Item quod vendunt vel alias
concedunt libertatem burgi seruientibus extraneis ut possint vendere et
omere cum burgensibus et vti ceteris commoditatis. Item quod non
faciunt vigilari burgum de nocte per sufficientes vigiles ut tenentur.
Item quod faciunt panepes [et non divites] vigilare. Item quod pendente
inquisitione querelas determinant et acceptant.

Of the maner to chalange the balyes.

In the first, that thai nocht do na redy is nocht ay to do richt and resoun, whene
thai ar requerit efter the forme of thar aith when thai war made. Item at thai
do nocht rycht evinly to pure and rich. Item at thai let to do rycht thrw favour,
hatren, or luf of personis. Item at thai tak giftis for the rycht and law to be
don or leff vdon. Item at thai mak breid and ail to sell again the law of the
burgh. Item at thai gif seising heretabil, or of lang tym, of ony borouagis to
be analyt befor at it be lauchfully profferit to the nerrest of the blude of the
aljar. Item at thai gif seising of sum land in the burgh agayn the defence and
forbeding of the perty contrar. Item at thai sek nocht the burgh lauchfully for
leper folk to be furth put. Item at thai keip nocht na gerris keip the assis of
breid, and aile, wyn and fleishe lauchfully. Item at thai do nocht rycht on thaim
at brekis the assis of oft as the law saiks. Item at thai ger nocht examyn
ilk wolk, or at the lest ilk xv dayis of brede and aile, wyn and fleisch, and other
thing in the burgh to be exemynyt. Item at thai mak thaim perty in the court
thru the whilk the law may nocht procede, or the rycht of the perty followand
or defandand is mar delayt than it was wont to be. Item that thai execut
nocht lauchfully the commandment of the king or of the chaumerlane to thaim
direkit. Item at thai put colectis vnreulfully and vnдетfully nocht counsalit wit
the comunite of the burgh. Item at thai sell or grantis the fredom of the
burgh to stranoris seruanidis, at thai may sell wt the burges and ouye sic ilk
profitis. Item at thai ger nocht walk the burgh on the nycht be sufficient
walkaris. Item at thai ger pur folk walk and nocht rich. Item the inquest
hingand thai determyn and accepis complayntis.
v.

De servientibus et bedellis calumpniandis.

Inde voce tun et calumpnientur omnes bedelli id est servientes qui ab ultima sessione cameralij in dicto burgo ministrarunt. Primo quod non fideliter presentant omnes plegios in manu sua innentos balliuis in balliinorum sessione nec cameralio in sua sessione. Secundo quod non ostendunt balliuis omnes districiones pro defectibus contingentes ad eorum officia spectantes. Tercio quod non capiunt eque vigilias tam diuitum quam pauperum. Quarto quod in capcioniibus et oneribus necessariis pro domino Rege justiciario vel cameralio non eque se gerunt sed amicis et beniulolis suis parcunt et ceteros de communitate nimiis infestant et ponderant. Quinto quod in solucionibus huiusmodi faciendis et eorum manibus detentis minus soluunt quam receperunt et in commodum suum se damnum populi rigore officij sui. Sexto quod non capiunt omnia genera panum et ceruisie ut habent in mandatis pro examinacione facienda sed pro lucro suo a quibusdam capiunt et quibusdam parcunt per quod assisa non potest fideliter custodiri.

Of the manner to chalange seriandis and bedellis.

Syn after salbe callit and chalangit all the bedalis the whilk had ministerit in the said burgh fra the last chaumerlane ayr. First at thai present nocht leyl al borowis in their hand fundyn. The secund at thai present nocht to the balyseis all the distress for the defaltis hapynnande till their office pertenande. The iij at thai tak nocht eunly the wakis alswell of rich as of pur. The iiiij at thai in taking of chargis nedfull for the kingis justice or chaumerlane do nocht evinly, bot sum of thair frendis thai spar and sum other of communitie thai distrobill and chargis our mekill. The v that in sic paymentis to be mad and in thair handin, thai gif out leee than thai tak, in profyt to thaim self and scath to the commune thru rugour of their office. The vi at thai tak nocht al kynd of bred and all as thai haf in bidding for the examinacioun to be don, bot for wynnyng to thaim self sum thai tak and sum thai spair thru the whilk the assis may nocht be weil kepyt.
THE CHALMERLAN AIR.

VI.

De gustatoribus cervisie calumpniandis.

Primo quod non sunt parati signo exposito ad cervisiam gustandam. Secundo quod non sunt parati ad gustandum quociens brasiatrix tunnauerit. Tercio quod faciunt ventres suos in potando et intrant in domo et non stant in media platea ante ostium, et non mittunt vnum de sociis suis cum bedello qui eligat de qua olla voluerit gustare et inde sociis potum presentet ut per eos fiat discrecio secundum assisam impositam. Quarto quod non presentant defectus inde ad proximam curiam sequentem coram ballius. Quinto quod non ponunt assisam de cervisia sed dicunt simpliciter eam esse bonam vel malam.

Off the chalance of ail taistaris.

In the first, at thai ar nocht redy at the furth putyn of the takyn for to tast all. The secund, at thai ar nocht redy to tast ail als oft as the brouster tunnis. The thrid, at thai fars thar wames in drynkand within the hous whar thai sulde stande in the middis of the streyt befor the dur, and send an of thar folowis in with the bedal that sal chese of what pot he will tast the whilk he sal present till his folowis, and thai sal discern thar apone after the assise to thaim put. The fourzi, at thai present nocht the defaltis befor the balysis in the next court folowand. The fyve, is that thai mak nocht the assise of ail, bot sayis sympilly it is gud or it is ewill.

VII.

De appreciatoribus carnium calumpniandis.

Primo quod non sunt semper parati et prompti ad appreciantos carnes signo exposito tam pro utilitate carnificis quam populi. Secundo quod non scrutantur forum Regis in quolibet die fori de modo empeionis animalium comestibilium videlicet boum mutonum et porcorum. Et secundum empeionem fori per eorum discretionem ponatur assisa non admissio juramento alicuius carnificis in hac parte. Et causant ne dono
prece vel pretio favorabiliter appreciunt carnex, sed faciant pretium de predictis quociens fuerint requisiti.

Off the chalance of prisaris of flesch.
In the first, at thai ar nocht alwayz redy to prise the flesch at the furth puttyng of the taking, alswel for the proffyt of the fleschwar as for the proffyt of the peppyll. The second, at thai sek nocht the kingis merkat ilk merkat day on the maner of the bying of beestis to be etin, that is to say of oxin, of mutone and swine. And after the bying of the merkat be thar discrécion, the prise salbee set and the assis, nocht admitand the aith of ony fleschwar in that part. And at thai keip thaim, that nother for gift prayere no med thai do faunour in thar prising, and at thai set the price of the forsade thingis als oft as thai ar requirerit.

VIII.
De carnificibus calumpniandis.

Off the chalance of fleschwaris.
In the first, at thai sell flesch again the assis of the worthi men of the towne. Item at thai sell flesch befor at it be priynt. Item at thai by bestis and alais vnder nycht agayn the law of the borows. Item at thai forstall the burgh biand in the cuntre. Item at thai sell flesch befor at the takyn be put furth and withoutyn takyn. Item at thai sell the gude flesch to strangeris and the ewill to thar nychtburis. Item at thai deny the price when it is spiryt. Item at thai sell flesch and coueris it and nocht opin in the window or the scamel. Item at thai mak lardner in gret and it out tavernis in smallis again the law and statut in burgh.
THE Chalmerlan Air.

IX.
De pistoribus calumpniandis.

In primis quod plures tenent servientes in furnis quam lex permittit vbi de jure non tenentur habere nisi quatuor personas videlicet magistrum et duos servientes et vnum garcionem. Secundo quod ubi capere deberent singulis vicibus pro magistro i. d. pro duobus servientibus i. d. et pro garciere et garciere i. quadr. plus debito de popolo capiunt. Tercio quod non panificant quodlibet genus panis ut lex burgi requirit videlicet quachetum, wastellum, symnellum, panem alsamyn, purum panem, et panem mixtum de treyt. Item quod non panificant panem concordantem monete, videlicet panem denarii, oboli, et quadrantis. Item quod minuunt pondus eisdem per balliues deliberatum.

Off the chalance of baxtaries.

In the first, at thai hald seruandis in thar ouynis ma than the law lefis, whar of law thai ar haldin to haf bot iii, that is to say the master ij seruandis and a knaf. The secund whar thai aw to tak ilk tym for the master j d, and for the ii seruandis j d, and for the knaf a forthing for thar det, thai tak mar of the pepl than thay ought. The thrid at thai bak nocht ilk kynd of bred as the law of burgh requercis, that is to say, wastell, symnel, alsamyn, samyn bred and demayn. Item at thai bak nocht concordandly to the mone, that is to say peny bred, halfpeny bred, forthing bred. Item at thai menys the wecht gewyn thaim be the balyeis.

X.
De brasiatoribus calumpniandis.

In primis quod non servant assisam vendendi ceruisiam iuxta impositionem proborum hominum ville et iuxta emptionem brasii. Item quod non faciunt gustari seu turnari ceruisiam antequam illam vendunt. Item quod non exponunt signum ad certificandum gustatoribus ceruisie ut decet. Item quod vendunt non preeunte gustatore vel signo. Item quod non habent mensuras videlicet quartam, pinctam, terciam, et sextam, concordantes monete domini Regis per quas mensuras populus possit
deseruiri cum indignuerint. Item quod licet dictas mensuras habuerint
tamen recusant vendere in minuto sed integre vt olle steterint. Item
post gustationem de nouo tunnen. Item quod olle quas habent non
continent in ceruisia clara sed in fermento lagenam Regis vbi de jure
continerre debent lagenam regiam mensuratam in ceruisia clara sine
fermento. Item quod abutuntur seruicio suo ubi perpendunt quod assisa
sibi nocuerit per strictam juris observacionem. Qui de jure abjurare
debent dicto officio per annum et diem si quis convicitus fuerit.

Of broustaris.

At thai keip nocht the assise, s elland aill after the imposicioune of the worthi
men of the toune, and after the bying of the malt. Item at thai ger nocht the
aill be tastyt or it be saulde. Item at thai put nocht furth thar aill wande to
certify the tunnaris of the ay as thai solde. Item at thai sell ail nocht the
tunnar beand present, na yit tunnand efterhend. And at thai haf nocht thar
mesuris, that is to say, quart, pynt, thrird pert and sext pert, concordand to the
kingis mone be the whilkis mesuris the pepill may be seruit when mister is.
Item that al thocht thai haf all the forsaid mesuris, nor the les thai refuis to sell
be thaim bot be pottis al hail as thai stand. Item at aftir the aill be tastit be
the tunnaris, thai tun new again. Item at the pottiis at thai haf contenis nocht
samkle cler aile withoutyn berme. Item at thai aboysis thar service whar
thai haf dispec at the assise noyes thaim be streit keping of the law, the whilk
be law aw to forsuer the office for a day and a yer and thai be convikit.

De molendinariis calumpniandis.

Primo quod tenent plures servientes in molendinis quam eis concessum
est a burgensibus in dampnum Regis et populi. Secundo quod non
tenent cullibet le rowme ut tenentur sed pro lucro permittunt alterum
alterius le rowne occupare. Tertio quod maius spaciun occupant
maliciose et contra legem inter le hop et lapidem molarem pro eorum
lucro ubi lex permittit ibidem spaciun amplius non esse vna virgula
estiu de corulo. Quarto quod capiunt salmunculos in aqueductibus et
in stagnis molendini contra prohibicionem juris. Quinto quod vtuntur
THE CHALMERLAN AIR.

binis mensuris. Sexto quod plus capiunt a molentibus quam de jure aut consuetudine deberent.

Of millaris.

In primis, at thai hald ma seruandis in the mill than the law thollis in scath of the King and the pepill. The second, that thai halde nocht till ilk man the room* as law valde, bot for meyd thai tholis ane in anotheris roume grynde. Alsua, that maliciously and again the law thai occupy mar space betwen the hup and the myln stan for wynnyng to thaim than law vald, for the law vald that ther var na mar space than the thickness of a somertane vand of hossil. The ford, at thai tak smolits in the myll stank again the inhibicioun of law. The v, at thai oyse twa mesuris, ane to tak with and ane vthir to deliver with. The vi, at thai tak mar multir off thar corn that cumis to the mylyne than thai aucht of law or custom.

xii.

De custumarijs parue custume calumpniandis.

Primo quod capiunt largiorem custumam quam concessum est a domino Rege et populo contra formam contentam in legibus. Item quod capiunt minorem custumam quam debeant de jure in exheredationem domini Regis.

Off the chalance of customaris of the les custom.

In the first, at thai tak mar custom than is grantit of our Lord the King and ordaynde of law agayn the forme contenit in the law. Item sum tym, at thai tak les custom than thai aw to do in the dyaherying of the Kyng and of the kynryk.

xiii.

De custumariis magne custume.

Primo quod non capiunt juramenta cuiuslibet persone presentantis modum bonorum suorum sed quibusdam favorabiliiter parcunt. Secundo quod ubi habent hesitacionem de presentacione non sufficienti in premissis non scrutantur viterius pro commodo Regis. Tercio quod ubi recipiunt

* Le roume. Honard tells us this word is still used in Normandy, where they say—chacun a son rumb au four et au moulin—"each has his rumb at kiln and mill."
mandata domini Regis vel camerarij super solucionibus faciendis quibusdam soluciones pro lucro faciunt et quibusdam maliciose subtrahunt.

Of customaris of the gret custome.
In the first, at thai tak nocht the aythis of ilk persoun that presentis the maner of thar godis, bot sum favorabillly thai spar. The seconde, that whar thai haf douit or trowsis the presentacioun of the forsaide thingis nocht to be sufficent, thai sek nocht mar fortherly for the kingis profyt. The iii, at whar thai resaf the kingis commandment or the chaumerlanis apon paymentis to be maid, to sum thai mak payment for wyning and fra other sum maliciously thai halde away.

xiv.
De gaugiatoribus calumpniandis.

Primo quod recipiunt feodium suum non faciendo ea que pertinent ad dictum officium silicet signare pannum per sigillum officii sui per quod emptores dampnantur ex quo eis ignoscitur vtrum habent quod juris est aut non.

Of gaugearis.
In primis, at thai resaf thar fee nocht doand the thingis that pertainis to thar forsaide office, that is to say, to merk clathit witht the solis of thar office be the whilkis the byaris ar schathit when it mai nocht be knawyn to thaim at thai haf that law wil or nocht.

xv.
De tronatoribus calumpniandis.

Primo quod non custodiunt officium suum temptando lanas suas sed quibusdam personis lanas temptant et quibusdam non pro donis suis inde capiendis in dampnum Regis. Et eodem modo debent calumpniari de omnimodis averiorum ponderibus.

Of tronasris.
At thai keip nocht thar office in assayande woll, bot sum thai assay ande other sum thai spar for meide in saoth to the king. In the samyn maner, aw thai to be chalangit of al maner of wechtis.
THE CHALMERLAN AIR.

xvi.

De piscatoribus salmonum.

Primo quod piscantur aquas non servantes filum aque scilicet medium streyme prout debent. Item quod piscantur injuste omni tempore non habendo consideracionem legibus et statutis ubi captio salmonum inhibita est eis a die sabbati post vesperas usque in diem lune ad ortum solis. Item quod vendunt ad aquas et non ad forum vbi debent.

Off the chalance of salmon fysscharis.

In the first, at thai fysch the watter nocht kepand the myde streym as law walde. Item at thai fysch all tymis nocht hafand regard of the law and the statutis, whar the takyn of salmond is diffendit fra the Setterday efter evinsang whill the Mononday at the sun rysing. Alsua at thai sell thair fysche at the watter banke and nocht at the marcate of the kingis burgh.

xvii.

De pronisoribus domini Regis justiciarii vel camerarij calumpniandis.

Primo quod ubi habent prouidere prouidcnt plus quam habent in mandatis prouidere et cumulant sibi singulare lucrum sub colore precij domini Regis. Secundo quod non faciunt plenam solucionem de denariis sibi allocatis pro huismodi solucionibus faciendis sed soluunt quibus volunt et quantum volunt vnde populus incurrit grane damnum eo quod non audent conqueri ob rigorem officij sui.

Of purwayaris.

In primis whar thai haf to puruay, thai ger purway mar than thai haf in bydding, and gaderis to thaim self singler proffyt vnder colour of the kingis price. The secund, at thai mak nocht full payment of pennys to thaim alowyt for sic pay-mentis to be maid, bot payis to sum what thaim likis, the whilkis the kyng rynnys in evill name and the pepill in gret scath, because thai dar nocht plenye for aw of thair office.
ITER CAMERARII.

XVIII.

De tabernatoribus vini calumpniandis.

Primo quod vendunt vina sine gustacione. Secundo quod vendunt cum mensuris propriis non probatis a balluis. Tercio quod miscet vina corrupta cum sanis. Quarto quod vendunt sine appreciatione prius facta.

Of wyn tawernaris.

In primis, at thai sell wyn but tasting. The secund, at thai sell with thar awn mesuris vnpruflit. The thrid, at thai menge corrupt wyn with hal wyn. The ferd, at thai sell withoutyn price set be the tastaris.

XIX.

De regratariis calumpniandis.

Primo quod emunt bona ante horam debitam videlicet horam primam in estate et terciam in yeme. Secundo quod emunt extra burgum foristallando. Tercio quod vtuntur falsis mensuris.

Of regrataris.

In primis, at thai by gudis befor the lauchfull hour, that is to say prime in somer and the thrid hour in wynter. The secunde, at thai by vtouth burgh, forstallande. The thrid at thai oyse fals mesuris.

XX.

De piscatoribus alborum piscium calumpniandis.

Primo quod vendunt pisces suos ad litus maris ubi vendere debent in foro regio sub plenariam forisfacturam. Secundo quod vendunt pisces de nocte et absconditos in domo sua maliciose. Frangunt et secant pisces in frusta et vendunt per denariatas. Ponunt pisces in domo et saliunt eos contra leges Regis. Aperiunt pisces et non inspiciunt vtrum sunt leprosi vel non; et hec est causa quare piscatores non debent
THE CHALMERLAN AIR.

facere lardarium. Piscantur in diebus festis et violant Regis statuta et communes ordinationes et suas ipsorum constitutiones in curia piscatorum factas.

Of the chalance of fysecharis of whyt fysch.

In primis, at thai sell thar fysch at the banke whar thai aw to sell in the kingis merkat ynder payn of full forfaltur. Alsa, at thai sell thair fysch in the nycht and in houis hid and nocht in the merkat. Item thai brek the fishe and sellis it in penneyworthis. Item thai hous fishe and saltis in contrare the kingis lawis. Item when thai opyn fishe thai luke nocht wheder thai be mesale fishe or wane, that is the cause why na fischar suld mak larnare. Item thai fishe apone the haliday and brekis the kingis statutis and the common ordination and thar awn ordination in thar plane fischar court.

xxi.

De foristallatoribus.


Of the chalance of hukstaries.

In primis that thair forestall this burgh with thar wull, hyde, and skyns, mele and mault, na payis nocht the kingis custum to the custumaris als oft as thai sell thar gudis. Item thai sell thar gudis apone thar flure in grete preiidice of the king and coneling of his custum. And thai sell thar gudis at Leitho, Dunde, Perth and Edinburgh, and thar conelis the kingis custum in grete preiidice of the king
ITER CAMERARII.

and vndeyng of his burgh. Item thai ar forbyaris of whete, bere and aitis, catall
and squallaris, and turnis in merchandise and thar thai forestall. Item thai vse
gilde merchandise bathe bakand and brewand, tappand wyne, walx, terr and sape
and all vthir fredome at thai aucht nocht to do. Wharfore thai forestall. Item
thai by leddir and barkis, and concealis the kingis custum.

XXII.

Svtores.

Svtores debent calumniari quod tannant corium faciunt calceos contra
leges et statuta videlicet ex corio et pellibus animalium quorum cornua
et aures [non] sunt ejusdem longitudinis. Faciunt calceos ocreas et alia
ex corio prius quam fuerit tannatum. Consuunt falsa et putrido filo
vnde calcei perduntur ante quam plene conteruntur. Debent addere
corio oleum et sevum tamen addunt tantum aquam et salem. Faciunt
calceos et res alias operantur ex corio prius quam fuerit bene mollitum
seu mollificatum in magnum damnum et prejudicium ligiorum Regis.

Off the chalance of sowtaris.

In the first that thai both bark, and makis schone otherwais than the law has
statute and ordanit, that is to say that the horne and the eir ar in like lang.
Item that thai mak schone butis and vther graith of the lothir or jt be barkit.
Item that thai sow witht fals and rottin threid, throu the whilk the schone ar tynt
or thai be half worn. Item whair thai suld gif thair lothir gude oyle and taulch,
thai gif jt bot watter and salt. Item thai wirk jt or jt be courait, in greit
hindering and skaith of the kingis liegis.

XXIII.

Pelliparii seu pelliones.

Pelliones debent accusari quod faciunt chirothecas et res alias prius
quam pelles bene et sufficienter curantur. Corruptunt pelles propter
defectum rerum necessarium ad eas curandas et perficiendas hoc est
aluminis ovorum et rerum aliarum. Corruptunt aquas Regias.
THE CHALMERLAN AIR.

Consuunt falsa et corrupto filo aliisque vultur falsis instrumentis. Faciunt tales magistros artis qui illam ignorant.

Off the chalence of skynnaris.

In the first, that thai mak gluvis and vther graith or ther lethir be kindely wrocht and maid. Item that thai hunger ther lethir in defaut of graith, that js to say alum eggis and othir thingis. Item that thai deir the kingis mercate and the cunetre of eggis bying. Item that thai file the kingis watter. Item that thai sow and wirkis with fals graith. Item that thai mak thame maisteris and can nocht the craft.

xxiv.

Sartores.


Off the tailyeouris chalence.

In the first that thai mak our mekil refus and schredis of mennis claith, whiles for greit haist and vther whilis for faut of cunnyng. Item that thai tak pecis and acrodis and aleuis, or vther small thingis. Item that thai mak mennis garments otherways than men ordanis thaimself or biddis. Item thai sow with fals graith. Item thai breik men ther dais. Item thai mak thaim maisteris or thai can the craft in grete skaithing of the king and the peple. Item thai wirk on haly dayis aganis the law of God, etc.

xxv.

Textores.

Textores debent calumniari et accusari quod faciunt nimir multas filorum reliquias et etiam nimir longas in damnum et prejudicium
ITER CAMERARII.

populi. Cum accipiunt pannum per pondera et per pondus eundem
restituunt faciunt eum humidum et aspergunt eum vrina et alis vt sit
majoris ponderis et hoc modo magnam ejus quantitatem sibi retenent.
Capiunt malum et putridum flum ex lino vel lana illud imponunt tele
et intexunt festinationis causa.

Off chalance of wobstaris.

In the first that thai mak our lang thryms in skaiting of the peple. Item
whair thai tak in with wechtis when thai gif jt out thai mak jt donke and wete
with water, castand thingis therin to gar it wey and ther throw haldand out of it
to thame self a grete quantite. Item that thai tak a mannis yarn and puttis in
ane vtheris wob for haste.

xxvi.

Polentarij.

Polentarij qui brasium curant et faciunt Maltmakers calumniari debent
quod faciunt bonum brasium et malum et simul et conjunctim cum
debent ea facere separatim et pro diversis pretijs. Non satis neque
bene mergunt in aquis hordeum quod est ejus perfectionis magnum
impedimentum. Cum in horreo illud faciunt permittunt et tolerant ipsa
grana substantiam suam emittere ex vtraque cauda cum ex vna cauda
tantum id fieri debeat. Faciunt brasium super mala terra seu pavimento
horrei vnde redditur malum et insalubre. Brasium non fumatur super
molendino. Molunt in molendino nimis tenuiter vel in nimis parvas
partes et ea est causa quod eum coquitur in lie masking fat non currit
quia in molendino vnumquodque granum debet frangi tantum in duas
vel tres particulas.

Off the chalance of malt makaris.

In the first that thai mak baith evill and gude malt all togidder, whar thai aucht
to mak thaim sundry and synne sell thame of sundry price. Item that thai steip
nocht ther beir eneuch for grete haste of the makyn of jt. Item that thai lat jt
akyrepire and schut out all the pith of jt, whare it aw bot to chip and cum at the
tane end. Item that thai mak jt on ane evill flure throw the whilk jt is maid
THE CHALMERLAN AIR.

spewill and vnhailes. Item that thai reyk jt on the kill. Item that thai grynd jt our small that jt will nocht ryn when jt is maskit, whair jt aw to be grundin bot in twa or in thre.

XXVII.

Sellarii sive Ephippiarii.


Off the chalancie of sadillaris.

In the first that thai mak the sadillis of grene tymmer, whair thai aw to be maid of widdorit and dry. Item that thai festyn tham nocht fast, na bindis with lethir na glew, as thai aw to be. Item that thai knyt to ther [sadillis evil] harnassyng fals bridill, bittis and sterapis broken, throw the whilk mony men ar hurt or slayn. Item that thai hald nocht thair dais that thai mak to men. Item that thai hald nocht thair halydais.

XXVIII.

Secreta inquisitio.

Articuli inquirendi in priuata aut secreta inquisitione. In primis si quis diepersonauerit ballius vel seruientes in officiiuis suis faciendis vel ipsos impedierit quo minus iusticiam facere valeant ut debent. Item si quis foristallauerit burgum animalia vel cetera bona emendo vel vendendo. Item si sit aliqua terra in burgo foris facta ex quacunque causa. Item si sint defamatores vel rebelles sive noctuiagi in burgo. Item si quis abjurauerit villam pro aliquo debito seu malefacto et postea redierit. Item si sit aliquis bastardus qui terras acquisierit nullum heredem de corpore suo relinquens. Item si sint aliquae communies venelle obstipate et per quem. Item si sint aliquae terre in burgo vel
extra que non soluunt domino Regi reddatum. Item si quis faueat aliqui
domo magis quam domino Regi reddendo sibi censum annuum. Item
si aliquis impetrat dominum rure manentem ad veniendum in curiam in
burgo ad prejudicium vicinorum suorum. Item si aliquis trahat vicinos
suos ad justiciam ecclesiasticam a curiis secularibus. Item si quis
vititur binis mensuris sollicitat stateris ponderibus sive vlnis. Item si
mete et bonde burgi bene et fideliter circumquaque custodian tur. Item
si sit aliqua confederatio inter aliquos ville per quam vicini iniuste
grauentur vel pauperes in aliquo deprimantur. Item si tintores vel
sutos qui sunt fratres gilde vtuntur officij suis manibus propriis.
Item si suotos sint tannatores. Item si communis bursa bene custo-
diatur et ut decet equaliter diuidatur. Item si baliuii vendant libertatem
burgi aliquibus sive communitatis licencia. Item si aliqui vel alique
dicientes se non brasiare tamen quandoque vendunt commensalibus suis
cervisiam sine gustatione prehabita vel precio ante imposito quod facere
non tenentur. Item si sint aliqui qui hospitantur et receptant male-
factores in suis domibus. Item si sint aliqui qui abducunt lanam
pelles aut coria aut alia bona de quibus non soluunt customam debitam
et consuetam. Item si qui sint qui consilia vicinorum vel domini regis
aut ea que in inquisitione vel assisa deponuntur alij enarrant. Item si
qui sint qui terras vel redditus in manus religiosorum aut aliorum
virorum ecclesiasticorum dederunt sine licencia domini regis. Item si
qui infr a burgum qui purpresuram faciunt in prorsa aliqua quibus
vel in communi. Item si qui sint inductores false monete de regno
forinsec:o. Item si aliqua indicia sint falsata et non presentata et
notificata illis quibus debuerunt presentari.

Off the poynitis that aw to be inquerit be the gret assys.
In primis gif ony has dispersonit the balye or the seriandis in doand thar office,
or has mad thaim impediment whar thru thai mycht nocht do the law as
thai aucht. Item gif ony forstall the burgh byande or selland bestis or any
other gudis. Item gif thar be ony land in the burgh forfalt thru ony cause.
Item gif thar be in the burgh ony scanderaris, rebellouris, or wakaris on the
nycht. Item gif ony has forsoworne the toun for ony cause, and efterwart cumis
again to the toun. Item gif thar be ony bastard the whilk has gottyn landis
nane ayr hafand of his body gottyn. Item gif ony comone wenal be stopyt and
be wham. Item gif thar be ony land in burgh or vsouth that has nicht payit the Kingis rent. Item gif ony cumis til ane other Lorde than the King gevand him anwell rent. Item gif ony purchase a lord duelland to landwart to cum to the court of the burgh in prejudice or seath of his nychtbouris. Item gif ony drawis his nychtbouris to the Christiane court fra the secular. Item gif ony oysis twa mesuris, wechtis or elnis. Item gif the merkis and bondis of the burgh be weil kepit til ilk man. Item gif thar be ony confederacioun or band betwene ony of the toun thru the whilk the nychtburhede is wrangwisaly greffyt or pur men oppresseyt. Item gif litstaries or soutar is that ar of the gilde oysis thar craft witth thar awn hande. Item gif soutar is be barkeris bot of thame that the ere of the bestis and the hornis ar in like lang. Item gif the comone purs be weil keepit and even pertit as it sulde be. Item gif the balyeis sell the fredome of the burgh till ony with out leff of the comunite. Item gif thar be ony that callis thaim self na broustaris and neuer the lees sellis to thar burde al vtastyt or any price gangeande befor. Item gif thar be ony that herberis or rosavis misdoaris. Item gif thar be ony that has away woll skynnis or hilles of the whilkis thai pay na custom sucht and consuet. Item gif thar be ony that tell or revel till other the consail and privateis of the nychtburis, or the Kingis, or thai thingis that ar put in ane inquest or in ane asissé. Item gif thar be ony that has gevin thar landis or thar rentis in the handis of religiouse men or kirkmen withoutyn leff of the king. Item gif thar be ony purprisand in propyr or in comone of the burgh. Item gif thar be ony inbringaris of fals mone of ane other kinrik. Item gif ony domes has bene falsyt in the burgh and nocht presentit befor thaim that thai aw to be presentit to.

XXIX.

Decreta camerarii non debent devolvi ad judicem inferiorem.

Item actiones sive placita mota sive intentata coram camerario de jure nunquam debent devolvi vel descendere ad judicem inferiorem. Item damna et expense taxate in itinere camerarii neque debita per ejus sententiam et decretum recuperata et judicata solvi debent donec quadranginta dies [a tempore late sententie numerandi] preterierint. Item quicquid camerarius in sua sententia ordinaverit seu decreverit aldermannus et balliui ipsius burgi debent curare vt solvatur. Item quicunque
calumnia verit ballium alicujus burgi in aliquo quod tangit ejus officium non cogitur respondere nisi coram camerario.

Off the privilege of the chalmerlane air.

It is to wit that all actions of mute or plede, movit or furth brocht in aire of chalmerlane, aw nocht to descend in na lawar court neuer mair fra thine furth. It is to wit that in the air of chalmerlane sowmyt skaithis aw nocht to be followit, na raisit of law, na yit na deittis therin wonyn payit whill xe dais be runyn. Item all thingis wonyn befir the chalmerlane, the alderman or balleis of the burgh aw to gar it be pait. And alsua jt is to wit that wha sa chalangis ony bailye of the burgh of ony thing as tuicheand his office, he aw nocht to ansuer be bot befir the chalmerlane.

HEIR ENDIS THE CHALMERLANE AIRE.
CURIA QUATUOR BURGORUM
EDINBURGH STIRLING BERWICK
ET ROXBURGH.

[THE COURT OF THE FOUR BURGHS
EDINBURGH STIRLING BERWICK AND ROXBURGH.]
CURIA QUATUOR BURGORUM.

[THE COURT OF FOUR BURGHS.]

IN CURIA QUATUOR BURGORUM tenta apud Stirling xii die mensis Octobris, Anno Domini mccccv., decretum est quod duo vel tres sufficiences de quolibet burgo domini Regis ex parte australi aque de Spey sint quolibet anno, secum commissionem habentes, ad dictum Parliamentum quatuor burgorum ubicunque tenendum fuerit, ad tractandum ordinandum et determinandum super his omnibus que ad utilitatem reipublice burgorum universorum dicti domini nostri Regis et ad eorum libertates et curiam dignoscuntur pertinere.*

IN THE COURT OF THE FOUR BURGHS halden at Stirling the twelth day of the moneth of October mccccv., it is decreited that twa or thrie sufficient burgesses of ilk ane of the Kings burghs, vpon the south side of the water of Spey, hauand sufficient commission compear yearlie to the Convention of the foure Burghes to trait, ordaine and determe vpon all things concerning the vtilitie of the common well of all the Kings burghs, their liberties and court.

* This chapter is from Skene. The MS. from which the following six chapters are taken does not ascribe their enactment to the Convention of Burghs.
THE COURT OF FOUR BURGHS.

[1.]
Quod nullus debet replegiare hominem suum pro foristolatione.
Item quod nullus cujuscumque status fuerit replegiare poterit hominem suum de transgressione foristolandi, extra curiam burgi vel itineris camerarij exceptis his qui habent burgum propinquum vel eis proximum ab antiquis temporibus ad hoc privilegiatum.

[That na man may repledge for foristallings.]
Item that na man of what estate he be, may repledge his man for foristallings, fra the court of the burgh or the chalmerlane air; except them wha hes ane burgh neir adjacent to them hauand priviledge in auld times in sic caussees.

[II.]
Quod nullus sit burgensis nisi habeat terram hospitatem etc.
Item quod nullus gaudeat libertate burgi nisi habuerit vnam terram hospitatem et distringibilem infra diem et annum post introitum.

[That no one be burges bot gif he haue land inhabit, etc.]
Item that na man sall bruke the libertie and fredome of the burgh bot gif he haue ane land inhabit and streinyeable within yeare and day after his entrees.

[III.]
Quod burgensis ruralis non habeat loth.
Item quod nullus burgensis rure manens habeat lot neque cavil equaliter cum Burgensibus inhabitantibus.

[That na burges dwelland a landwart haue lot.]
Item na burges dwelland a landwartould have lot nor cavill with burgeses dwelland within burgh.
CURIA QUATUOR BURGORUM.

[iv.]

"Quod nullus templarius eiciat mercionia pertinentia ad gildam."

Item quod nullus templarius debet se intromittere cum aliquibus mercimonijis vel bonis pertinentibus ad gildam emendo vel vendendo infra terram suam vel extra nisi fuerit confrater gilde.

[That na templair sall intromit with merchandise perteining to the gild.]

Item na templair sall intromet with any merchandise or gudes perteining to the gilde, be buying or selling within or without their awin land, bot gif he be ane gilde brother.

[v.]

De probacione.

Item quod duo homines bone fame qui audierunt et viderunt possunt probare quamcunque summam tam excedentem quinquaginta solidos quam infra. Servata tamen forma in lege scripta de burgense ad burgensem qui possunt ponere se ad solum juramentum suum si testes defuerint.

[Anent probation.]

Item twa men of gude fame wha saw and heard, may proue any summe exceeding fourtie shillinges or within the samine. Observing alwaies the forme preservyd in the law betwix burges and burges wha may swear be his awin eath gif he hes na witnes.

[vi.]

De cognitione fractionis assise panis et ceruisie.

Item ballinus potest omni die exceptis diebus festivalibus cognoscere et corrigere super fracturam assise panis ceruisie et carnium et rebelles et perturbatores infra villam quotiescunque opus fuerit et querela advenit.

[Anent the cognition of breaking of the asise of bread and aill.]

Item the Baillie may ilk day, except it be ane halie day, cognosce and correct the breakers of the asise of bread, aill and flesh, and als the rebelles and perturers within the burgh als oft as necessitie requyres and complaint is made.
FRAGMENTA QUAE DAM
VETERUM LEGUM
ET CONSUETUDINUM SCOTIAE
UNDIQUE COLLECTA.

[FRAGMENTS OF CERTAIN OLD LAWS AND CUSTOMS
OF SCOTLAND
COLLECTED FROM VARIOUS QUARTERS
SO FAR AS CONCERNS BURGHS.]
FRAGMENTA COLLECTA.

I.

De plegiagio burgensis pro burgensi.

Quilibet burgensis debe esse plegius alterius primo secundo tercio et quousque pro ipso aliquid amiserit et tunc non tenetur esse plegius eius ultius nisi sponte voluerit et nisi dampna sua restituat sibi. Et simile erit de brasiatricibus et carnificibus et pistoribus qui accommodabunt vicinis suis carnes panes et cerasiam quamdiu fuerint in vendicione et si non bene pacauerint eis non tenentur plus accommodare.

Of a burges borgh for a burges.

It is to wytt that a burges aw to be borche for ane other burges anys, tuyse, thrise, whill he ony thing tyn for him and than he is halding to bo borghe for him na langar, bot gyf he lyk of fre wil and bot gif he restor him his seathes. And rycht sa is of baxteris, brewstereys and fleschewareys, the whilkis sal len to thar nychtburis flesch, bred and all als lang as thai ar in sellig, and gif thai pay thaim nocht weil again thai sall be destrenyeit to pay, and fra thine furthe thai ar nocht haldin to len thaim ony mar.
FRAGMENTS OF OLD LAWS.

II.

Lex bona de fratribus gilde.

Si aliquis de fratribus gilde deuenerit pauper fratres gilde ipsum adiuen
de bonis gilde aut faciant collectam per ville communitatem vsque
viginti solidos et si obierit ipsum venerabiler facient sepeliri.

Of the breder of the gild.

Gif ony of the breder of gilde fall in pouerte, the breder of the gilde sal help
him of gudis of the gilde, or thai sal mak a colect throu the communitie of the
toun to the some of xx. s.; and gif he discess thai sall ger him be erdyt.

III.

De pena rebellium in burgo.

Si quis burgensis fuerit rebellis contra communitatem ville vel fraudem
fecerit et de hoc fuerit convitectus domus eius ad terram prosternatur et
ipse a villa amoseatur.

The payn of rebellouris in burgh.

Gif ony burges be rebellour again the communitie of the burgh, or haf done ony
fraud and apone that be convickit, his hous salbe strikyne to the erde and
him self put out of the tonne.

IV.

De plegio in burgo.

Nullus emat in burgo aliquam rem nisi habeat legalem plegium exceptis
cibo et potu et pannis scissoratis et huinusmodi minutis mercandijs. Et
si aliter emerit rem emptam ammet licet per legem emerit. Et si res
empta ab eo calumpnietur et recuperabitur ab eo plegius tamen saluat
sibi vitam et membra.

Of a borgh in burgh.

Thar sall na man by ony thing bot he haf a lauchful borgh, outtan met and
drink and schapin and made clothes and sic like smale merchandise; and gif he
v.

Quod nullus burgensis deferat panem uel ceruisiam ab vno burgo ad aliud ad vendendum.

Statutum est quod nullus burgensis deferat aut cariat panem uel ceruisiam de vno burgo ad aliud burgum ad vendendum in grosso aut denariatis sub pena eschaete panis et ceruisie et amerciamentio octo solidorum ratione jniurie et preiudiciij facti in contrarium vicinorum et libertatis burgorum quoniam nullus debet occupare libertatem alterius et debetur amerciamentum in burgo [ubi] apprehenditur delinquens quoniam ratione delicti quis sortitur forum.

[That na burges bring bred or ail fra ane burgh to ane other to sel. It is ordanit that na burges bringe or carie bred or ail, fra ane burgh to ane other burgh to sel in gret or in pennyworths, under paine of escheate of the bred and ail and amercement of aucht shillin for the injurie and prejudice done to the nygbors and the libertie of burghs, forasmekle as nane aw to encroach upon the libertie of ane other; and amercement is aucht in the burgh where the trespasser is found, for he becomes subject to its courts by delict.]

vi.

Quod inhabitantes baroniam infra burgum debent subiacere.

Item quod omnes inhabitantes terras baronie infra burgum subiciant legibus burgorum et corrigitur per balliuos de fractione assise et precij et in omnibus aliis causis et actionibus ciuilibus.

[That the inhabitants of a baronie within a burgh should underly burgh jurisdiction. Item that the haile tenants of lands of a baronie within a burgh aucht to be subject to the lawis of the burgh, and be corrected be the balyees anent brakand the asise price, and in all other causes and civil suits.]
VII.

De libertate burgensis extra manentis.

Item burgenses extra manentes in omni burgo regis habebunt easdem dilaciones diebus legalibus sicut vicinus ad alium vicinum.

[Anent the libertie of a burges dwelland outwith.

Item that burgesses dwellast outwith in onie the King's burgh, sal haue the samine delay on legal daies as ane nychbor again another nychbor.]

VIII.

Off speciall fredomes grantit to the burgess be king Wilyame.

The King Wilyame, King of Scotlande, grantit to the burgesses of his said kynrik that none of thaim suld be distrenyeit be na man to yelde ony det bot gif he be othir borgh or dettour. And alsaue he has grantit to the said burges that thai haif thar merchandise with all the fredomys pertenand thairto, sua that none of thame be mot without the yettis of thair toum of na maner of mute outtakin the mutis of all termys. And alsaue he has grantit to thame that none of thame do batale bot of the mutis that fallis to the Kingis Crone. And yit at thai be derenyeyt be the law of Wynecheste, that is, throu the acquittance of xij lele men that ar burges. And alsaue he has grantit to thame and thair airis that thai salbe quy of tol and lastage, of pontage of passage alswele within as without of all the havynnis of the sey within the kinrik of Scotland, alswele on this side of the Scottis sey as beyond. And alsaue he has grantit to thame that none of thaim be demnit in amerciament of thair gudis bot effir the custum of the Wynecheste, and that is nocht attoure l. s. And he has grantit thame alsaue that thai sall haue thair landis tenementis or weddis or dettis to thame aucht reasonably. And all maner of othir thingis till thair creance lent or laid in wed within thair burghe it sall fully be determyt and endit.

IX.

Off the privelage of the burges dwelland vponlande.

It is wytt that na burges that dwellis out of the burche may by, na sell, na fre be in ony burche bot in that ilk burch that he is burges in, and that is ordanit of law.
De saysina in burgo.

Nemo potest probare sasinam terre empte secundum legem et assisam burgi factam per dominum David regem anno domini millesimo centesimo sexagesimo nono nisi per duodecim legales et sufficiences burgenses et vnum prepositum qui probabunt quod illa terra in tribus capitalibus placitis propinquoribus parentibus et amicis fuerit oblata. Secundo quod intrans habuit sasinam super somum coram predictis duodecim et preposito et quod dedit vnum denarium de introitu item quod ipse sasinam dicta terre per vnum annum et vnum diem tenuit sine calumpnia alicuius parentum. Et si omnes duodecim cum preposito mortui fuerint potest probari per tot modernos qui iurabunt per magnum juramentum quod verum inde dicent nec veritatem inde tacebunt sed ad scientiam suam dicent quod de illa re de qua interrogabantur proprium visum et auditum habuerint et noticiam vel per verba patrum suorum vel per tales quibus fidem adhibere tenentur ut propriis. Item probabunt quod vendens vendidit illam terram ratione paupertatis et illa paupertas debet probari ante vendicionem per duodecim legales et fideles homines scilicet per quatuor manentes in vna parte ipsius ville et quatuor ex alia parte et quatuor manentes ex opposto domus aut mansionis eius aliter enim vendicio illa nulla est.

Off the manner and the mute of the breffe of rycht in burche.

A man may profe sesing of lande boucht wyth in the burche efter the law and the assise mayd be David King of Scotland this maner, that is to say be the wytnesing of xij men lawchfull, lell and suffycyande burges, and be a balye, the whilk men sail profe that lande was proferyt in hede courtis as law wald to the nearrest of the blude, and alswa thai sail profe that he that sauld it hayd sesing on the [ground] befor thai xij lell men and the balye, and to the byar befor thame sesing gaff. And alswa that he gaf j. peny to the balye at his out paasing. And alswa that he that that lande selyt, precioysit it pesably xij months and a day, foroutin chalanuce or clayme of ony man maid tharin. Ande gif all thai xij men be dede wyth the balye, yhet may he profe the sesing wyth als mony of men leffande, and thai sail swer the gret athis thai sail thar of suth say and na suth layne, at thar connynge and at thar knowlage, or thane be the
FRAGMENTS OF OLD LAWS.

worde of thar faderys to the whilk thai aw to geff ferme treuth and credens as to thame selfe, and alswa thai sall profe that the man that saulde that lande salld it off veray pouerte befor the sessing of in gefing to the byar, and that profe aw to be prowyt of his pouerte be iiij lell men dwellande on the ta part of hime, and iiij on the tother part of hime dwellande, and iiij dwelland evino forgan the dure of his hous. And ony selling vther wayis be maid the law sayis that it is wayne and of na walew. And geff ony man compleynesiis to the King that ony man halde fra hime his fee and his herytage be the deforcemont of hime, than sall he haue the Kingis broffe.

xi.

Distinctio inter feodofirmarium et firmarium.

Item feodofirmarius non potest firmarium facere de aliqua terra nisi prius reddatur capitali domino et ipse faciet illum firmarium. Et tunc primo ille firmarius habebit libertatem burgi quia duo homines simul et semel non possunt habere libertatem burgi de uno et eodem burgagio.

The distinction betwix the fewfermar and a malar.

A fewfermar may nocht mak a fermour of ony lande, bot it be first gevin vp to the first ourlord and he sai mak him fermour or malar, and then at the first that fermour sai haf the fredome of the burgh, for ij men bath at anis and to giddor may nocht haf it of the samyn burrouagis.

xii.

Processus super deforciacione recenti.

Insubsidium pauperum statuit Robertus Rex primus super deforciatione recenti in burgo quod si alius quis conqueratur preposito vel balliuis burgi mediante plegio quod inustae deforciatur per talem de tali terra tali tenemento vel tali annuo redditu deforciens citabitur per talem plegium incontinenti quod compareat ad talem horam super solo terre coram preposito vel balliio burgi parti conquerenti responsurus. Et curia tenebitur sine dilacione super solum dicte terre ad quam curiam sine venerit deforciens siue non procedet assisa. Et illa die immediate ante leuationem judicis per bonam et non suspectam assisa terminabitur cui eorum jure debetur dicta terra dictum tenementum vel dictus annuus redditus ita quod ille contra quem determinatum fuerit nunquam post-
modum inde audiatur. Et sciemque est quod in hoc placito non debent audiri dilaciones et essonia defalte seu plegis sicut in aliiis placitis sed de plano debet procedi non tantum ad cognitionem possessionis sed eiam feodi et liberis tenementi quis placitum recentis deforcianti tangit liberum tenementum feodum et possessionem quandoque simul quandoque quodlibet eorum per se quia recens deforciantio idem est quod recens spoliacion vel recens intrusio. Nam quandoque deforciantur quis de possessione quando aliquis possidet terram tanquam vadiatam et inde eicitur inusti quandoque de libero tenemento quando aliquis habet pro vita sua terram sed ininde inusti eicitur quandoque de feodo quando aliquis non potest habere ingressum neque recursum ad terram suam post mortem ipsius qui habebat liberum tenementum quandoque de possessione libero tenemento et feodo simul sicut sepe accidit quando aliquis de terra sua hereditaria eicitur inusti siue spoliatur per illum qui inde nullum jus neque rectum habet.

Of the borch of fresch defors.

It is to wyt that in help and subsyde of thaim that ar ourpressyt, Kyng Robert the Bruss has ordanit after his conquest, to the mar spedfull and profitabil restoring of borowys apone fresch defors, that giff ony compleynyeis to the alderman or to the balywis of the burgh that wrangwisly he is defforsyt of his land, and fyndis a borgh ther apone, the defforsar salbe soumonde incontinent be sic lik borgh, and the court salbe haldfyn without delay apon the grund of that forsaid land, and that day betwene the ryseng and the gynyn doune of the soune, be a good and noch suspeke assise, it salbe determinit to wham of thaim rych of that land pertenis. So that he againnis wham it is determind be the forsaid assise of that land newr in tym to cum salbe herd as anent that clame. Ande it is to wyt that in that case and mut thar fallis fa forthier delayis or essonyes, or borowys fyndyn, bot roundly and planly it sa procecd to recognicion nocht allanerly of possessioun, bot alsua of fee and franktenement, for whi the mut of fresch defors toucheis franktenement, fee and possessioun, sum tym togidder and sum tym ilk ane be thaim self, for why fresch deforsyg is alsmekill as fresch spoliacion, or a fresch intrusiou when ony man possedis land as wadset, and thereof is casteyn out wrangwisly sum tym of the franktenement, as when ony has land for term of his lyf and thereof is furtheastyn wrangwisly, sum tym of fee, as when ony man may nocht haf entra na recours til his land after the dec of him that had the franktenement thereof, sum tym of possessioun, franktenement and fee togidder, as oft tym hapisn that sumtym a man is furth castein and spyleyt of his herestabil landis wrangwisly be him that nouder law na rycht has.
Ad fortificandum statutum Roberti super recenti deforciacione.

Ad robosrand Regis Roberti Brioss primi statutum de recenti deforciacione [ab] vniuersitate et sano consilio burgorum regni Scoecie decretum et constitutum quod licet aliquis fate presumpserit judicium falsare immediate siue infra quadraginta dies prestando plegios de illo prosequendo infra tempus debitum non debet audiri nec eius plegium recipi set tanquam rebellis puniri amerciatento x. librarum quia quod per assisam semel determinatur iterum determinari non debet juxta illud statutum regis Roberti preallegendum vbi dicitur quod ille contra quem per judicium recentis deforciacionis semel determinatum est nunquam inde postmodum andietur. Et sic illud statutum cum consilio burgorum relinquitur esse perpetuo seruandum tanquam juss commune burgale.

[For the strengthenand a lawe of Robert anent fresch defors.

For strengthand a lawe of King Robert the Bruce, the First, anent fresch diffors, it is decreit and ordanit be the communitie and with the wise counsell of the burghs of the Kingdom of Scotland, that if ony sal rashly daur to false a judgment, incontinent or within 40 days, by giving pledges for prosecuting it within the set time, he acht not be herd nor his pledge taen, but be punished as a rebell be amercement of ten punds, because what hes ance been determined be aisse acht not til be agane determinet according to that lawe of King Robert before cited, whar it is said that he agannis wham a judgment hes anes been given be a decree of fresch diffors sal never thereafter be herd therein. And sa that lawe is left with the counsell of the burghs to be observed for ever as a common burgh lawe.]

De terra recuperanda pro annuo redditu non soluto.

Statutum est quod nemo in burgo intendens procedere ad recuperacionem tenementi vasti et indistribibilis ratione alicuius annui redditus debiti et non soluti tenetur deiustare terram aut tenementum suum presentando ad curiam burgi hostia fenestras ligna et huiusmodi nemo enim tenetur jure sibi ipsi damnun inferre vnde huiusmodi modus procedendi in burgo de cetero non est seruandus set invalidus sano consilio burgorum
annullatus prohibitus et tanquam condemnatus in posterum est habendus. Preterea qui voluerit in burgo agere ad recuperacionem terre seu tenementi indistinguishils ratione annui redditus debiti debet accedere ad terram seu tenementum cum testibus et bedello burgi et capere terram et lapidem illius tenementi et presentare balliuis ad tres curias capitales burgi. Et debent illi lapides et terre in sacculo ponii sigillo balliui sigillato et custodiri per actorem vsque ad quartam curiam capitalem et tunc presentabit actor balliuis in curia lapides et terras trium placitorum precedentium et petet jnde judicium possessionis et dabitur ei de jure.

[Antent the recovering of land for the yeirlie rent nocht payit.

It is ordanit that nane in burgh intendant to pursue for recovery of a tenement waste and undistainable because of certaine annuall rent being awand and nocht payit is bound to lay waste his lands or tenement by presenting at the Court of the burgh the dores, windous and timber and suchlike, for nane is bound be lawe to inflict damage on hisself, for the whilk this waie of proceeding is not hereafter to be followed but is to be henceforth held inept, being annullit, forbidden, and as it were condemnit be the wise counsell of the burghs. Attour, whassa sal wish to proceed in burgh for recourie of land or tenement unfruitfull, because the yeirlie rent is not payit, auct to gang to the land or the tenement with witnesses and the burgh sarjant, and tak erdo and stane of that tenement and present to the balyes at the three head courts of the burgh. And thai stanes and erdo aw to be placit in a poche saile with the balyes sale and keepit be the persewer to the fourth head court, and then the persewer sal schawe to the balyes in court the stanes and erdo of the thrie preceding courts and sal then crauo decreit of possession, and it sal be given him of lawe.]

HIC SEQUUNTUR CONSUETUDINES BURGORUM.*

HERE FOLLOW THE CUSTOMS OF THE BURGHS.

Prior in possessione debet primo recuperare saysinam.

Assisa tenta apud Novum Castrum determinavit quod cum aliquis burgensis fuerit in possessione alicuius terre sive iuste sive iniuste et

* The memorandum of customs which follows to No. 21, p. 171, including also Nos. 101 and 115 of the Leges Burgorum, seems to be the record of a conference held by several burghs for determining points of burgh law and practice.
superveniat alius dicendo se verum esse heredem de illa terra et eicerit cum extra possessionem propria autoritate sua et sine iudicio. Queritur utrum ipse qui prius fuit in possessione debet recuperare saysinam antequam dejecti respondat. Dicendum est quod ipse qui prius fuit in possessione sive iuste sive inuuste semper primo debet recuperare saysinam et eam tenere aut amittere in forma iudicii. Et dejector erit in foris factum domini regis.

[The first in possession ought first to recover sasine.]

This is the assisse of the New Castell, that gif ony man of ony burgh war in the possessioun of ony land whether it be rychtwisly or wrangwisly, and ane other cumis and sais hes werray ayr of that ilk land, and puttis him out that was in possessioun, of his awne autortie and with out dome. Wharfor it is askit at ws burges of the New Castell whethir he that was first in possessioun sal recouer his seising befor that he answer till him that put him out. To that than answer we, that he that was first in possessioun rychtwisly or vnyrchtwisly sal all tym first recouer his possessioun, and efter that gif he tyn his possessioun throu forme of law and dome, that he is haldin to doo. And he that puttis him out be his awn propir autortie and will, sal remayn in the kingis merciament.

Off lands given in seiknes.

xvi.

Perth.

And the burges of Perth than askis and of thai burrows and burges whether that ony burges of the Kingis of Scotland, in seiknes of ewil that he deis of, may gif of his conquest or heretage within burgh or vtouth til ane of his childer mar than til ane other of his childer cunnably. They say nay tharto.

xvii.

Lanark.

To all the sonis of halikirk that thir letiris seis or redis greting: The burrow greff and burges of Lanark wyt ye haly wele that sum quorell muffyt betuix sum burges of our toun of Lanark, that is to wyt whether ony burges may gif in seiknes of ewil that he deis of ony landis that he is in possessioun of conquest or of heretage in tym of his heil befor, throu the assent of the burges of Edin-
burgh lufandly becmen that we haf requerit, the whilk till we thar leteris has send with thar comone seil of Edinburgh enselit, and anseris that whilk custom and vsago in our towns of Edinburgh till this tym and yit it is, that na man may gif in seiknes that he deis of na landis of conquest, na heretage to na man wedset na change.

XVIII.

Edinburgh.

Till thar derrest friendis the burrow greffis and burges of Edinburgh: The burges of Abirden to yur gud consail anser we that eftir the custom of our burgh, the whilk yit is and to this tym was, that na burgis maie in the seiknes that he dois of gif ony maner of landis in the whilkis he is in possessioune in burgh heretage or conquest fra the werray ayr, na analy na sell, bot gif that the ayr be chargit on other maner that for mister him behufis his lande sell or wedset. Als it is saide ned has na law, bot gif his ayr may nocht of his dettie him deliuer in quyt in ony maner of way.

XIX.

Si aliquis burgensis procreaverit prolem de vxore eius legittima et ipsa moriatur et ipse burgensis postea contraxerit matrimonium cum secunda vxore et si ipse burgensis moriatur secunda vxor non debet manere in principali mansione utra quadraginta dies post obitum viri suj dummodo jlla mansio fuerit legittima hereditas descendens a patre ipsius viri nee acquisita tempore prime vxoris. Quia in legittima potestate sua potest dare terras suas acquisitas tam vxorinde sue legittime quam cuicumque alteri extraneo.

Aberden.

Till thar der frendis the burrougreffis and burges of Aberden, Patrik Dey, Mar of the New Castall and the burges of that ilk toun greting: Knowyn be it to yow that sic be the custom in our burgh of the New Castall that gif a burges gettis childer with his wif lauchfully, and scho dee, and that ilk burges spous ane other wif, and that burges dee, the tother wif sall duell in the principall wonnyng of
hir husband xl. dais efter the deid of hir husband, discendande of his fader and his eldfader. And gif that wonnyng in the whilk he deyت was of his conquest, he may gif that woning, as all his other landis throw him of conquest gottin, alswell till his wif as to ony other man.

DIVISIO MOBILIMUM INTER HEREDES ET ALIOS LIBEROS. A.D. 1295.

XX.

Decretum fuit per burgenses de Berwic Edinburgh Roxburgh et Striueling anno Domini millesimo ducentesimo nonagesimo quinto die lune proxima post epiphaniam Domini apud monasterium Sancte Crucis de Edinburgh quod naues naucule batelle nec equi alicuius burgensis defuncti nullo modo hereditarie ad heredem spectabunt. Set tantum melior palefridus quem ipse burgensis habuerit spectat ad heredem dum tamen non fuerit legatus alicui domui religioso quod si fuerit heres de racione potest petere meliorem equum post illum. Item decretem fuit per eosdem burgenses ibidem quod quilibet burgensis potest legare et conferre arma sua et vtensilia sua cuicumque voluerit in lecto egritudinis et extra saluis heredi suo armis et vtensilibus principalibus.

[Division of moveables among heirs and other children.]

It was decreed and ordanit be the worthy and noble burges of Berewyk Edinburgh and Sterling, the yer of Godo M. cc and nyatte v, the Monunday next after the Epiphanie of our Lordo Jehu Cryst, at the Abbay of the Haly Cres of Edinburgh, that is to say that schippis forcastis or battis, na hors of ony burges dede, aw, on na way, to pertene to the ayr horytably, bot neuer the less the best palfra fallis to the ayr and he be nocht gyffin to the kyrke or to sume religious man, thane may the ayr ask the next hors best effer. And it was decreted be the saide consallys that ilk burges may gyf and conferme his armour and his vtensely thingis whar euer him thinkis in his dede bede, safand to the ayr his armoure wyth other vtensellys principall.
FRAGMENTA COLLECTA.

XXI.

Item si aliquis burgensis procreauerit liberos legittimos ex uxore et ipse vel ipsa decedat tertia pars omnium bona rerum debetur liberi, filiis et filiabus suis, et heres dictorum viri et uxoris habebit eandem porcionem quam alii accipient nisi ipse heres fuerit forisfamilius.

Item it is custome in our burgh of the New Castell that gif ony burges lauchfully with his spousyt wif has gottyn ony childer, and he or scho de, the thridpert of all thar gudis salbe to the childer, sonnys or dochteris. And the sone first gottyn and lol ayr of that burges ded and of his wif, sal haf that ilk porcioun of gudis as ony of the tother childer, bot gif the ayr war frely set in landis or in other gudis befor.

XXII.

De resignatione terrarum in burgo.

Si aliquis vir aut mulier resignavit suas possessiones terre aut liberi tenementi a se pura in manibus balliorum post hec ille vir et illa mulier non possunt dare possessionem illius eiusdem terre vel liberi tenementi aliis donec prius idem vir aut eadem mulier fuerit possessus legittime aut possessa in eiusdem.

[Ancet resignation of lands in burgh.

If onio man or woman hes resignit land or frie tenement from his or herself simpin into the hands of the bailies, therafter that man or woman can not gie possessioune of that samyn land or tenement whil the same man or woman sal haue first been put into lauchfull possessioune of the samyn.]

XXIII.

Off bying of landis in manor of seising.

It is to wit that it is lauchfull and leiffull thing to ilk burges to gif or assigns his land, tho the whilk he has gottyn of purches or of conquest within the kingis burcht, to whame seauor him likis, bot gif thai be in stride or mute.
FRAGMENTS OF OLD LAWS.

xxiv.

De mercatoribus et aliis pro custuma.

Si mercatores vel alij quicunque non priuilegiati emant aliquid et non soluant custumam vel tholoneum et de hoc conviicti fuerint rem sic emptam amittant tanquam eschaetam domini regis et nichilominus dabunt forisfactum viij. solidorum.

Of custom of merchandis.

Gif merchandis or any other nocht preuilegit byis ony thing and payis na custum na tol, and apon that thai be convickyt, thai sall tyn the thing bocht as the kingis eschet, and neuer the les pay to the forfalt viii. s.

xxv.

De custuma non soluta.

Item si quis emat aliquid et transeat per locum vbi deberet reddere custumam balliuis domini regis et non det custumam et de hoc conviictus fuerit, amittet pro quadrante quinque solidos et quadrantem, pro obolo dececm solidos et obolum, pro vno denario vigintis solidos et vnum denarium et sic deinceps, et rem illam tanquam eschaetam domini regis amittet nisi ponat custumam suam ad locum statutum sub terra vel sub lapide. Et nichilominus ad forisfactum viij. solidos soluet.

Of custom nocht payit.

Item gif ony byis ony thing, and pass through places whar custum aw to be payit to the kingis balyis and payis nocht custum, and apon that he be convickyt, he sal tyn for ilk ferdinig v. s. and j. quad., and for j. ob. x. s. and j. ob., and for j. d. xx\(^4\). s. and j. d., and sa furth, and neuerthles the thing salbe eschet to the king; bot gif he lay his custum in the statut place vnder the erde or vnder a stane, and neuer the les he sall pay viij. s. to the forfalt.

xxvi.

De quietis a thelonio et custuma.

Comites et barones milites vassalli et liberetenentes per cartam et firmam ad terminum vite et omnes qui tenent terram elemosinatam
erunt quieti a thelonio prestando et custuma infra burgos, videlicet qui sunt in comitatibus vbi maneant ad emendum et vendendum victum et vestitum ad suas suos proprios nisi aliqui ipsorum fuerint mercatores communes et tunc debent custumam et eciam firmam qui habent eandem libertatem quam barones habent. Hec Dauid Rex apud Edinburgh.

Of thaim that ar quytt of toll.

Erlis, barounis, knychts, vavasouris, and fre tonandis be charter ando ferme of the terme of thar lyf, and al thai that haldis landis gevin in almouse, salbe quytt of gevin of toll or custom within the burrowys, that is to say wythin the erdomyys whar thai dwoll for to sell and for to by met and clathing to thar awin propyr vays, bot gif sum of thaim be comone merchandis, and than thai aw custom and mall althoyt thai haf the samyn fredom that has the barounis of baronyis. Dauid et Edinburgh.

xxvii.

Of canage of wol and hydis.

Thar is aucht for a last of wol for canage, xvij d. whar it aucht to be gyfyn as at Berwyk on Twode. And thar is aucht for the canage of a last of hydys, xij d. of a last of crouf, j. d.

xxviii.

De purgacione burgensis.

Si burgensis vel aliquis alius debet se purgare contra dominum Regem vel eius ballium de quereulis inter se motis in burgo, vndecima manu se purgabit nisi querela tangat personam domini Regis vel vitam vel membra aut terram aut tenementum. Et tunc duodecima manu omnino se purgabit.

Of purgacione of a burges.

Giff a burges or any other aw to purge him again the King or his balye of the playnt betwen thaim múfít in the burgh, with xi. hand he sal purge him, and whar the quereull tuechis the Kingis person, or lif or memberis, or land or tenement, than with the xij. hand he sall purge him.
FRAGMENTS OF OLD LAWS.

XXIX.

De libertate burgensis.

Burgenses qui sunt mercatores et pedepulerosi quando exeunt extra quatuor portas in omnibus mercandijis et agendis et si male egerint extra quatuor portas vel in aliqua baronia habeunt sine contradicione legem mercatorum tertia hora diei in crastino. Item statuit rex David quod omnes burgenses sui sint liber i per totum regnum suum tam per aquas quam per terram ad emendum et vendendum et ad commodum suum faciendum absque perturbacione super plenariam suam foris facturam quia sunt in sua firma protecione.

Of the freedom of a burgess.

Burges or merchandis or pipouderous, when that pas vtouth the iiiij yeftis or in the barrouny, thai sall haf with outyn contradictionio the law of the merchandis fra the thrid hour of the day whil the morne. Item king David statut that al burges suld be fre throu all his kinriik, alswel be watter as be land, to by and to sell and thar profyf for to doo, withoutyn ony distrobillans vnder full forfaltur, the whilk ar vnder his form proteczioun.

XXX.

De forma citacionis in burgo.

Citacio eciem debet fieri in burgis per bedellum. Et debet citare talem tali die ad domum suam coram talibus testibus A. B. C. videntibus et audientibus quod sit coram talibus preposito et balliuis etc. tali die tali anno ad respondendum tali super tali re seu causa vel tali breui. Et si non compareat bedellus non jurabit sed testes jurabunt de recordo faciendo in plena curia de citacione legaliter facta.

Of the form of somonding.

Somondis aw to be maid in the burgh be the bedal, and he aw to somonde sic a man, sic a day, at his house, befor sic witnes A. B. and C. seand and herand, that he comprer befor sic alderman and balyeis of B., sic a day, yer, and sted, till anser till sic a man, apoon sic a thing, or sic a cause, or to sic a bref. And gil he compris nocht thar, the bedal sal [nocht] suer, bot the witnes sal suer of the recorde to be maid in playn court of the somoundis lauchfully maide.
xxx.

De namis vendendis tertio denario pretalcato.

Item de namis capiendis videtur expediens et legittimum quod officiarum burgi videlicet balliui et serianij intrent domum debitoris et deducant namos sufficientes pro tali debito et reddant creditoribar extra domum et jilos namos sic deliberatos creditor et serianus offerre debent in foro ad vendendum per tres dies fori. Et quarto die vendantur nami per creditorem et serianum pro majori precio quod pro illis acquiri poterit sine fraude et si tune vendj non poterunt appercipientur dicti nami per veros appriciatores fideles et non suspectos et ad hoc iuratos. Et super jilos precio tertio denario descalcto deliberantur creditoribar et si quid superstit reddatur creditoribar [debitori] et si illi nami sufficeret non poterunt recipiantur alij nami incontinentem et reddantur creditoribar vsque ad dicti debiti complementum.

[Anent the sale of poind and the third penny first out tane.

Item anent takand poind, it seems fit and lauchtfull that the officers of the burgh, that is to say the balyeis and sarjants go into the house of the debtor and carrie off poind eneuch for sic debt and give it frielie to the creditor outwith the house, and thai poinds so delivered, the creditor and the sarjant paw to offer in the market place for sale during thre market daies. And on the fourt daie, the poinds sal be sauld by the creditor and the sarjant for the highest price that can be obtainit for them without fraud; and if the said poinds canna then be sauld, thai sal be apprised by prisers trew, leall, not suspect, and sworne for sic purpose. And at that price, the third penny being deducted, the poinds sal be delivered to the creditor, and if anything remains it sal be restored to the creditor [debitor], and if these poinds be not sufficient, other poinds sal be tane incontinent and giuen to the creditor in full of the said debt.]

xxxii.

De plegis capiendis de burgense.

Item si burgensis arrestetur ad sectam alicuius causa debiti ant caussa alicuius alterius et non habuerit alicuod tenementum sine bona mobilia
FRAGMENTS OF OLD LAWS.

vnde possit satisfacere de calumpnia et de stando iuri jnuenire debet plegios alios pro se ad hoc sufficientes et distingibles.

[Anent tackand pledges of a burges.

Item if a burges be arrestit at the suit of any one for debt or ony other thing, and haue na tenement na moveable geir fra the whilk he can satisfie in the matter of the complaint and for abiding the judgment he aw to find for hisself other sufficient and distrainable securities.]

xxxiii.

De transgressoribus puniendis.

Item teneantur curie legales et corrigantur legis transgressores de quindena in quindem per totum annum nullo tempore excepto.

[Anent punishment of transgressors.

Item courts of lawe sal be held and lawe-brakers punished ane in fyftene dais thro the haill yeir, at all seasons of the year.]

xxxiv.

De burgense attachiato.

Si burgenses indictati fuerint et attachiati et presentati in curia si allegauerint libertatem burgi sui et petant crucem et forum suum habere debent. Vel si sint homines alicuius regalitatis dominus illorum vel ballius domini si petant eos ad curiam dominorum suorum ipsose habere debent. Et nota quod ballius eorum debet ostendere et docere ipsum esse ballium antequam exaudiri debet. Et eodem modo de preposito et burgensibus.

[Anent the attachment of a burges.

If burgeses be indictit, attachit, and presentit in court, and plead the friedome of their burgh, and craue to haue thair awin cros and market, they aucht to haue it. Or if they be of anie regalitie, their lord or his balyie, if thai claim them to the court of their lord, aucht to have them. And tak notis that thair balyie aw to schaw and pruv that he is their bailie befoir he sal be herd. And in like manner in the case of provost and burgeses.]
De satisfactione dampni animalium.

Si quis burgensis noluerit facere capitalem sepem vel alia loca sua aperta [reliquerit] vt vicini sui dampna incurrant per animalia ibidem intrantia, jpsce cuius sepes est dampnum emendabit et nichilominus dabit servienti iiiij" denarios et aperta loca sua reficiet.

Of assith of scath of catell.

Giff ony burges will nocht mak his hed dyk or other placis that are opyn, whar through his nychtbouirs sustenis scath be bestis at tha placis enterand, he that aw the beestis sal amend the scath, and ner the less he sal gif to the forfalt iiiij penijs and mende the opin place.

De emendatione dampni animalium in burgo.

Item si aliquis burgensis fecerit capitalem sepem vel alia loca clausa et animalia vicini sui ibi intrent per que dampnum incurrit ipse cujus animalia sunt dampnum emendabit, et nichilominus dabit quatuor denarios servienti illius qui passus est dampnum et loca que animalia illa fregerint reficiet.

Off the sattisfaccioune of scathis don in burghe.

It is to wytt that gyf ony burges haf closour or yharde closyt, and ony bestis of his nychtburis, hors ox or kow or any other bestis, enter thin throw the wholk he takis scathis or harmys, he that aw the bestis sall amend the scathis tyll his nychtboure don. And alwa he sall gyf iiiij. penijs to the keper or the servand of his saydo nychtbur, and he sall amend the sted brokine or worsyt throw the sayde bestis.
xxxvii.

De porcis in burgo.

Si burgensis tenet porcos in burgo vel agro vel alia animalia unde vicini suis incurrunt dampnum porci inuenti in dampno sine homine ipsos sequente bene possunt occidi secundum legem burgi tanquam eschaeta et comedi. Et si alia animalia fuerint dabitur pro quolibet pede vnus denarius vel dampnum emendabit. Sed erit in eleccione burgensis cui dampnum factum est vtrum voluerit habere iiiij denarios pro iiiij pedibus vel habere precium et restitutionem dampni.

Of swyn haldyn.

Gif a burges or any other haldis swyn in the burgh, or other beestis, throu the whilk the nychtburis takis scathe, the swyn fundin in the scathe with outyn ony kepar folowand thaim may weil be slayn and maid eschet and ettin efter the law of the burgh; and gif thal be other beestis, thar salbe gevin for ilke fut a peny, or the scath salbe amendit, bot it salbe in the chose of the burges [to whom the skaith is done] whether he will [have] iiiij. penijs for the iiiij. feyt, or restorans of the scath.

xxxviii.

Lex caprarum et aycarum.

Item si quis innenerit aucas vel capras in dampno suo capiat capita aycarum et rostra in terram figat et corpora earum commodat capras vero occidat et corpora habebit tanquam eschaetam.

Of gayt or geiss in burghe.

Gyf ony yndis gayte or geiss in his scath, he sal tak the hedis of the geiss and festin the nebbs in the erd, unde the bodyis he sail st, the gait foreouth he sail sla and hald the bodyis for eschet.
De furto et furibus in burgo.

Si quis captus fuerit cum pane vnius oboli in burgo debet per medium villam verberari. Et de obolo vsque ad iiiij'. denarios arcius debet verberari. Et pro vno pare sotularium ponatur super collistrigium et postea ducatur ad caput ville et ibi villam abiuret. Et de iiiij'. denarijs vsque ad octo denarios et quadrantem ita ponatur super collistrigium et postea ducatur ad caput ville et a quo captus est debet auricula amputari. Et de octo denarijs vsque ad xvij. denarios et obolum ponatur super collistrigium et postea ducatur ad caput ville et a quo captus fuerit debet tunc altera auricula amputari. Et postea si captus fuerit cum octo denarijs et quadrante a quo captus est suspendatur. Item pro xxxij. denarijs et obolo a quo captus est aliquis suspendatur.

Of the statut of thift.

Giff ony be tane with the laff of a hal penny in burgh, he aw throu the town to be dungyn. And fra a halpenny wort to iiij. penijs, he aw to be mar sayrly dungyn. And for a payr of shone of iiiij. penijs, he aw to be put on the cuk stall, and efter that led to the ked of the toune and thar he sall forser the toune. And fra iiiij. penijs til viij. penijs and a fething, he sal be put upon the cukstull, and efter that led to the ked of the toune, and thar he at tuk hym aw to cut his eyr of. And fra viij. penijs and a fording to xvij. penijs and a obl., he sal be set apone the cukstull, and efter that led to the ked of the toune, and thar he at tuk hym aw to cut his vther ear of. And efter that gif he be tane with viij. penijs and a fording, he that takis hym sal hing him. Item for xxxij. penijs j. obl., he that takis a man may hing hym.

De falsio pondere et mensura.

Si aliquis convictus fuerit de falso pondere et mensura castigetur per balliusos burgi per forisfactum primo secundo et tercio et quarta vice sit in misericordia domini Regis de vita et membris. Quia huiusmodi
falsitas pertinet ad coronam domini Regis et quia foris factum burgi non
excedit octo solidos, domino Regi pertinent decem libre.

Of fals wecht and mesur.

Gif ony be convicket of fals mesur and veyhtis, he salbe chastyt be the balyes
of the burgh be americiament the first tym, the secund and the thryd; ande the
fert tym he salbe in the Kingis mercy of lyf and member, for sic falsent pertenis
to the Kingis crowne, and syn the forfalt of the burgh excedis nocht viij. s., to
the kingis thar pertenis x. lib.

XL.

De brasiatrice.

Item brasiatrices possunt brasiare per tres vices absque dare firmam.
Sed si quarta vice brasiauerint dabunt firmam illius dimedij anni et non
amplius.

Of a broustar.

Broustaris may brew thrise for outyn paying of mail, bot gif thai brew the ferde
tym thai pay mail for half a yer and na mar.

XLI.

De femina brasiatrice.

Item statutum est quod nulla femina vendat lagenam ceruisie a Pascha
vsque ad festum sancti Michaelis carius duobus denariis. Item a festo
sancti Michaelis vsque ad festum Pasche carius vno denario.

[Of ane browster-wife.

Item it is ordanit that na woman sel the gallon of aill fra Pasche til the fest of
St Michael, dearer nor twa pennies. Als fra the fest of St Michael til the fest
of Pasche, dearer nor ane pennie.]
FRAGMENTA COLLECTA.

XLIII.

De carnibus apprisciandis.

I. item de omnibus carnibus venientibus ad forum tam infra habitantium quam extra precium apponatur per appreciatores ad hoc constitutos et preciariatur venditori quod vendat jillos carnes sub illo precio cuique emere volentij et si noluerit distingatur per balliuos. Et si aliquis excedat jilud precium similiter corrigitur. Et nullus vendat carnes antequam apprecientur. Et quod nullus carnisex sit pastillarius.

[Ante apprisand flesches.

I. item, on all flesches cumin to mercat als well of them dwelland within burgh as outwith, a price sal be set be prisers appointit for sic purpose, and the seller sal be requirit to sell thair flesches at that price to ony willing to buy, and if he refuse, he sal be distrainit be the balyies, and if ony exceed sic price, he sal in like manner be correctit. And nae sal sel flesches til thai be apprissit. And na flescher sal be ane pastry-cook.]

XLIV.

De carnisicibus.

Statuisimus vt nullus carnisex de cetero vendat infra burgum de Berwic carcosia multonum a festo Pasche vsque ad festum Pentecostes carius xvij. denarijs. Et a festo Pentecostes vsque ad festum sancti Jacobi carius xij. denarijs. Et a festo sancti Jacobi usque ad festum sancti Michaelis carius x. denarijs. Et a festo sancti Michaelis vsque ad festum Pasche carius viij. denarijs. Si quis consuicius fuerit quod istam assisam confrgerit dabit viij. solidos pro eius forisfacto.

[Ante fleschers.

W. e have ordanit that na flescher sal henceforth sel inwith the burgh of Berwic carcases of mutton fra the fest of Pasche whill the fest of Penticost, dearer nor sxtene pennis; and fra the fest of Pentecost til the fest of St James, dearer nor twalve pennis; and fra the fest of St James whill the fest of St Michael dearer nor ten pennis; and fra the fest of St Michael whill the fest of Pasche, dearer nor aucht pennis. If ony be convictit of braking the asise, he sal pay eight shillings for his fault.]
FRAGMENTS OF OLD LAWS.

XLV.

De porcis et salmonibus corruptis.

Item quod porci et salmones corrupti [si] vendendj producantur ad forum per quoscumque capiantur per ballinus et in continente mittantur ad leprosos sine questione aliquali. Et si venditor aliquam solucionem inde receperit reddat jterum emptori sine aliquali difficultate et si noluerit ad id faciendum distingatur per ballinos. Et si leprosi jbidem non fuerint penis est destruantur.

[Anent rotten pork and salmon.

Item if rotten pork and salmon be brocht to the mercat for sale be ony, thai sal be seisit be the balyies, and sent incontinent to the lipperfolk without ony manere of question. And if the seller have receavt ony payment therefor, he sal pay it back to the buyer withoutin ony trouble, and if he refuse, he sal be distrainit as to do be the balyies. And if there be no lipperfolk there, thai sal be utterly destroyit.]

XLVI.

De foro et re vendita.

Omnes rure manentes et libere tenentes tanquam rustici qui sunt manentes in comitatibus nostris veniant cum omnibus rebus suis mobilibus ad vendendum et non ad aliiu forum quam ad forum nostrum infra vicecomitatum vbi manent. Et si aliter faciendo conviecti fuerint quilibet dabit viij. solidos ad forisfactum et rem amittet.

[Anent the mercat and wares.

All dwellers in the country als well frie-holders as peasants, wha are dwelland in our scherriffdom, sal come with all their moveable wares for sale, to nane uther mercat nor ours within the scherriffdom whair thai dwall. And if thai be convictit of doing otherwise, ilk ane sal pay eight shillings for his foresfaltour, and tyn his ware.]

XLVII.

Pondera et mensurae.

In omni itinere clericus camerarii deferat secum pondera et mensuras
et faciat quod strictissime examinantur pondera tronarum et quod omnino concordent cum ponderibus suis et nec minus nec plus.

[Wechts and measures.
At ilk air, the clerke of the chalmerlane sal carrie with him wechts and measures, and sal gar the tron-wechts be very strictly examinit, and gar them agree alto gidder with his ain wechts, nor mair or less.]

XLVIII.
Gravis pena de pondere et mensura.
Si aliquis vel aliqua convicetus fuerit de falso pondere vel mensura per inquisitionem balliuorum erit in voluntate regis de vita et membris de terris et tenementis. Et heredes eorum omnino exheredabuntur nisi gratia domini regis interuenerit.

[Heavy penalty for wecht and measure.
If ony man or woman be convict of fause wecht or measure be inquest of the balyes, he or she sal be in the King's will for life and limbs, for lands and tenements, and thair heirs sal be altogether disherysit, if the grace of our Lord the King interveine not.]

XLIX.
De clérico camerarii.
Statutum est quod clericus sit specialiter deputatus per regem non habens aliquam ligam vel domicilium cum camerario. Et sit obligatus Regi duntaxat et juret quod nihil faciet de mandato camerarii in prejudicium Regis sed semper aviset Regem in omnibus et in singulis secundum eius consilium et instructionem operetur.

[Ancant the chalmerlan-clerc.
It is ordanit that the clerke be speciallie deputit be the King withoutyn eony bond or domicile with the chalmerlan. And ho sal be bound to the King allenarly, and sal swore to do nocht at the bidding of the chalmerlan to the Kings skaith, but sal alwayse the King in all things, and sal do in ilk thing conforme to his counsel and command.]
FRAGMENTA COLLECTA.

[Li.]
De tempore itineris.

Item camerarius non faciet iter suum in hyeme sed in estate ad evadendum sumptuosas expensas.

[Anent the tym of the air.

Item, the chalmerlan sal not hauld his air in winter but in summer, to avoid excessive expenses.]

[Li.]
De recenti crimine quod dicitur redhand.

Si latro comprehensus fuerit cum fang hoc est hande habande aut homicida cum redhand si hoc fuerit in burgro, surgant hii qui tenent in baronia infra burgum per sectam calumniatoris et statim de ipso male- factore siue de die siue de nocte faciant justicie complementum, pro baronibus enim in tali casu reputabuntur.

[Anent recent cryme whilk is namit redhand.

If a thief be taen with the fang, that is hande habande, or a man-slayer with redhand and this be in burgh, thai wha hauld in baronie within burgh sal rise at the suit of the compleiner and incontinent do ful justice on the person of the evill-doer, be dai or nycht. For in sic case, thai sal be reputed for barons.]

[Li.]
The manere of dome falsing.

Gif ony party uill fals a dome, he aucht to say thus:—This dome is fals stynkand and rottin in the self, and tharto I streik a borch, and that I will proiff. And tharto he sall haue a day in to the courte before the justice in other placis outtan in borowis, for it js to wit that all domes falsit or aganessed in burrow courte salbe determinyt and declarit in Hadingtoune, throw four Burgess vysaste and sufficiandest of ilk ane of thire burrowis, Berwik, Roxburgh, Edinburgh, Struelsing, befor the chalmerlane withoutyne delay.
FRAGMENTS OF OLD LAWS.

[LIII.]

De blado et molendino.
Item statuit rex quod omnes qui emunt bladum in portu domini regis ad nauae vel a burgensibus ad granarium ipsorum possunt ire per quatuor partes ubi voluerint ad molendum illud bladum absque contradictione et libere et quiete.

Of corne and of the mylne.
It is ordanyt that all thai that byis corne in the kingis hawyn at the schippis, or fra burges to thar garnell, thai may pas on iiiij hawys, whar thai will frely and quytyly for to grind that corne for ouytyn ony gain saying.

[LIV.]

De mensuratione terre et de mensura vnius particate terre.
Particata terre in baronia debet mensurari per sex vlnas que faciunt xviiij. pedes mediocres hoc est neque de maioribus neque de minoribus, particata terre in burgo continet viginti pedes mediocres.

The mesur off the rude.
The rude off lande in baronyis sal conten vj elne, that is to say, xviij fut off a mydlyn mane; the rude off the land in the burgh be mesurit off a midlyng mane sal be xx fut.

[LV.]

De saisina data in burgo.
Si saisina data erit in burgo coram balliuis et duodecim vicinis ad minus licet sit extra curiam talis saisina est sufficiens.

Of seysying geyfin in the burgh.
Geyff ony seyssing be geyfin in the burgh before the nychtburis off the burgh, that seyssing is suffyciand thocht it be nocht nemmyt na for spokin in the court.
ACTA PARLAMENTORUM
REGIS DAVID SECUNDI.

[ACTS OF THE PARLIAMENTS OF KING DAVID THE SECOND
IN SO FAR AS CONCERNS THE BURGHS.]
ACTA PARLAMENTORUM
REGIS DAVID SECUNDI.

CONSILIUM APUD SCONAM, VI DIE NOVEMBRIS, A.D. MCCCLVII.

Memorandum quod in consilio tento apud Sconam sexto die mensis Novembris anni (millesimi) trecentesimi quinquagesimi septimi concordantium est et assensum per tres communitates ibidem existentis . . .

Item quod omnes burgi et burgenses libere gaudeant omnibus suis juribus libertatibus et privilegiis quibus vti solemabant tempore bone pacis. Et quod nullus de cetero presumat eos infra burgos vel extra injuste opprimere sub pena infraccionis proteccionis domini nostri Regis

[Council at Scone, 6th day of November 1357.

Memorandum that in ane counsellie haultin at Scone the sxt dai of the moneth of November, the yeir thretene hunder and fyftie seven, it was agreit with consent and assent of the thrie estates thare present. . . . . . . .

Item that all the burghis and burgessis sall freldie joise the hail of thair richts, freedomes, priviledges, whilk thai war vset to haue in tym of gode peace. And that na man sall daur unjustlie oppres thaim within or utwith the burghis, under the paine of brakand the protectione of our Lord the King.]
Pro mercatoribus extraneis, et de moneta Anglica.  

Item quod omnes mercatores extranei vndecunque venientes pacifice admittantur ad emendum et vendendum pro ut alias legitime fuit consuetum. Et quod omnis bona moneta Regis Anglie auri vel argenti recipiatur per regnum Scoie ad verum valorem prout in Anglia potest dari.

[In favour of marchand strangers, and anent Inglish monie.  
Item that all marchand strangers resortand fra whatsomewer place, sall be peacable admittit to by and sel as of before was laughtfullie wont. And that all gude monie of the king of England be receauit conforme to the trew valour as it wald give in Ingland.]  

De advenis recipiendis in burgis.

Item quod in singulis burgis omnes communiter vendentes panem et seruisiam recipiant transeuntes ad hospicia sua vendendo eis necessaria et non ad carius forum quam facerent vicinis suis. Item quod omnes illi qui taliter recepti sunt ad hospicia in burgis et extra nichil capiant de suis hospitibus contra voluntatem ipsorum sed emant ab eis necessaria sua ad competens precium faciendo plenam solucionem. Et quod recedentes absque solucione facta pro receptis arrestentur nomine Regis per comunitatem burgi vel patrie vbi deliquerint. Et stent periculo suo si quod damnum receperint in resistendo tali arreste.

[Anent passengers receavrit in burghis.  
Item that in ilk burgh all common sellers of bred and all sall receive passengers in herberie within thar houses and sall sel to thaim necessaries, and at na greater price than thai wald sel to their nychbours. Item that they wha are sua receavit in herberie within burghis or utwith, sall noch tak ony thing fra their hosts agains their will, bot sall by fra them their necessaries for competent price, and sall mak ful payment. And gyf they passe away not payand for that whilk they haue receavit, they sall be arrestit, in name of the king be the communitie of the burghie or county where they committit the wrong. And they sall stand in their awne perill gyf they happen to receive any skaith in gainstading the arrestment.]
CONSILIIUM APUD PERTH, V DIE DECEMBRIS, A.D. MCCCLXV.

In consilio tento apud Perth vicesimo die a natali Domini [millesimo] trecentesimo sexagesimo quinto . . . Inter alia acta extitit ordinatum quod sit trona ad lamas ponderandas in burgis Regis per singulos portus regni per camerarium debite et decenter statuta et sit in quolibet loco tronarius qui percipiat de Rege unum denarium de sacco. Et sit ibi eciam clericus ad tronam, qui ut videtur dominis de consilio potest conuenienter esse clericus cokete Regis. Debent enim custumariis, ut ipsis videtur, suum clericum habere suis propriis sumptibus, quibus videlicet tam custumariis quam tronariis debet idem clericus cokete esse contrarotulator.

[Council at Perth, 5th day of December 1365.

In ane councille hauuldine at Perth, the twentieth dai fra the nativity of our Lord thretone hunder and saxy fyve: Amanget other acts it was ordanit that there be a trone for weyand woll in the Kingis burghis in ilk port of the realm, be the chaumerlan dillie and decentlie set up, and that there be in ilk place ane maister of the trone wha sall receave fra the King ane pennis for ilk seek. And there sall also be ane cleric of the trone, wha, as it seems to the Lords of the Counsil, my convenientely be the cleric of the Kingis cocquet. For the customares aw, as seems to the Lords, to haue their ane cleric at their ane expenses; whom over, customares and tronares alike, the same cleric of cocquet aucht to be controuller.]

PARLAMENTUM APUD PERTH, VI DIE MARTII, A.D. MCCCLXVIII.

Parlamentum tentum apud Perth sexto die mensis Marcii anno domini millesimo trecentesimo sexagesimo octauo cum continuacine dierum sequencium . . . .

Et ordinatum fuit et statutum per dictas tres communitates congregetas et electas, quod quandiu ville de Berwic et de Roxburgh detente erunt per aduersarios nostros Anglie, que sunt et esse debent duo de quatuor burgis qui habent ex antiquo curiam facere camerarii semel in anno apud Hadynghton super judiciis si que forent coram ipso in itineribus
The document contains a Latin text discussing the statutes of King David the Second, mentioning various locations such as Lannark and Lythou, and includes a date A.D. 1368. It also includes a record from a parliament at Perth on the 6th day of March in the year of our Lord 1368, and further details about the actions of the parliament.

**Statutes of King David the Second.**

**Parliament at Perth, 6th day of March 1368.**

And it was ordanit and statut be the thrie estatys convenit and electit, that sa lang as the towns of Berwic and Rokesburgh sall be hauldin be our enemies of Ingland, (the whilk are and aw to be twa of the four burghis whilk haue of old to mak the court of the chalmerlan ance a yeir at Hadyngton, on decisions guien in ony of his courts of air and appealit) the burghis of Lanark and Lithgow sall be chosen in the premises, and henceforth are premonishit to compear at this court, and do service in the meantime. Sa that the court to be hauldin as aforesaid be as valid for common justice as if there were na let or hindrance through the twa foresaid towns beand hauldin be our enemies as is afore said. Bot sa that when thir twa burghis sall cum into the power and party of our Lord the King, thai sall incontinent and withoutyn e objection joise their auncient priviledgis.

**Parliamentum Apud Perth, XVIII Die Februarii, A.D. MCCCLXIX.**

Parlamentum tentum apud Perth decimo octavo die mensis Februarii cum continuatione dierum sequencium anno domini millesimo trecentesimo sexagesimo nono, et regni domini nostri Regis David quadraginto . . . .

Item quod burgenses seu mercatores de regno se non transferrent nisi a domino nostro Rege vel camerario petita licencia et obtenta.
[Parliament at Perth, 18th day of February 1369.

In the Parliament hauldin at Perth, the archtand dai of the moneth of Februar
with continuacione of dais followand, in the yeir of our Lord thretene hunder
and saxty nine, and of the reign of our Lord King David, the fortieth:—

Item that na burgisis nor marchesands transport thaim out of the realme without leave of our Lord the King or his chalmerlan, sought and obtinis.]
OBLIGATIO VILLARUM ET BURGENSIUM
REGNI SOCIE PRO REDEMPCIONE
REGIS DAVID A.D. MCCCLVII.

[THE OBLIGATION OF THE TOWNS AND BURGesses OF THE
KINGDOM OF SCOTLAND ANENT THE RANSOM
OF KING DAVID, A.D. 1357.]
CONSILIUM APUD EDINBURGH
XXVI DIE SEPTEMBRIS A.D. MCCCLVII.

Obligatio villarum et burgensium regni Scoecie pro reempcione
Regis David a.d. 1357.

NOVERINT universi per presentes quod nos Alexander Gylyot Adam
Tore et Johannes Goldsmith de Edinburgh, Johannes Mercer Johannes
Gill et Robertus de [Gatmilk] de Perth, Laurencius de Garuok Willelmus
de Leth et Johannes Crab de Aberdene, Magister Johannes de Someryllle
et Robertus Kyd de Dunde, Rogerus Phipille et Thomas filius Johannis
de Inuerkethyn, Ricardus Hendchyld et Ricardus Skroger de Carale,

[The obligation of the towns and burgesses of the kingdom of Scotland anent
the ransom of King David a.d. 1357.

Know all men by these presents that we Alexander Gylyot, Adam Tore and
John Goldsmith of Edinburgh; John Mercer, John Gill and Robert de Gat-
milk of Perth; Laurence de Garuok, William de Leith and John Crab of
Aberdeen; Master John de Somervyll and Robert Kyd of Dundee; Roger
Phipill and Thomas Johnson of Inverkethyn; Richard Hendchyld and Richard
Skroger of Carall; Nicholas, Rector of the Schools, and David Comyn of Cupar;
Laurence Bell and Adam de Kyrkyn全流程 of St Andrews; Richard de Cadych

.
OBLIGATION FOR THE RANSOM OF KING DAVID II.

Nicholas Rector Scolarum et Daud Comyn de Cuper, Laurencius Bell A.D. 1357. et Adam de Kirkyntolah Sancti Andree Ricardus de Cadyoch et Johannes Clericus de Monros, Johannes de Burgo et Willelmus Sauer de Strivelyn, Johannes filius Johannis et Willelmus de Saulton de Linlithgow, Adam de Haddyngton et Adam de Congilton de Haddyngton, Simon Potter et Petrus Waghorn de Dunbretane, Patricius Clericus et Patricius Reder de Rothirglen, Andreas Ade et Andreas de Ponfret de Lanark, Willelms de Duncoll et Thomas Lang de Drumfrees, Nicholas filius Johannis et Johannes filius Willelmi de Peblis, aldermanni mercatores et burgenses, deliberacionem domini nostri Regis Dauid a careere domini Edwardi Regis Anglie illustris plurimum affectantes, de consensu et voluntate omnium communitatum dictorum burgorum et parciwm adjacentium eisdem, facimus constituius et ordinamus per presentes nostros et omnium burgensium ac mercatorum dicti regni Scotiae ueros procuratores, negociorum gestores et nuncios speciales Alexandrum Gylyot Adam Tore Johannem Goldsmith Johannem Mercer Johannem Gill Robertum de Gatmilk Laurencium de Garuok Willelum de Leth Johannem Crab Magistrum Johannem

and John Clerk of Monros; John de Burgo and William Sauer of Strivelyn; John Johnson and William de Saulton of Linlithgow; Adam de Haddyngton and Adam de Congilton of Haddyngton; Simon Potter and Peter Waghorn of Dunbretane; Patrick Clerk and Patrick Reder of Rothirglen; Andrew Adam and Andrew de Ponfret of Lanark; William de Duncoll and Thomas Lang of Drumfrees, Nicholas Johnson and John Williamson of Peebles; Aldermen, merchants and burgesses, earnestly desiring the deliverance of our Lord King David from the prison of the Lord Edward the illustrious King of England, of the consent and will of all the communities of the said burghs, and parts adjacent to the same, make, appoint and ordain by these presents as true procurators, agents and special messengers of ourselves, of all the burgesses and merchants of the said kingdom of Scotland, Alexander Gylyot, Adam Tore, John Goldsmith, John Mercer, John Gill, Robert de Gatmilk, Laurence de Garuok, William de Leith, John Crab, Master John de Somervyll and Robert Kyd, burgesses of Edinburgh, Perth, Aberdeen, and Dundee, giving to them and to six or four of them full and free power and special mandate to come to accord finally with the Council of the foresaid Lord the King of England for the
A.D. 1357. de Someryll et Robertum Kyd de Edynburgh Perth Abirden et de Dunde burgenses, dantes eisdem et eorum sex aut quatuor, plenam et liberam potestatem ac mandatum speciale ad finaliter concordandum cum consilio præfati domini Regis Anglie super liberacione domini nostri Regis Dauid supradicti, et ad admittendum firmandum atque approbandum nomine nostro et omnium burgensium ac mercatorum tocius regni Scocie omnes et singulos tractatus et concordias factos habitos seu faciendos inter dictum consilium domini Regis Anglie ac prelatos et alios nobiles regni Scocie et quoslibet eum punctus in eisdem contentos qui liberationem dicti domini nostri Regis Dauid tangunt seu tangere poterunt quouiemodo, et ad confitendum et recognoscendum nos et omnes alios burgenses et mercatores dicti regni Scocie heredes et successores nostros et quemlibet nostrum et eorum, principaliter et in solidum obligari et teneri prefato domino Regi Anglie, heredibus et successoribus suis occasione redemptionis præfati domini nostri Regis Scocie, in centum milibus marcarum sterlingorum, soluendis eisdem domino Regi Anglie uel suis procuratoribus in locis et terminis in dictis tractatibus et concordiis statutis seu statuendis, et ulterius ad faciendum nomine nostro et cujuslibet nostrum ac comunitatum aliorum

liberation of our Lord King David above named, and to admit, confirm and approve in our name and that of all the burgesses and merchants of the whole kingdom of Scotland, all and each the treaties and agreements made observed held or to be made between the said Council of the Lord the King of England, and the prelates and other nobles of the kingdom of Scotland, and also all points contained in the same which touch or can in any way touch the liberation of our said Lord King David, and to confess and recognise us and all other burgesses and merchants of the said kingdom of Scotland, our heirs and successors, and any of us and them as principal debtors for the whole, to be held and bound to the foresaid Lord King of England, his heirs and successors for the ransom of our foresaid Lord the King of Scotland, in one hundred thousand marks sterling to be paid to the same Lord the King of England, or to his procurators, at the places and terms, in the said treaties and agreements appointed or to be appointed; and farther to make in name of us, and each of us, and of the communities of other burgesses and merchants of the said kingdom of Scotland, contracts, obligations, securities, undertakings, writings and oaths whatsoever
burgensium et mercatorum dicti regni Scocie pacciones obligaciones A.D. 1357. securitases promissione literas et juramenta, quascunque et quecunque que ad firmitatem et approbacionem premissorum fuerint quomodolibet facienda, et ad obligandum et subittendum nos et quemlibet nostrum in solidum ac omnia bona nostra et singula et cujuslibet nostrum ac ceterorum burgensium et mercatorum dicti regni Scocie mobilia et immobilia presencia et futura ubicunque constituta fuerint et inuenta, compulsioni et cohercioni quaramcunque curiarum ecclesiasticarum uel secularium illorum locorum in quibus dicta bona constituta fuerint et inuenta et earum judicium et ministrorum et cujuslibet ipsarum quousque de totali summa centum milium marcarum et cujuslibet ejus partis ac de omnibus aliis capitulis in dictis tractatibus et concordiis contentis una cum dampnis expensis et interesse, si que uel quas ipsum dominum Regem Anglie in exigendo prosequendo aut recuperando dictam summam pecuniei ac propter retardationem solucionis ejusdem uel aliquus ejus partis quod absit, incurrere seu sustinere in judicio uel extra contigerit quouissimo, prefato domino Regi Anglie uel ejus in hae parte procuratoribis specialiter deputatis fuerit plenarie et integre satisfactum, et ad prestandum in animas nostras et cujuslibet nostrum ac suas quodcunque

which should be made in any way for the confirmation and approval of the premises; and to oblige and submit us and each of us for the whole, and all and sundry the goods of each and all of us, and of the other burgesses and merchants of the said kingdom of Scotland, moveable and immoveable present and future wherever they shall be situated and found, to the compulsion and constraint of any courts ecclesiastical or secular of those places in which the said goods shall have been placed and found, and of their judges and officers, and of any of them until full and entire satisfaction shall have been made to the foresaid Lord the King of England or his procurators specially deputed in that part, of the whole sum of 100,000 merks and of any part of it, and of all the other points contained in the said treaties and agreements together with the damages, expenses and interest, if it shall happen that our Lord the King of England has incurred any or sustained any, whether in judgment or outriv, in exacting prosecuting or recovering the said sum of money, and on account of delay in paying the same or of any part of it which may be wanting; and to make on the souls of us and of each of us and them, any kind of lawful oath
AD 1357.

that can be exacted or required from us in this matter, and to renounce in the name of us and of each of us all and each of the rights, remedies, helps and cautions both of the canon and civil law, and all letters apostolic imprecaters or to be imprecaters, by which we could defend or in any way protect ourselves against the foresaid. Also to complete and do all other things which in the premises and about the premises shall be necessary and fit, even if they require special mandate. Moreover for the security and stronger confirmation of all the premises we and each of us have sworn, and we and each one of us of his own accord do swear, on the Holy Gospels of God touched corporeally by us, that each and all points in any way touching the liberation of our said Lord the King of Scotland, which by the Council of the said Lord the King of England, and the foresaid prelates and nobles of the said kingdom of Scotland, and our procurators above named or six or four of them, shall have been stipulated, ordained, agreed, submitted, sworn, renounced and done in the premises and in each of the premises, we shall hold valid approved and established and shall acquiesce in them all, and shall not do or some contrary in anything in law or deed, tacitly
FOR THE RANSOM OF KING DAVID II.

In quorum omnium testimonium sigilla communia dictorum burgorum a.d. 1357. et communitatum eorumdem presentibus sunt appensa apud Edynburgh xxvi. die mensis Septembris anno Domini MCCCL septimo. *

or expressly, but we now as then ratify and approve these things by these presents.

In testimony of all which, the common seals of the said burghs and of the communities of the same are affixed to these presents at Edinburgh the 26th day of September 1357.]

[The Burgesses of Edinburgh, Perth, Aberdeen and Dundee as procurators thus constituted granted an obligation for fulfilment of the treaty, and particularly for payment of the sum of ten thousand merks sterling to the king of England, and affixed to it the seals of their respective burghs, along with the subscriptions of three notaries, at Berwick on Tweed 6 October 1357. Similar obligations for the said sum, were granted by the Prelates and Clergy and by the Nobility of Scotland.]

* The original procuratory in the Record Office, London, has the seals appended of the following Burghs:

- Aberdeen
- Lithgow
- Dundee
- Haddington
- Inverkethyn
- Dunbar
- Carall
- Rodrygle
- Cupar
- Lanarc
- Sanctandrois
- Dunfreys
- Monros
- Piblis
- Strevelyn

and of one which cannot be deciphered, the cognisance, a triple tower, probably Edinburgh.
GLOSSARY AND INDEX.
GLOSSARY.

A, one.
Abbates, abbots.
Abone, above.
Abouse, to abuse.
Abune, above.
Acoysing, exchange, excambion.
Aduyse, advice.
Affriss, effeirs, befits.
Affermitt, affirmed.
Aganesaid, gainsaid.
Agayne, again.
Agane, Agayne, Agynis, against.
Agayne-ward, contrarywise.
Aill, ale.
Ain, Aine, one.
Ais, an itinerant court of justice.
Air, Ayr, an heir.
Arts, oats.
Aith, Aithit, oath.
Axtspire (of malt) to sprout at both ends.
Alanerly, Aleneraly, only.
Alderman, alderman, equivalent to the modern Provost.
Alges, every way, by all means.
Alkin, Alkyne, all-kind, whatsoever.
Almondis, almonds.
Almouse, alms, charity.
GLOSSARY.

APPROBABLE, approvable.
AQUIE, acquit.
ARBITIT, accused, adjudged.
ARKE, a large chest or coffer.
ARYPSIS, arrives.
ASSAYANDE, assaying, trying.
ASSIS, ashes.
ASSIS, ASSYS, assize.
ASSYTHIE, compensation for slaughter or injury.
AT, that.
ATTANIS, at once.
ATTACHY, attached.
ATHE, oath.
ATTOUR, ATOURE, beside, over, beyond.
AUCHT, AUCHANT, owed, due, indebted.
AUCHT, eight.
AUCHT, ought.
AVELLE, avail.
AVENTURE, AVENTUR, adventure, speculation, chance, accident.
AW, AWE, fear.
AW, AWO, ought.
AWAND, owing.
AWCHT, owed.
AWIN, AWNE, own.
AWXARIS, owners.
AWYN, own.
AY, ever, always.
AYE, AYKE, an itinerant court of justice.
AYKE, heir.

BALANDIS, balances.
BALYS, bales.
BARGANOUR, a quarrelsome person, a wrangler.
BARK, tan.
BARKAND, tanning.
BARKARIS, tanners.
BARN, BAIN, child.
BARNOUNKY, barony.
BATHE, both.
BATALE, BATAILLE, BATAVLE, battle.
BATE, BATTIS, boat, boats.
BATTERY, kitchen utensils.
BAXTAR, BAXSTAR, baker.
BAYLYHEIS, bailies.
BE, by.
BEAND, being.
BECWAMEN, become, convened.
BEDAL, BEDDEL, beadle, an inferior officer of court.
BEDE, bed.
BEESTIS, beasts.
BEFUIR, before.
BEHUFIS, behoves.
BEIR, bear, barley.
BEIS, is.
BENE, been.
BENK, a bench, a seat, a shelf.
BENS, beans.
BERAR, bearer.
BEHE, BEKE, bear, barley.
BEKE, to bear, to carry.
BERM, BERME, yeast.
BESILY, busily.
BESTE, beast; BESTYS, BESTIS, beasts.
BETYDE, betide, happen.
BEXUX, betwixt, between.
BEUKERIS, beavers.
BLAND, buying.
GLOSSARY.

BID, Bide, to offer.
Bittis, bits.
BLAA, blue, livid.
BLODEWYT, BLUDWYT, the fine for the effusion of blood.
BLUD, blood.
Bocht, bought.
Bollis, balls.
Bondis, bounds, boundaries.
Borch, Boroh, Boroke, Borow, caution, pledge, bail, surety.
Borow, a burgh.
Borowage, a burgh holding.
Borowgang, surety.
Borowmen, burgh-men, burgesses.
Bot, only, except, without.
Bothe, Bothis, booth, booths.
Brainenes, breadth.
Bramdreh, a gridiron.
Brasil, a wood used for dyeing of a red colour.
Brasyn, brazen; made of brass.
Brayand, Breiteng, crying.
Bred, Brede, bread.
Breder, brethren.
Breff, brieve.
Breke, to break.
Brether, brethren.
Breustaris, brewers, and aholouse keepers.
Breweand, brewing.
Bridill, bridle.
Brokine, broken.
Broustare, Browstare, Browster, brewer.
Bryngis, brings.
Bryn, to burn.
Brynt, burnt.
Bruch, Burch, a burgh.

Bud, bribe, gift.
Burd, board, table.
Burd-clayth, table cloth.
Burding, burden, load.
Burgh greve, Burow greff, Burow greaff, magistrat of a burgh.
Buthis, booths.
But, without.
Butis, booths.
By, to buy.
By, beside, without.
Byd, to offer.
Byde, to wait.
Byddin, offered.
Bydding, order, commandment.
Bygoyd, Bygitt, built.
Bynd, size in bulk or number; a bynd of skins contained twenty-four skins.
Byrthynge, a burden.

Calderonys, caldrons, kettles.
Calwis, calvies.
Can, Cannage, custom.
Cannes, canvas, coarse hempen cloth.
Cark, a load, a burden, a package.
Carkyt, laden.
Casellayne, a castellan, a constable or keeper of a castle.
Catallis, chattells, moveable goods.
Cattell, cattle.
Cavell, Cavell, a lot.
Ces, cease.
Chace, to chase.
Challange, challenge, accuse.
Chalangit, challenged, accused.
Chaldre, chalter.
Challangeburn, challenger.
GLOSSARY.

CHALMERLAN, CHAMERLAN, CHAUMERLANE, chamberlain.
CHAR, a waggon, a car.
CHASTY, to chastise.
CHASTYTE, chastised, corrected.
CHAULANCE, challenge.
CHEFE, chief, principal.
CHESE, choose.
CHESTING, choosing, election.
CHEUERBONYS, CHEVERBONS, rafters, spars.
CHILDER, CHYLDER, children.
CHIP, to sprout.
CHURL, a rustic, a bondman.
CHYLD, child.
CHYMNAY, a chimney.
CLAITIES, clothes.
CLAME, claim.
CLATH, cloth; CLAHTH, clothed.
CLED, clad, clothed.
CLENGE, to cleanse, purge, exculpate.
CLEER, clear.
CLERC, clerk.
CLOSEOUR, enclosure.
COLDING, a small codfish.
COLECT, COLLEC, collection, tax.
COMMON, to share equally.
COMMON-GUDE, the property of a burgh.
COLEMOTH, coalfish.
CONCEILLED, concealed.
CONDAMPNIT, condemned.
CONFERME, confirm.
CONNYNG, knowledge, skill.
CONQUEST, lands acquired as distinguished from inherited lands.
CONSAILLE, council.
CONSIGNANCE, see Cosignance.
CONSTRIGNYE, to constrain.
CONSURTUD, custom.
CONTAK, contention.

CONVYKITY, convicted.
COPY, a cup, or drinking vessel.
CORDEWANE, a kind of leather, prepared
in imitation of that of Cordova in Spain, which was highly valued,
and resembled the modern morocco leather.
COSINNACE, COSYNAGE, relationship by
blood, cousinage.
COVERIS, covers.
COUNSALIT, counselled.
COURAY, to curry, to dress or prepare
tanned leather.
COUKES, cooks.
COYMN, cumin seed.
CHAYOUB, CEAR, a small merchant
ship.
CREASE, credit.
CREANSOUR, creditor.
CHREISCH, CHREISCH, CRESCHE, grease,
fat.
CHIOUS, an inferior officer of the burgh,
a beadle, a sergeant.
CROY, a kind of hide.
CRYAND, crying.
CRUX, crook, an instrument for hanging
a pot over the fire.
CRUKYT, crooked, decrepit.
CUK-STULL, cucking-stool.
CUM, to come.
CUMMANCE, coming.
CUMIS, CUMMYVS, comes.
CUNNARIS, tasters.
CUNNABLY, proportionably.
CUNNING, knowledge, skill.
CUNNIS, tasters.
CUSTUMARIS, customers, collectors of
custom.
CUT, a lot.
GLOSSARY.

DAI, day.
Daker, ten, or according to the old mode of computation, twelve of a commodity; a daacre of hides was probably one sixth of a last.
DAUR, dare.
DAWNING, dawn, dawning.
DECRETVD, decreed.
DEDE, death.
DEE, DEY, to die.
DEFAULVT, default.
DEFFORSYVT, deforced.
DEID, dead.
DEIDIS, deeds.
DEIR, to raise the price of.
DEIS, dies.
DELT, dealt, laid out, appropriated.
DEM, to judge, to ordain.
DEMAYN-BREAD, the finest or whitest wheaten bread; *Panis Dominicus*, ‘Bread of our Lord,’ so called, according to Mr. Riley, from having a figure of our Saviour impressed upon it. Bread of Mayne, *see* Mayne Bread.
DEMPNIT, judged, ordained.
DEMYT, judged.
DEN: DENARIUS, a penny.
DEER, dear, precious.
DERENE, DERENYKET, to determine a right.
DESTRENYKET, distracted.
DET, DETTE, debt.
DETTOUR, DETTUR, debtor.
DHYSEENS, denizens, residents.
DICHIT, to prepare.
DIFFENDIT, prohibited.
DIFFORS, deforce.
DISHERYKET, disinherited.

DIREKET, directed.
DISPEC, suspicion.
DISPERSONYS, DYSPERSONYS, asperses, slanders.
DISPONAND, disposing.
DISSES, dies.
DISTROBILL, to disturb.
DISTROBILLANCE, disturbance.
DITES, indites, directs; indictes, accuses.
DOANDE, doing.
DOCHTAE, daughter; DOCHTRYS, daughters.
DOIS, does.
DOME, doom, judgment.
DONKE, dank, moist.
DONOYN, DOUNIN, driven, beaten, struck.
DOUT, doubt.
DOW, to endow.
DRAWAOE, a fee for carriage.
DREDE, dread.
DRYNNKAND, drinking.
DUBLAB, a large wooden platter.
Duell, dwell.
DUELLANDE, dwelling.
DUR, DURE, a door.
DURANDE, during.
DUSANE, dozen.
DYCHIT, prepared.
DYSHERYNG, disinheriting, depriving of one’s right.
DYSPEENCE, expense.
DYSBATT, deceit.
DYSSTROBILLS, disturbance.

EARRIS, ears.
EARELES, earls.
EFFRIS, befits.
Glossary.

Éfter, Ėfyr, after, according.
Éftirwart, afterwards.
Ėir, ear.
Ėlde, age.
Ēld-fader, grandfather.
Ēllis, Ėllys, else, otherwise.
Ēlne, Ėlwand, a measure of length, containing thirty-seven inches.
Émpare, to impair.
Énheson, Énhesoun, reason, cause, occasion.
Énselet, sealed.
Éntermetyn, intromission.
Érd, Ėrde, earth.
Ērdyt, buried.
Ēre, ear.
Ėrris, Ėrrys, earls.
Ėssonzeis, excuses for absence.
Ēt, Ėte, to eat.
Ētin, eaten.
Éttill, design, aim, attempt.
Éven-sang, evening-song, vespers.
Ēwil, evil.
Éxpreme, to express.
Ėyld, Ėylde, see Elde.
Ēys, ease.
Ėyris, ears.

Fadre, father.
Fadyr-half, father's-half, father's side.
Falyže, to fail.
Falouschirp, fellowship, society.
Falouswis, follows, equals.
Fals, false.
Falsët, falsehood.
Falt, default.
Faltis, offends.

Fano, stolen goods found in the thief's possession.
Fae, to stuff, cram, fill full.
Farcost, a small trading vessel.
Farding, a farthing.
Fartingham, an officer or magistrate of a burgh having charge of a quarter.
Fastening, custody.
Faunse, false.
Faut, fault.
Fayre, fair, market.
Fecht, fight.
Fee, a right of property as distinguished from liferent.
Fee, feu, feudum.
Feale, Feel, faithful, loyal.
Feft, infest.
Felling, breaking contract.
Feird, Fer, fourth.
Ferding, farthing.
Ferm, firm.
Fermé, Fermys, rent, rents.
Fermoule, a tenant; one holding at a yearly rent; a tacksman of public taxes or customs.
Ferres, farther, more distant.
Fartingham, See Fartingham.
Feste, feast.
Festyning. See Fastening.
Festyn, fastened, bound, engaged.
Festyn, Festyn, to fasten.
Fethir-bed, feather bed.
Feu, Few, Feuferme, a tenure of property in perpetuity; also the annual rent of the same.
Feufermèr, one who holds a possession in feu.
Fewte, fealty.
GLOSSARY.

FEYLD, field.
FEYLT, feet.
FLAB, the person in the fee of an estate.
FILE, defile.
FIRMYN, a place of confinement, a prison.
FIRRETTIS, ferrets.
FISCHERS, fishers.
FLA, FLAT, to skin.
FLESCHE, flesh.
FLESCHOWER, FLESCHWAR, FLESCHWAR, fisher, butcher.
FLUD, flood.
FLURE, floor.
FOIRFART, front.
FOLLOWAND, following.
FOLLOWAR, pursuer, plaintiff.
FOREFAULTOUR, forfeiture.
FORFAIT, FORFAUTE, FORFAUTING, forfeit, fine, unlawful.
FORBYRIS, buyers before the proper time.
FOREST, see Farcast.
FORHYTE, to discharge a cargo.
FOROTH, before, in presence of.
FOROUTYN, without.
FORREYNS, not resident.
FORSKYNS, pleaded.
FORSTALLER, FORSTALLER, one who buys merchandise before it comes to the market, or before the time appointed for the sale.
FORSWER, to forswear, to abjure.
FORTHI, therefore.
FORTHILLY, further.
FORTEL, a weight of lead of ten stones.
FRA, from.
FRAE, a basket made of rushes.

FRANK-TENEMENT, freehold possession.
FRAUDFULLY, fraudulently.
FRAWARTSCHYP, frowardness.
FRENIDS, friends.
FRENDSCHIP, friendship.
FROTTIS, fruits.
FUNDYN, found, finding, providing.
FURM, a form, a bench.
FUT, foot.
FVOYS, figs.
FYN, fine.
FYNDYN, finding, providing.
FYRE, fire.
FYRST, first.
FYSCH, FYSCHER, fish.
FYSCHER, FYSSCHARE, a fisher.

GA, to go.
GADDIR, to gather.
GADDYS, bars of metal.
GAF, GAI, gave.
GAIS, goes.
GAIT, goat.
GANG, to go, to walk.
GANGANDE, going.
GAR, to cause.
GARNELL, a granary, a large chest for holding meal.
GATE, a way.
GAUGERIE, weights and measures.
GAYT, goat.
GEDYNS, gather.
GEIN, goods, property.
GER, to make, to cause.
GET, GETTS, to give.
GIESS, GIESSE, geeze.
GETTS, goats.
GIF, if.
GUILD, a fraternity or association of persons instituted for mutual protection.
GUILD-BROTHER, a member of a gild.
GIRNEILL, see Garnell.
GIVEN, given.
GLEW, glue.
GLEWS, GLUVIS, gloves.
GOTTEN, got.
GRAITH, GRAITH, apparatus of any kind, furnishings, wearing apparel.
GRAITH, GRAITH, to make ready, to prepare.
GRANTAND, granting, admitting.
GRAUNT, to grant, to admit.
GREFF, grieve, steward.
GREIT, great.
GREEN, green.
GREENE, grease.
GREIZING, greeting.
GREYAND, crying, weeping.
GREYTH, great.
GREYFF, grief.
GRISS, GRYSE, a common grey fur.
GRISS, GRYCE, a pig; Grysys, pigs.
GRYSANDE, grey.
GRYNDE, grind.
GRUNDE, ground.
GRUNDIN, ground.
GUD, good.
GUIDS, goods.
GUILD, see Gild.
GYF, if.
GYLE, guilo.
GYLEFAT, the vat used for fermenting wort.
GYNGER, ginger.
GYRTH, protection, sanctuary.

HADDE, had.
HAFE, have.
HAFFAND, having.
HAILL, whole.
HAL, HALE, sound.
HALD, HALDE, to hold.
HALY, holy.
HAND-HABANDE, having in hand the stolen goods.
HANT, to practise, to frequent.
HAF, HUP, the circular wooden frame which surrounds mill stones.
HAFYNNANDE, happening.
HAB, a hare.
HARMYS, harms, injuries.
HATRENT, hatred.
HAUAND, having.
HAUE, have.
HAULDAND, holding.
HAVYNNIS, havens.
HAWYS, halves, parts.
HE, high.
HEDE, head.
HEIL, HELE, health.
HELYT, covered.
HENNYNS, hens.
HER, hear.
HERBERY, to inhabit, to reside, to lodge, to harbour.
HERDE, heard.
HERE, to hear.
HERITAGE, lands inherited, as distinguished from lands acquired.
HEREZELDE, HERVEYELDE, the best horse, ox, or cow belonging to the vassal or tenant, which on his death was due to the superior or landlord.
HERLEBREKEN, ario-breaking, breaking contract.
GLOSSARY.

HERSHIPS, plunders.
HERT, hart.
HERYN, herring.
HESIL, hazel.
HEYD, Heyd, head, principal.
HEW, hue, colour.
HEYAR, higher.
HIDESTILL, hitherto.
HING, to hang.
HINGAND, hanging, pending.
Hoo, a young sheep before it has lost its first fleece.
HONY, honey.
HORS, horses.
HORNES, horns.
HUKSTARIS, hucksters.
HUP, see Hap.
HUSHALDE, household.
HYDIS, hides.
HYRE, hire.
HYRRT, hired.

IVAL, IVYLL, evil.

KARK, a load, a burden, a package.
KEIFE, to keep.
KELING, Keeling, large cod fish.
KELIS, nets.
KEMESTAR, wool comb.
KENRIK, kingdom.
KEPAR, keeper.
KETILL, kettle.
KILL, kiln.
KIST, chest.
KNAYFE, boy.
KNAYF-CHYLDE, male child.
KNAW, to know.
KNYF, knife, knives.
KNYT, knit.
KUKSTULE, cucking-stool.
KW, cow.
Kyll, kiln.
KYNBRYK, kingdom.
KYSSET, respite, delay in payment.
KYST, chest.

ILK, each.
ILK, the same.
ILKANE, every one.
IMPETRAT, obtained by request.
INCONTINENT, immediately.
INDUID, undivided.
INEUCH, INOCH, enough.
INLAIK, INLAKE, want, deficiency.
INNOUTH, INWITH, within.
INRYN, incur.
INRUSE, intrude.
IOUSE, to enjoy.
IRON, iron.
ISCHE, to issue, to go out.
ISCHE, issue, the act of passing out.

LACHFULL, lawful.
LAF, loaf.
LAF, LAIF, LEFF, rest, remainder.
LAM, lamb.
LANO, long.
LANGAR, longer.

LARDNER, LARDNARE, probably lard or bacon, or the place where bacon and other flesh meats were kept.
LAST, a weight or measure. A last of wool = 10 sacks; of fish = 12 barrels; of corn = 10 quarters; of hides = 12 dozen.
| LASTAGE, custom levied upon wares sold by the last. | LEITIS, prevents, hinders. |
| LATT, to let. | LEYDY, an implement formerly used in brewing. |
| LATTIN, let. | LEYFF, to leave. |
| LAUCH, law. | LEYFF, leave, permission. |
| LAYE, rest, remainder. | LEYFF, to live. |
| LAWER, lowe. | LEYIT, lied. |
| LAWAR, a lavor or vessel to wash in. | LEYNO, ling-fish. |
| LAWHaldaris, lawholders. | LIB, libra, pondus, a pound. |
| LAWTE, loyalty. | LIero-POustie, the state of health in which a person has full power to dispose of his property. |
| LAYANDE, laying. | LIF, life. |
| LAYFF, rest, remainder. | LIPPER-FOLK, lopers. |
| LAYNE, to conceal. | LIT, to dye. |
| LEDDIRE, LETHIR, leather. | LITILL, little. |
| LEEDE, to lead. | LITSTAR, dyer. |
| LEEDE, lead. | LOFFABIL, loveable, laudable. |
| LEEDE, a load. | LOK, lock. |
| LEEEL, true, lawful, faithful, loyal. | LOKSY, locks. |
| LEFF, to live. | LOT, LOTT, a lot. |
| LEFF, left. | LOUSSTITUTE, loosed, released, absolved. |
| LEFFANDE, living. | LUP, Lufe, love. |
| LEFFE, leave, permission. | LUFANDLY, lovingly. |
| LEFFIS, permits. | LEUFERENT, love, favour. |
| LEOE POUStIE, see Liego Poustie. | LIGHT, Lycht, day. |
| LEFFull, LEIFFUL, lawful. | LYPH, life. |
| LEIL, see Leel. | LY, like. |
| LEKYS, locks. | LYKAND, liking. |
| LEI, LELE, see Leel. | LYKIS, likes. |
| LEELELY, faithfully, loyally. | LYMYS, limits. |
| LEN, to lend. | LYNBER, an officer who measures or defines the boundaries of land. |
| LENTH, length. | LYNYN, linen. |
| LESE, less. | LYTSSTAR, dyer. |
| LESTANDE, enduring. | LYT, to dye. |
| LESTE, least. | LYTTR, dyed. |
| LESTIS, pleasures. | LYTTR, dyed. |
| LET, to imped, to prevent. | LYTTR, dyed. |
| LET, impediment. |
MA, MAE, } more.
MAR, MARE, } more.
MADDEN, MADYE, a plant used in
dyeing red.
MAILIS, duties, rents.
MAIL-MAN, a tenant paying mail.
MAINT, a cow or ox killed at Martynmas
for winter provision.
MAISTER, master, one who has taken
the university degree of A.M.
MAK, make.
MALAB, see Mail-man.
MALETOUT (French), a tax.
MANESORNE, perjured.
MAR, mayor.
MARCATE, market.
MARCHAND, merchant.
MARCHANDYS, merchandise.
MARCHET, Marchet, mulierum, the tax or
fine paid by the vassal on marrying his daughter.
MARX, mayor.
MARK, money of the value of
13s. 4d.; also a weight of eight
ounces.
MARTIN, St., Feast of, Martynmas, 11th
November.
MARTRIK, a marton.
MASAR, a drinking cup.
MASK-PAT, a vat for brewing.
MASKIT, infused.
MASTYE, see Maister.
MAYD, made.
MAYDEEN, a maiden.
MAYN-BREAD, the finest wheaten bread,
see Demayn.
MEASURAND, measuring.
MED, MEYN, price, gain, reward.
MEID, mead.
MEEKLE, MEKYL, MYKIL, MUCKLE,
great.
MEILE, meal.
MEMBRYE, MEMBRYCE, members.
MENDIS, amends, compensation.
MENGIE, MENTIE, MEYNYE, MINTYE,
a multitude, a company, forces.
MENGIE, to mix, to blend.
MENYS, lessens, diminishes.
MERCATE, market.
MERCHEY, small wares that were
weighed by avoirdupois, in contra-
distinction to those weighed by the
trone, or great beam, and sold
wholesale.
MERCHES, marches, boundaries.
MERCHE, see Marchet.
MERCIMENT, fine.
MERE, to mark.
MERE, see Mark.
MERSIS, marches, boundaries.
MERSAR, a merchant, one who sold by
retail.
MERTIN, see Martin.
MERTRIK, a marton.
MESSAL, leprous, foul.
MESURE, measure.
MESURIS, measures.
MET, to measure.
METE, meat.
MICHAEL, St., Feast of, Michaelmas,
29th September.
MIDDIS, midst, middle.
MILLARIS, millers.
MISTER, to need, to be in want of, to be
reduced to difficulties.
MODYE, mother.
MOOT, meeting, public assembly, court.
MONE, money.
GLOSSARY.

MORNTE, morning.
MORWICHT, Morwynnyt, the gift by
a husband to his wife on the mor-
row of the marriage.
MOTE, plea, action, quarrel.
MOTICE, to plead, pleaded.
MUDYR-HALE, mother's half, mother's
side.
MUFFT, moved.
MUKERYN, gain.
MULTY, murther, the fee for grinding
grain.
MUNESDAY, Monday.
MUTE, see Mote and Moot.
MYDLYN, midling, average sized.
MYDLYNNE, the first hour of the arti-
ficial day, according to the ancient
reckoning, i.e., six o'clock.
MYLNE, a mill.
MYSEL, Mysil, leprous, foul.
MYSEDE, misdeed.
MYSGILT, misdeed, improper conduct.
MYSSAIRY, aspersos, slanders.
MYSTER, see Mister.

NA, neither, nor.
NA, no, not.
NAKN, no kind of.
NAME, none.
NATHYNG, nothing.
NATIVITY OF OUR LORD, Christmas,
Yule, the 26th December.
NAYN, none.
NEBES, bills of birds.
NEDE, need.
NEF, fist.
NEMMYN, to name.
NEMYT, named.

NEAREST, nearest.
NESTE, next.
NEYRHANDE, nearhand.
nicht, night.
NOCHT, not.
NOR-BED, a bed made of wool, a flock-
bed.
Nother, neither.
NOWTE, cattle.
NOYE, annoyance.
NYCHT, night.
NYCHBOUR, NYCHTBOUR, a neighbour,
a fellow-townman.
NYCHTERTAL, night time.
NYTE, to deny, to dispute.

OB: obulus, a halfpenny.
OCHT, aught.
OTYE, otter.
ONIE, OXY, any.
ONYKYS, onions.
ORDINANS, ordinance.
OSTE, host, army.
OTYE, other.
OUR, OCRE, over.
OUR-MEKILL, overmuch.
OUR-PRESSYT, overpressed.
OUTAKYN, besides, except.
OUTGANG, out going.
OUTQYTE, to discharge, to free a
property by payment of the debt
upon it.
OUTTANE, except, besides.
OUTWITH, beyond.
OUTYNIS, ovens.
OVYN, oven.
OYLE, oil.
OYSIS, uses.
GLOSSARY.

Oystris, oysters.
Oystyr, used.

Pais, Easter.
Pains, weight.
Pak, pack.
Palfra, palfrey.
Pannys, pans.
Pasche, Paske, Easter.
Passand, passing.
Passit, past.
Passyt, passed.
Paynis, pains, penalties.
Payr, pair.
Peece, peace.
Peences, pieces.
Peloure, fur.
Pentecost, Whitsunday, 15th May.
Phyll, people.
Perall, peril.
Peris, peers, equals.
Peroffyr, pre-offer, to offer previously.
Perstans, pertaining.
Perstynys, pertains.
Perstyt, parted, apportioned.
Perstyt, party.
Perstyt, perished.
Pes, peace.
Peadely, peaceably.
Peeze, peace.
Petys, peats.
Pile, a kind of iron, perhaps hammered. [107.10]
Pirouderous, dustyfeet, pedlars.
Pith, strength, power.
Plainytz, to complain.
Plaine, full.

Playnt, plea, action, quarrel, complaint.
Playnly, plainly.
Plede, debate, quarrel.
Plentyour, complainer.
Playres, pleas.
Plenty, Plenty, Pleynye, see Plainye.
Pluch, plough.
Ply, plight, condition.
Pock, bag.
Pokat, pocket, bag.
Pontage, a bridge toll.
Porcioun, portion.
Portes, ports.
Posnet, basum, a small skillet basin or porringer.
Potty, pots.
Poure, power.
Poynt, point.
Preiff, prove.
Prejoyst, enjoyed.
Prelocutor, forspokesman, advocate.
Preschryved, prescribed.
Presone, prison.
Prew, to prove.
Preyff, proof.
Preours, priors.
Prisaries, appraisers, pricers of goods.
Prise, price, value.
Prised, valued.
Pratis, private affairs.
Profes, prove.
Propyn, to proffer, to offer.
Prolocutor, see Prelocutor.
Propryt, property.
Prove, prove.
Prowyt, proved.
Pruff, proof.
Glossary

Pruff, to prove.
Pruffe, proved.
Prouris, priors.
Payse, price.
Pund, pound.
Pund, Punde, poinde.
Pundinge, poinding.
Pur, pure.
Puis, poor.
Purpnioun, the invasion of the rights of a superior.
Purway, purvey, provide.
Purwayit, purveyed, provided.

Quad, quadrans, a farthing.
Querele, quarrel.
Quytredeys, weasels.
Qwyte, quit, free from.
Qytye, alive, living.

Rade, roadstead.
Radies, fear, timidity.
Rastis, raises.
Rastynys, raisins.
Rebelouris, rebels.
Redee, Rede, ready.
Redland, fresh from slaughter.
Redes, roads.
Redylye, readily.
Reft, robbed, spoiled.
Regratter, one who buys merchandise, and afterwards sells the same for a greater profit than may be lawfully exacted.
Reef, robbery.
Reyffit, relieved.
Remanande, remainder.

Remaynand, remaining.
Remuffit, removed.
Reaef, receive.
Resboun, reason.
Resbaunt, received.
Restoraunt, restoration.
Retret-wardis, return.
Revel, reveal.
Revissing, ravishing.
Reyxe, smoke.
Richt, right.
Ris, rice.
Ritch, rich.
Rol, roll.
Romple, Rumple, he rump, the tail.
Rottin, rotten.
Roume, room, place.
Rud, Rude, rood.
Rugous, rigour.
Rynyn, ring.
Rycie, right.
Rycituis, righteous.
Rycitwysly, righteously.
Rydin, ridden.
Ryn, to run.
Ryning, ringing.
Rynnys, runs.

S., solidus, a shilling.
Sack of wool, a measure of wool containing forty stones troy.
Sadell, Sadil, Sadyl, saddle.
Saip, soap.
Sal, shall.
Sale, shall be.
Sale, seal.
Sald, Salde, sold.
Sameikell, so much.
<table>
<thead>
<tr>
<th>Glossary Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samyn</td>
<td>Same</td>
</tr>
<tr>
<td>Samyn-bread</td>
<td>See Alsamyn [141.9]</td>
</tr>
<tr>
<td>Safe</td>
<td>Soap</td>
</tr>
<tr>
<td>Sarjants</td>
<td>Sergeants</td>
</tr>
<tr>
<td>Sasine</td>
<td>Investiture in lands</td>
</tr>
<tr>
<td>Sauf, Sauffe</td>
<td>Save, except</td>
</tr>
<tr>
<td>Sauffe</td>
<td>To save, to defend, to protect</td>
</tr>
<tr>
<td>Sauffande</td>
<td>Saving, reserving, except</td>
</tr>
<tr>
<td>Saule</td>
<td>Soul</td>
</tr>
<tr>
<td>Saune</td>
<td>Sown</td>
</tr>
<tr>
<td>Sayme</td>
<td>Lard, fat</td>
</tr>
<tr>
<td>Saip</td>
<td>Soap</td>
</tr>
<tr>
<td>Satrly</td>
<td>Sorely</td>
</tr>
<tr>
<td>Scamel</td>
<td>Bench, in plural shambles</td>
</tr>
<tr>
<td>Scath, Scathe</td>
<td>Injury</td>
</tr>
<tr>
<td>Schafin</td>
<td>Shaped</td>
</tr>
<tr>
<td>Schathit</td>
<td>Injured</td>
</tr>
<tr>
<td>Schawe</td>
<td>To show</td>
</tr>
<tr>
<td>Schewe, Scheye</td>
<td>To divide, to cut</td>
</tr>
<tr>
<td>Scheytis</td>
<td>Sheets</td>
</tr>
<tr>
<td>Schief</td>
<td>A certain quantity of iron or steel</td>
</tr>
<tr>
<td>Schipf</td>
<td>Ship</td>
</tr>
<tr>
<td>Scho</td>
<td>She</td>
</tr>
<tr>
<td>Schone</td>
<td>Shoes</td>
</tr>
<tr>
<td>Schoingly, Schoiling</td>
<td>The skin of a shorn sheep</td>
</tr>
<tr>
<td>Schorhne</td>
<td>Shorn, cut</td>
</tr>
<tr>
<td>Schredis</td>
<td>Shreds</td>
</tr>
<tr>
<td>Schypp</td>
<td>Ship</td>
</tr>
<tr>
<td>Schyyn</td>
<td>An instrument for cutting, a shearing hook</td>
</tr>
<tr>
<td>Schyte</td>
<td>To shoot</td>
</tr>
<tr>
<td>Schynderakis</td>
<td>Slanderers</td>
</tr>
<tr>
<td>Scoittis-scyth</td>
<td>The Frith of Forth</td>
</tr>
<tr>
<td>Schredis</td>
<td>Shreds</td>
</tr>
<tr>
<td>Seabill</td>
<td>Visible</td>
</tr>
<tr>
<td>Sek, Sea</td>
<td>Seal</td>
</tr>
<tr>
<td>Sege</td>
<td>Seat, place</td>
</tr>
<tr>
<td>Seisin, Seein</td>
<td>See Sasine</td>
</tr>
<tr>
<td>Seinnis</td>
<td>Sickness</td>
</tr>
<tr>
<td>Sel</td>
<td>Seal</td>
</tr>
<tr>
<td>Selis</td>
<td>Socs (Sack)</td>
</tr>
<tr>
<td>Sek, See</td>
<td>Seek</td>
</tr>
<tr>
<td>Sekyr</td>
<td>Sicker, sure, secure</td>
</tr>
<tr>
<td>Sekt, Sael</td>
<td>Seal</td>
</tr>
<tr>
<td>Seki, Sell</td>
<td>Sell</td>
</tr>
<tr>
<td>Selden</td>
<td>Seldom</td>
</tr>
<tr>
<td>Sellys</td>
<td>Sells</td>
</tr>
<tr>
<td>Sellyt</td>
<td>Sealed</td>
</tr>
<tr>
<td>Seriand, Serjeand</td>
<td>A beadle, an inferior officer in the court of justice</td>
</tr>
<tr>
<td>Servandis</td>
<td>Servants</td>
</tr>
<tr>
<td>Sesing, Sesyn</td>
<td>See Sasine</td>
</tr>
<tr>
<td>Sesyn</td>
<td>Possession</td>
</tr>
<tr>
<td>Sessing, Session</td>
<td>Session</td>
</tr>
<tr>
<td>Set</td>
<td>Planted</td>
</tr>
<tr>
<td>Set, Seat, Place</td>
<td>Place</td>
</tr>
<tr>
<td>Setting</td>
<td>A weight containing 24 marks</td>
</tr>
<tr>
<td>Setwell</td>
<td>Zedoaria, herb</td>
</tr>
<tr>
<td>Seyk</td>
<td>Sick</td>
</tr>
<tr>
<td>Sheray</td>
<td>Sheriff</td>
</tr>
<tr>
<td>Sic, Sick, Sik</td>
<td>Such</td>
</tr>
<tr>
<td>Sickerly, Surly</td>
<td>Surely, firmly</td>
</tr>
<tr>
<td>Skaith, Skayth</td>
<td>Injury, damage</td>
</tr>
<tr>
<td>Skamyll, Scamel</td>
<td>See Scamel</td>
</tr>
<tr>
<td>Sklanderers</td>
<td>Slanderers</td>
</tr>
<tr>
<td>Skureed</td>
<td>Squirted</td>
</tr>
<tr>
<td>Skynnis</td>
<td>Skins</td>
</tr>
<tr>
<td>Sla</td>
<td>To slay</td>
</tr>
<tr>
<td>Slayet</td>
<td>Slackened, relaxed</td>
</tr>
<tr>
<td>Slevis</td>
<td>Sleeves</td>
</tr>
<tr>
<td>Sma, Small</td>
<td></td>
</tr>
<tr>
<td>Smolts</td>
<td>The fry of salmon</td>
</tr>
</tbody>
</table>
Glossary.

Smytyn, smitten.
Some, see Soume.
Somer, Somys, summer.
Somertane, summer-time.
Somebir, soever.
Somondis, summons, citation.
Somyt, some.
Sonys, sons.
Sonys, sons.
Soume, number, a horse load.
Soune, sun.
Soutar, Sowter, shoemaker.
Sowame Skathis, damages taxed,
modified, or ascertained.
Soyt, suit.
Sottis, suits.
Sottour, suitor.
Sow, to sew.
Spair, spare.
Spal, spare.
Speed, Sped, to have success, to pro-
per, to fare.
Spewill, bad.
Spierit, asked, inquired.
Stettle, stytaile, an hospital.
Stulyez, spoiled, despoiled.
Spunys, spoons.
Squallaris? [148.21]
Stabillyng, maintaining.
Stadd, inclined, disposed.
Stal, to make water.
Stallege, duty paid for liberty to erect
or use a stall.
Stallangear, one who sells goods in a
stall during a market.
Stanche, to assuage.
Stanke, a measure of weight.
Stanke, stone.
Stank, a pool, a pond.

Steade, place.
Stedhaldand, substitute, one doing
duty for another.
Stedis, places, stations.
Steid, stead.
Stek, Steak, Stike, to shut, to close.
Steep, to steep.
Steile, steel.
Sterapis, stirrups.
Sterys, stirs.
Stingoindent, Stingindent, Stoysdint,
a stroke with a baton or stick.
Stop, a stoup, a pitcher.
Streik, to engage in any work.
Streintyable, distrainable, poindable.
Streym, stream.
Streyt, street.
Strik, strike.
Strikis, strikes.
Strikynke, stricken.
Stull, a stool.
Sfy, a sty.
Stynkand, stinking.
Subsyde, subsidy.
Suer, Suer, swear.
Suffyciand, Suffycyande, sufficient.
Sulk, such, whatever.
Sulke, Sutile, silk.
Sulde, should.
Summones, to summon.
Suspek, suspect.
Suth, truth, verity.
Suthfast, true.
Suth forgotness, truth, verity.
Swa, so.
Swilke, such.
Swyn, swine.
Sychit, sight.
Syk, such.
GLOSSARY.

Sykkerly, surely, firmly.
Sykenel-bread, bread of the finest wheaten flour.
Synpilly, simply.
Syn, Syne, seeing.
Syndry, sundry.
Syne, then, afterwards.
Systeris, sisters.

Tabernaris, tavern keepers.
Tackand, taking.
Taisters, tasters.
Tak, take.
Tack, tack, lease.
Takyn, token, sign.
Tane, taken.
Tane, the one.
Tappyt, broached for sale.
Tappand, tapping, selling.
Tast, taste.
Taulch, tallow, grease.
Tassal, teazel; cloth makers’ thistles.
Taumeris, retailers in taverns.
Tavannyt, sold in retail.
Tavernys, puts up, lodges.
Tayntyt, tainted.
Tenement, a house; often denoting a building which includes several separate dwellings.
Termyes, terms.
Terrar, tar.
Thame, jurisdiction in matter of bondage, perhaps also right to hold bondmen.
Thiere, these.
Thole, to bear, to endure, to suffer.
Thred, Thread, thread.
Threch, Thru, Threw, through.

Thryis, thrise, thrice.
Thryll, slave.
Thrums, thrums, short threads.
Thurnay, Turrnay. “That is,” according to Skene, “as in the old English books, the husband may do right for his wife in courts of the burgh.”
Thyno, thing.
Till, to.
Timmor, timber.
Timmer, see Tymmer.
Toddis, foxes.
Toll, custom.
Tomre, empty.
Ton, cask.
Tonnis, tuns, casks.
Torthir, Toother, the other.
Towall, well.
Trest, the frame supporting a table.
Tret, treat.
Trettye, treated.
Trew, true.
Trone, a balance or beam used for weighing coarse and heavy commodities.
Troun (The), the place at which such commodities are weighed.
Tronares, those who kept the trone.
Trow, to believe in, to confide in, to trust.
Trownr, trusted.
Turches, touches.
Turchand, touching.
Tulk, took.
Turn, to put in a tun or cask.
Turnis, converts.
Turisk, a bale, bundle, or package.
Tuyis, twice.
GLOSSARY.

Twa, twelve.
Twechtes, touches.
Twertnay, see Thursnay.
Twys, Twyse, twice.
Tymmer (of skins), a timer of skins usually consisted of forty skins packed between two boards, in which way merchants were in use to bring home marten, sable, and other costly skins and furs.
Tymmer, timber.
Tyndale, lost, forfeiture.
Tyn, Tyne, lose, forfeit.
Tynt, lost, destroyed, forfeited.
Tym, time.

Uill, will.
Uncouth, strange.
Undergan, undorgone.
Underin, the third hour of the artificial day, according to the ancient reckoning, i.e. nine o’clock A.M.
Unforgyfyn, unforgiven.
Unpowar, want of power.
Unwemymt, whole, entire.
Uplandis Man, a man who lives in the country, as distinguished from one who lives in town, a rustic.
Upolande, upland.
Usyt, used.
Utouth, Utwith, outwith, beyond.

Valde, would.
Valar, Vale, Valour, Valw, value.
Vayasour, vassal.
Venkel, an alley, a lane.
Verlay, very.

Veysteis, weights.
Vnderly, underlie.
Vnderfully, wrongfully.
Vndoyng, undoing.
Vnhailsom, unwholesome.
Vnionnis, onions.
Vnpuffit, unproved.
Vnreulfully, ungovernably, contrary to rule.
Vntastyt, untasted.
Vnyon, union.
Vprayhst, upraised.
Vsys, uses.
Vtooth, beyond.
Vtoocht, without.
Vysaste, wisest.

Wache, to watch.
Wad, wood, a dye stuff.
Wadset, to impledge heritable property.
Wakis, watches.
Wakstaff, watchmen.
Wakyno, watching.
Wade, see Wad.
Walde, would.
Walew, value.
Walkaris, Wakaris, walkers.
Walx, wax.
Wame, bolly.
Wane, filthy.
Wapin, weapon.
Wapyns, weapons.
War, waro.
Wardane, warden, cooer.
Warryt, injured, made worse.
Wast, waste.
Wastell, bread of second quality,
GLOSSARY.

inferior to semnel-bread, or panni demayn; a thin cake of oatmeal baked with yeast.
WAT, knew.
WATE, to know.
WAW, a wye, a load; a measure of twelve stones, each stone weighing eight pounds; a waw of wool contained half a sack.
WATIS, ways.
WATYN, a wain, a waggon drawn by horses or oxen.
WAYNE, vain.
WECHT, weight.
WED, WEDE, pledge.
WEDDIS, pledges.
WEDOUS, widows.
WEDSET, see Wadsot.
WELK, weal, health, wellbeing.
WENAL, vennol, an alley, a lane, a close.
WERE, to guard, to defend.
WERE, war.
WERRAY, very.
WERSYT, made worse.
WY, to weigh.
WY, see Waw.
WYAND, weighing.
WHAI, whose.
WHERDER, whether.
WHILK, which.
WHITES, wheat.
WHILKIS, which.
WHITTRES, WYTTREDYS, vessels.
WHYTT, white.
WIDDERIT, withered.
WIRK, work.
WITHOUTYN, without.
WIT, with.
WOB, web.

WOD, see Wad.
WOD, wood.
WOLK, week.
WOLL, wool.
WONNANDE, residing.
WONNYN, obtained.
WONNYNG, dwelling.
WONNYNS, resides, dwells.
WORDLAKE, offence in word.
WOT, knew.
WRAKE, wreck.
WRANOWISLY, wrongously.
WROCHT, wrought.
WROTH, wrath.
WRYT, writing.
WTENSELY-THINGS, utensils.
WYN, wine.
WYN, to reside.
WYNDOWIS, windows.
WYNNING, profit, gain.
WYNTER, winter.
WYS, WYSE, ways, as in onywise, anywise.
WYSLY, wisely.
WYT, to know.
WYZANDLY, wittingly, knowingly.

YELDE, yield, return, repay.
YEME, to keep.
YET, YETT, a gate.
YETTS, gates.
YHARDE, yard.
YHARNE, yarn.
YHARNE, to desire eagerly.
YHELDE, to yield, to pay.
YHEME, to keep.
YHHEMSEL, YHHEMSALE, keeping, custody.
GLOSSARY.

Yhere, year.
Yhere, yest.
Yhettis, gates.
Yhule, Christmas, 25th December.
Yir, yest.
Yoill, Yule, Christmas, 25th December.

Yow, you.
Yrance, iron.
Yur, your.
Yym, to keep.
Zere, year.
INDEX.
LIST OF ABBREVIATIONS.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>L. B.</td>
<td>Leges Burgorum</td>
<td>1-58</td>
</tr>
<tr>
<td>W.</td>
<td>Assise Regis Willelmi</td>
<td>59-62</td>
</tr>
<tr>
<td>S. G.</td>
<td>Statuta Gilde</td>
<td>63-88</td>
</tr>
<tr>
<td>H. R.</td>
<td>Regiam Majestatem</td>
<td>89-90</td>
</tr>
<tr>
<td>Q. A.</td>
<td>Quoniam Attachamenta</td>
<td>91-96</td>
</tr>
<tr>
<td>C. N.</td>
<td>Constitutiones Noe pro Burgensis</td>
<td>97-98</td>
</tr>
<tr>
<td>Tol.</td>
<td>Assisa de Tolloneis</td>
<td>99-108</td>
</tr>
<tr>
<td>Port.</td>
<td>Custuma Portuum</td>
<td>109-112</td>
</tr>
<tr>
<td>Art. In.</td>
<td>De Articulis Inquirendis in Burgo in Itinere Camerarii secundum usum Scocie</td>
<td>113-126</td>
</tr>
<tr>
<td>J. O.</td>
<td>Juramenta Officiariorum</td>
<td>127-130</td>
</tr>
<tr>
<td>It. Cam.</td>
<td>Modus Procedendi in Itinere Camerarii infra Regnum Scocie</td>
<td>131-154</td>
</tr>
<tr>
<td>C. Q. R.</td>
<td>Curia Quatuor Burgorum</td>
<td>155-158</td>
</tr>
<tr>
<td>Frag.</td>
<td>Fragmenta Quadruplium Legum et Consuetudinum Scocie</td>
<td>159-168</td>
</tr>
<tr>
<td>D. ii.</td>
<td>Acta Parliamentorum Regis David Secundi</td>
<td>167-192</td>
</tr>
</tbody>
</table>
INDEX.

ABERDEEN—
Custom of Aberdeen common lands given in sickness, Frag. 18.
Obligation by burgesses regarding the ransom of David II., pp. 190-199.

ABSENCE—
An absent burgess should not tyne his rycht, L. B. 10.
Of poynding a 'servus' whose lord is absent in the King's army, &c., L. B. 33.
If the relatives be abroad, to whom a burgess should offer his land when for sale, L. B. 42.
Escocn of absent parties. See Escocn.

ACCUSE—
Accusations for theft, treason, &c. See Theft, Treason, &c.
No one may be condemned without an accuser, L. B. 38.
That a man shall answer to only one accusation in one day, L. B. 78.
Of him who accuses first, L. B. 82.

ACQUITTANCE—
Acquittance by the oaths of twelve men, L. B. 22, 26, 107, Frag. 8, 28.
Acquittance by the oaths of eleven men, Frag. 28.
Acquittance by the oaths of six men, 'sexta manu,' L. B. 29, 38.
Acquittance of one who exceeds the age of combat, L. B. 22.
Acquittance against the King, Frag. 28.
Acquittance of persons accused by the 'propositus vel precones,' L. B. 76.

AGE. See also Heir—
Majority of heirs of burgesses, R. M. ii. 35.

AGE. See also Heir—
What if a burgess exceed the age of combat, L. B. 22.
The tutor or curator of a minor shall act for him, L. B. 80.

ALDIRMAN. See Prepositus.

ALE—
If one be in 'forfaute' of bread or ale, L. B. 19.
Who may not manufacture or sell bread or ale, L. B. 59; Art. In. 23.
Regulations for brewing ale, L. B. 63.
How forfeited ale shall be disposed of, L. B. 63.
How the venders of bread and ale shall supply travellers, L. B. 67; D. ii. p. 189.
No dyer, flesher, shoemaker, nor fisherman shall brew ale for sale except he have two rats, L. B. 84.
No one to have a brewhouse beyond burgh unless he there have pit and gallows, C. N. 1.
The form of an ale taster's oath, J. O., p. 129.
"The chalance of ale taistaria" before the Chamberlain, It. Cam. 6.
Of persons who are not brewers selling untasted ale, It. Cam. 28.
Punishment of breakers of assize of ale, C. Q. B. 6.
Carrying bread and ale from one burgh to another to sell, Frag. 5.
Prices of ale from Easter to Michaelmas, and from Michaelmas to Easter, Frag. 42.

ALIENATION—
Alienation of Landa. See Landa.
INDEX.

AMERCEMENTS. See also Forfeiture—
Amercements for theft, &c. See Theft, &c.
To whom amercements from foreign merchants belong, S. G. 50.
Amercements due where the delinquent is apprehended, Frag. 5.

ANDREWS, ST—
Obligation by burgesses regarding the ransom of David II., pp. 193–199.

ANIMALIA. See Cattle.

ANNUAL RENTS. See Firma.

"ARLIS," (Arre)—
If one do not pay a merchant in the burgh after giving a God's penny or arlis, S. G. 28.

ARMY—
A man in the King's army may not be pounded, L. B. 33.

ARREST. See Attachments.

ASSAULT. See Blood.

ASSISE—
Of the breaking of assise, L. B. 38.
An assise shall decide questions of Sasine of lands in burgh, Frag. 10.
Fresh defores in burgh, Frag. 12.

ATTACHMENTS—
Who may be attached at fairs, L. B. 81.

BAILIES. See Prepositus.

BAKERS. (Baxtaries—Bacsters)—
No alderman, bailie, nor bodel to bake bread, L. B. 59.
Under what conditions bakers shall bake bread, L. B. 60.
Bakers hiding bread to forfeit six "orases," i.e., eight shillings, L. B. 60.
Exacting penalties from them after amercement, Art. In. 11.
Of bakers preserving the proper weight of bread, Art. In. 16.
How often they are fined in the year, to be inquired by the Chamberlain, Art. In. 16, 22.
Their "chalance" before the Chamberlain, It. Cam. 9.
Bakers selling to burgesses on credit, Frag. 1.

BAKEHOUSE. See Oven.

BANNOCKBURN—
Revocation of lands granted by the King before the battle of Bannockburn, Art. In. 77.

BARONS—
Barons may not buy wool, skins, or hides, W. 40.
Barons quit of toll and custom, Frag. 26.

BASTARDS—
Of bastards leaving no heirs, It. Cam. 28.

BATTLE. See Combat.

BEANS—
When beans may be bought, S. G. 26, 49.
How they should be sold to a gild brother, S. G. 27.

BEDELLUS—
Imprisoning a burgess in the house of a bedellus, L. B. 57.
A bedellus may not manufacture or sell bread or ale, L. B. 60.
A bedellus' points of dittay before the Chamberlain, It. Cam. 5.

BERWICK UPON TWEED—
One of the Four Burghs, L. B. p. 3; C. Q. B. p. 153.
Brokers to be elected in Berwick, S. G. 31.
Awnut the buying of goods at Berwick, S. G. 33.
Government of the community of Berwick, S. G. 37.
Of buying out of ships at Berwick, S. G. 49.
Of cleansing the town, Art. In. 43.
Prices of mutton in Berwick upon Tweed, Frag. 44.

BISHOPS—
Bishops should not buy wool, skins, or hides, W. 40.

B.L.A.A.—
Bla and bloody. See Blood.

BLODEWIT. See Blood.
INDEX.

BLOOD.—
Blodewit may not be heard in burgh, L. B. 17.
If a man make another "blaa and blodi," L. B. 82.
Of drawing blood from a gild brother, S. G. 7, 9.

BONDMAN. See Nativus.

BORCH. (Plegius.)—
If a man be accused, and can find no "borowin," L. B. 57; 74, 117.
If a burgess be arrested, and says that he can find borch, L. B. 74.
Of burgesses borches for each other, L. B. 51; Frag. 1, 4.
Borch for those accused of theft at fairs, L. B. 57.
Borches for strangers harboured for more than one night, L. B. 85.
A borch may pind the burgess of another burgh, L. B. 97.
That there be but one 'mericiment,' though many "borowin," L. B. 113.
If a wife 'fyndc borch to stand to the law' without her husband's consent, L. B. 118.
Buying and selling without borch of hame-hald, Frag. 4.
Of borches for debtors, L. B. 89, 113; Frag. 1, 4, 8, 32.
Borch for a thief, see Theft.

BOTE. (Botha.)—
Custom for covered and uncovered bothes on a market day, L. B. 37.

BOUNDARIES. See Marches.

BRASEUM. See Malt.

BREAD. See also Ale—
If one be in "forfaute" of bread or ale, L. B. 19.
Under what conditions bread may be baked, L. B. 60.
Sellers of bread to sell to all men whosoever, L. B. 67.
The king's bailie or 'serviens' may neither sell nor bake bread to be sold, C. N. 4; Art. In. 23; It. Cam. 4.
Punishment of breakers of assise of bread, C. Q. B. 6.
Carrying bread from one burgh to another to sell, Frag. 5.
Stealing bread in burgh, Frag. 39.

BREWERS. See also Ale—
Annual rent payable to the Provost by brewers, L. B. 96.
They shall brew ale according to the constitution of the town, 'secundum constitutionem ville,' L. B. 63.
Brewers to sell ale to all men whomsoever, L. B. 67.
No dyer, flesher, shoemaker, nor fisherman shall brew ale for sale except he have two vats, L. B. 94.
Of him who may have a brewhouse beyond burgh, C. N. 1.
Exacting penalties from them when a-retored, Art. In. 11.
Selling according to the price imposed by the tasters, Art. In. 14.
Selling before the ale is apprised, Art. In. 14.
Selling "per ollas plenas," and not by sealed measure, Art. In. 15.
How often they are a-retored in a year to be inquired by the Chamberlain, Art. In. 23.
Of brewing "absegue fine facto," Art. In. 58.
Of stallangers brewing, Art. In. 66.
Their "chalance" before the Chamberlain, It. Cam. 10.
Brewers must sell to burgesses on credit, Frag. 1.
They may brew thrice without paying "frima," Frag. 41.

BRIEVES—
Process of brief of right in burgh, Q. A. 40.
Form of brief of right, Q. A. 57.
Form of brief of lining of land in burgh, Q. A. 60.

BRIGATORES—
Of "brigatores" in court, Art. In. 47.

BROKERS (Broccarii)—
Broccarii should be elected by the community, S. G. 31.
They should give a cask of wine to the community at Michaelmas, S. G. 31.

BURGESS. See also Burgh.
A new burgess shall swear fealty to the king and to the community, L. B. 2.
A burgess may point an upland man without the provost's leave, L. B. 3, 32.
BURGESS, &c.—

He may not point another burgess without the provost’s permission, L. B. 4.

If a burgess lend to an upland man, L. B. 5.

A burgess shall not impale out of the burgh, L. B. 7.

A burgess shall be judged by his peers, and according to the law of burghs, L. B. 7.

When a mute between a burgess and merchant should be ended, L. B. 8.

If a churl challenge a burgess, or vice versa, L. B. 11.

If an upland man challenge a burgess, L. B. 12.

With whom a burgess may have battle, L. B. 13.

How long the son of a burgess shall have his father’s freedom, L. B. 14.

Foreign merchants to buy wool, hides, and other merchandise only from burgesses, L. B. 16.

None but a king’s burgess may have an oven, L. B. 18.

None but a burgess may dye wool or manufacture cloth, L. B. 20.

A burgess is free to go where he likes, L. B. 21.

What if a burgess exceed the age of combat, L. B. 22.

The child of a burgess shall be heir to the father’s property, L. B. 23.

Succession of the children of a burgess by different mothers, L. B. 24.

Provision for the widow of a burgess, L. B. 23, 24.

If an upland man accuse a burgess of theft, L. B. 25.

Of kyrrekt when one is ‘made new burgess of waste land and he have no land within the burgh herburyt,’ L. B. 27.

If the land of a burgess be wasted by fire or sword, L. B. 27.

A burgess may put a man on oath who denies a debt, L. B. 28.

What if plea be risen between a burgess and an upland man, L. B. 29.

He need take none but a burgess as a pledge for his point, L. B. 32.

Every burgess must be present at the three ‘hevwyd mutis,’ L. B. 40.

If a burgess who dwells in burgh be absent from the three ‘hevwyd mutis,’ L. B. 40.

If ‘a burges apoianlade’ absent himself from them, L. B. 40.

A burgess apoianlade is not ‘haldin to cum to ony onth mutis,’ L. B. 40.

BURGESS, &c.—

Instead of pointing, one burgess shall cite another to court, L. B. 44.

If a burgess be challenged while on a pilgrimage, L. B. 45.

If he be wronged by a ‘castellanus,’ or vice versa, L. B. 46.

Of weights and measures which every burgess may have in his house, L. B. 46.

Every King’s burgess to do such service as falls to a rood of land at least, L. B. 49.

Repleding a burgess ‘attachyt ututh the burgh,’ L. B. 51.

A burgess may point a stallangear for debt in the burgh, L. B. 54.

A stallangear may not have loth cut or cavyl with a burgess, save at faire, L. B. 54.

A burgess shall not lend to the castle bailies more than 40 pennies’ worth, L. B. 55.

If a burgess be summoned to the King’s Court, L. B. 55.

If a burgess be accused, and can find no security, L. B. 67, 74, 117.

If a burgess be arrested, and say that he can find security, L. B. 74.

On what conditions a burgess may possess swine, L. B. 84.

His lands may be sold for debt, L. B. 89, 90.

If he die, the maternal relatives shall be guardians to his heir during his minority; the paternal relatives shall have charge of his heritable property, L. B. 98.

A burgess may not be forcibly ejected from his property, L. B. 99; Frag. 15.

A burgess may not alienate heritable property on deathbed except for need, L. B. 101.

If a burgess refuse to sell swine or poultry for the use of the king, L. B. 102.

That the ‘aldorman’ choose 12 burgesses for administering the laws, L. B. 112.

Distribution of the property of a burgess, L. B. 115, 116; Frag. 16-21.

If a burgess be attached by the King’s bailie in burgh, L. B. 117.

That every burgess worth £10 keep a horse, S. G. 21.

A burgess to have only one servant to buy wool or hides, S. G. 34.

If a burgess reveal counsel contrary to his oath, S. G. 39.

When a “forishabitan” may buy merchandise, S. G. 51.

How much imported victuals a “forishabitan” may buy, S. G. 51.
BURGESS, &c.—
When the heir of a burgess shall be of age,
R. M. II. 33.
Account of the burgh revenue to be given
to the community, Art. In. 42.
A burgess must have a "terram hospitati-
Of burgesses harassing merchants, Art.
In. 65.
Oath of a burgess and guild brother,
J. O. p. 127.
Of lot and cavil with a landward burgess,
C. Q. B. 3.
When transgressors may be punished, C. Q.
B. 6.
BURGesses borchs for each other, L. B. 51 ;
Frag. 1, 4.
Selling to burgesses on credit, Frag. 1.
Rebels against the community, Frag. 3.
Privileges of landward burgesses, Frag.
7, 9.
Special freedoms granted to burgesses by
King William, Frag. 8.
A burgess may give purchased or conquest
land to whom he likes, L. B. 21; Frag. 23.
Purgation of a burgess against the King,
Frag. 28.
Privileges of burgesses passing the four
gates, Frag. 29.
Privileges granted to burgesses by King
David, Frag. 29.
Of finding borchs if a burgess be arrested,
and have no property, Frag. 32.
Of a burgess attachel and alleging the
liberty of the burgh, Frag. 34.
Of injuries done by the cattle of a burgess,
Frag. 35, 36.
The rights and liberties of burgesses are
confirmed, D. ii., p. 188.
A burgess may not leave the kingdom
without the King's or Chamberlain's
licence, D. ii., p. 192.

BURGH, BOROWAGE, or BURGAGE.
See Four Burghs—
Laws of the Four Burghs, 1-58.
Of the King's rent "in burgasia," L. B. I.
What pleas shall be determined in burghs,
L. B. 6.
If a churl have a borowage in any burgh,
L. B. 11.
If a "servus" purchase a borowage, and
dwell in the burgh a year and a day,
L. B. 15.
Neither "bluwetyt, na stokieynt, na
merchet, na hercule," shall be heard in
the burgh, L. B. 17.

BURGH, &c.—
Four impediments to poinding in burgh,
L. B. 33.
If a man have received a borowage in free
marriage, L. B. 41.
Conquest lands in burgh may be disposed
of at pleasure, L. B. 42.
If a man be challenged of his land in a
burgh, L. B. 43.
Weights and measures to be sealed with
the burgh seal, L. B. 48; Art. In. 50.
Of lepers entering the burgh, L. B. 58;
S. G. 18; Art. In. 25.
Forstellers of the burgh, L. B. 72; Art.
In. 24; It. Cam. 28; C. Q. B. 1.
Of swine in burgh, L. B. 84, 102; Frag.
37.
If lands in burgh be set in feu-farm, and
the "feodifermius" be obliged to sell
them, L. B. 95.
A borowage may not be alienated if the
nearest heirs wish to purchase or 'feu-
ferm' it, L. B. 114.
None living out of the burgh may manufac-
ture dyed and cut cloth, C. N. 2.
King's bailies and servants not to hold a
tavern, nor make nor sell bread, in burgh,
C. N. 4; Art. In. 23; It. Cam. 4.
Using the freedom of the burgh unlawfully,
Art. In. 38.
Of the King's "nativi latitantes in burgo,"
Art. In. 40.
Taxes to be equitably imposed in burgh,
Art. In. 41.
Letting burgh property, Art. In. 42.
Account of the burgh revenue to be given
to the community, Art. In. 42.
Abjuring the town and afterwards conceal-
ing in it, Art. In. 73; It. Cam. 28.
"Hostilagiis" in burgh, Art. In. 74.
Bailies selling the liberty of the burgh,
without consent of the community, It.
Cam. 4.
Lands forfeited in burgh, It. Cam. 28.
Defamers, rebels, and night-walkers in
burgh, It. Cam. 28.
Stopping the common vennels, It. Cam.
28.
Landward lords coming to the burgh
courts, It. Cam. 28.
If the "mercia and bondia" are well kept,
It. Cam. 28.
Private confederations in burgh, It. Cam.
28.
If the common purse be well kept, It.
Cam. 28.
Purprision in burgh, It. Cam. 28.
BURGH, &c.—
  Two or three commissioners from every royal burgh south of Spey to attend the Convention of the Four Burghs annually, C. Q. B. p. 126.
  Repelleging forestallers from the burgh court, C. Q. B. 1.
  Carrying bread and ale from one burgh to another, Frag. 5.
  Inhabitants of barony lands amenable to the burgh, Frag. 6.
  Probation of seisin in burgh, Frag. 10.
  Two cannot hold the freedom of the burgh together "of the samyn burrowagis," Frag. 11.
  Of "fresh deforce" in burgh, Frag. 12, 13.
  Recovery of land for non-payment of annual rent, Frag. 14.
  Resignation of lands in burgh, Frag. 22.
  Defrauding the burgh of custom and toll, Frag. 25, 26.
  Who are quit of toll and custom in burgh, Frag. 26.
  Form of citation in burgh, Frag. 30.
  Of goats or geese in burgh, Frag. 38.
  Punishment of theft and thieves in burgh, Frag. 30.
  Who must bring goods to market in the burgh, Frag. 46.
  The rights and liberties of burghs are confirmed, D. ii., p. 189.
  That there be a "trona" for weighing wool in every burgh, D. ii., p. 190.
  If foreign merchants buy or sell but in burgh, S. G. 23.
  Anent passengers received in burgh, D. ii., p. 189.

BURGH-GREF. See Prepositus.

BURN. See Fire—

BURIAL—
  Provision for burying gild brothers, S. G. 14; Frag. 2.

BUTCHERS. See Fleshers.

BUTTER—
  Customs on Butter. See Customs.

CAN, CANAGE—
  Of canage of wool and hides, Frag. 27.

CANVASS. (Canubium)—
  Customs for a hundredth canvass, Tol. c. 8.

CARDONES—
  Custom for "Cardones." See Customs.

CARRIAGIUM—
  Of "Carragiium" levied and resold, Art. In. 46.

CASTLE—
  A man whose lord has kept the king's castle for 40 days may not be pointed, L. B. 33.
  If a burgess be aircled by a castellan, or vice versa, L. B. 48.
  Of a burgess lending to the castle baillies, L. B. 55.
  A castellan may not kill the swine or poultry of a burgess, L. B. 102.

CATTLE—
  Time of slaughtering cattle is from Martinmas to Yule, L. B. 64.
  When a man dwelling out of the burgh may purchase cattle for slaughter, L. B. 53.
  Hucksters not to buy cattle before mid-morn, L. B. 66.
  Buying cattle between Martinmas and Christmas, S. G. 44.
  Of cattle found feeding "extra prata et segetes," C. N. 3.
  Of assith of skaithe of cattle, Frag. 35.
  Cattle entering enclosures in burgh, Frag. 36.

CAVYL. See Loth and Canyl.

CHALLENGE. See Placitum.

CHAMBERLAIN—
  Articles to be inquired into by the Chamberlain specified, pp. 113-126.
  If the Chamberlain stand in pless against the King, Art. In. 64.
  A burgess or merchant may not leave the kingdom without the King's or Chamberlain's licence, D. ii., p. 192.

  Who are to be summoned to the "Chamberlain Ayr," It. Cam. 1, 2.
  "Of the manner to hold the Chamberlain Ayr," It. Cam. 3.
INDEX.

CHAMBERLAIN—
Charges that may be brought against those who are summoned, It. Cam. 4–27.
“Secreta inquisition,” or the points that ought to be “inquiret be the great assays,” It. Cam. 28.
The privilege of the Chalmerian Ayr, It. Cam. 29.
The Chamberlain’s clerk to examine all weights and measures, Frag. 47.
The Chamberlain’s clerk shall not have “ligam vel domicilium” with him, Frag. 49.
The Chamberlain shall make his “iter” only in summer, Frag. 50.
Repleading from the Chamberlain’s court for restaining the burg, C. Q. B. 1.

CHEESE—
When regratters may buy cheese, S. G. 32.

CHEUERONYS—
Customs for 100 cheueronys, Tol. 3.

CHRISTIANITY—
Courts of Christianity. See Church.

CHURCH—
The Church’s peace ought not to protect a malefactor in time of fairs, L. B. 86.
That ecclesiastics buy neither wool, skins, nor hides, W. 40.
A religious house or a husband to be provided for the daughter of a gild brother, S. G. 13.
Giving lands to religious or other ecclesiastics without the King’s licence, It. Cam. 28.
The best “raifra” may be given to the church, Frag. 20.
Holders of ecleemosary land are free of toll and custom, Frag. 26.

CHURL. (Rusticus). See Nativus.

CITATION—
How and by whom a summons should be served, L. B. 110.
Form of summons in burgh, Frag. 30.

CLENGYNG. See Acquittance.

CLOSOURIS—
Of cattle entering burgh enclosures, Frag. 36.

CLOTH—
None but a burgess may manufacture cloth, L. B. 20.
How stranger merchants may sell cut cloth, W. 41.
Of cloth bought to be resold, S. G. 23.
Who may make dyed and cut cloth, C. N. 2.
Observing the “gaugeria pannorum,” Art. In. 44.

COKESTOLE. See Kukstule.

CODLYNGIS—
Customs on Codlyngis. See Customs.

COLEMOTH—
Customs on Colemoth. See Customs.

COLLISTRIGIUM. See Kakstule.

COMBAT—
With whom a burgess may have battle, L. B. 13.
Battle between a burgess and an upland-man, L. B. 12.
Battle between burgesses, L. B. 13.
What if a burgess exceed the age of combat, L. B. 22.
Burgesses not to do battle but of the moots that fall to the King’s crown, Frag. 8.

COMYN—
Customs on “Conyn.” See Customs.

CONFEDERATION—
Private confederations in burgh, It. Cam. 28.

CONQUEST. See also Heir and Land—
Conquest lands may be disposed of without consent of the heir, L. B. 21, 42; Frag. 23.

CONSPIRATORS—
Of conspirators against the community, S. G. 36.

CONVENTION OF THE FOUR BURGHS. See Four Burghs.

COOKS—
If cooks prepare food improperly, Art. In. 37.

CORDWAN—
Customs on Cordwan. See Customs.
CORN—
How corn ought to be sold to a guild brother for meat, L. B. 27.
How corn coming by ship ought to be sold, S. G. 29.
How much corn may be bought for malt, S. G. 43.
How corn may be ground, Frag. 53.

COUNTY—
If a man come to the county, 'comitatum,' to buy his lord's meat, he may not be pointed, L. B. 33.

COURFEU. See Ignitegium.

COURTS. See also Placitum—
Of attending the three principal courts in the year, L. B. 40.
Of a burgess summoned to the King's court, L. B. 56.
Of the time of coming to courts in burghs, L. B. 75.
Who only may speak in court, S. G. 20.
Reprieving from courts. See Repledge. Of landward lords coming to burgh courts, Art. In. 70; It. Cam. 28.
Drawing to ecclesiastical from secular courts, It. Cam. 28.
Criminal courts (in burgh) to be held every fortnight, Frag. 33, 35.

CRAIL—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

CREDITOR. See Debt.

CRIERS—
If criers be convicted of dishonesty, L. B. 69.
They shall be elected by the citizens, L. B. 71; Art. In. 56.
They may not lead witness against persons accused by them, L. B. 76.

CRIMINALS. See also Accusation—
Every criminal should be judged by his peers, L. B. 7.
Of harbouring criminals, It. Cam. 28.
When criminals may not be punished, C. Q. B. 6.

CROSS—
That all merchandise be brought to the Cross, W. 40; Frag. 46.
A burgess attached and seeking his own cross and "forum," Frag. 34.

CROWN. See King.

CULCITRA PLUMALIS. See Customs.

CUPAR—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

CURFEW. (Ignitegium)—
The watchmen to go out when the Curfew tolls, L. B. 81.

Of a foreign sailor paying toll, L. B. 25.
"Mersars" shall pay custom to the Provost, L. B. 37.
The good men of the town shall determine the King's custom from ovens, L. B. 61.
Merchant's shall pay the King's customs, W. 40.
Defrauding the King of "maletout" and small customs, Art. In. 31.
Anent the keeping of the great custom, Art. In. 44.
Extracting "superfluas tollonias," Art. In. 54.
"Chalane of customaris of the greit custum" before the Chamberlain, Art. In. 44; It. Cam. 13.
"Chalane of customaris of the less custum" before the Chamberlain, It. Cam. 12.
Not paying custom for wool, skins, hides, &c., It. Cam. 28.
Defrauding the King and burgh of custom, Frag. 25, 26.
Persons quit of toll and custom, Frag. 8, 26.

I. PARUA COSTUMA QUE DICTUR LE TOL,
Of waynis and turseis, c. 1.
"Waynis" with horses or oxen.
"Turseis" behind, or in a saddle, or before a man.
"De culcitra plumali" [of a feather bol].
"De quissio" [of a pillow].
Of peloure, c. 2.
Of a tymnyr of skynnys of toddis, qhytreyles, metrikis, cattis, bene-
ris, sable, or firetis.
Of the tymnyr of skurel.
Of a thousand "de gris uel de seorculo
preparata" [gray gryse and skurel
dycht and tethery].
Of ottyr skina.
INDEX.

CUSTOMS AND TOLLS—

Of corne, salt, &c., c. 3.
Corn, meal, salt, or malt.
Beans and peas.
Bread and loaves.
Pots and iron.
Butter and cheese.
Madyr or wauld.
Cloth cut or uncut.
Of "bestys," c. 4.
Ozes, cows, horses, 
Sheep, goat, swine.
Of hydys and skynnys, c. 5.
Of each last or half a last of hides.
Of each dakir, half a dakir, or smaller number of hides.
"Hert hydys," and "hind calwis."
Wool and skins.
Skins of "schorlyngis."
"Hog, lam, gayte, or haz" skins.
Of fish, fresh or dry, c. 6.
Herring and salmon.
"Kelyng, leying, or hadok."
"Whytlyngis, collyngis, oysterys, and colemoth."
Of merchandise, c. 7.
Brasyl and wax.
"Peper, comyn, aloem, gynger, set
well, and almonds."
"Ris, fygys, raynyys."
Iron and lead.
"Grese, saynys, or oyle."
Of "cannes, kollis, threde, burdis, and knyfys," c. 8.
Of cowlanw, c. 9.
"Cordwane skynnys," 
"Fanny of battrry."
Calibrons, brasen pots, and locks.
Of onions, garlic, iron, and chests, c. 10.
A "soune of gerkole."
A thousand onions.
A sheaf of wood.
A sheaf of iron "pile."
"Iryn in ton."
Chests with or without locks.
Chests with soap or wax.
Of tonnys, c. 11.
The empty "ton" shall be the king's.
For a ton or a thousand of tassalis "carlionibus.
A barrel of tassail.
A barrel with ashes.
A barrel with steel.
A barrel with oyle.
Of walle, c. 12.
For each "frael" at entry and out-passing.

CUSTOMS AND TOLLS—

For each measure "callyt a setting."
For each "frael" remaining in the burgh unsold.

II. Custuma Portuums, pp. 109-112.
For a "set in the havyyn," c. 1.
When the vessel is laden, with corn, pease, beans, or salt, c. 1.
If the vessel belong to England or any other kinrick.
If it belong to Scotland.
If the cargo belong to "syndry faloschippys."
If the ship be laden with salt.
If it arrive before or after Martinmas.
If it "makys resting and tweekes the end with anker."
Of "strange man" owing custom.
If a foreign vessel be loaded with wyne, honey, oyle, or tasalis, c. 2.
For each "ton" at entry.
For the empty "ton" after sale.
If the ship be hired to forgrip, and the master buy or sell to the value of 12 pence, c. 3.
Of a fishing vessel, c. 4.
If 12 pence worth be sold.
If the vessel come empty.
Of a little ship "farcoest or creyynor" helyt with guildis.
Of a "heloyt bate."

CUT—
No stallagare to have cut or cavil with a burgess except in time of fairs, L. B. 54.
Every man may have "loth cut and cavyl" at fairs, L. B. 54.
That no foreign merchant have loth or cuyl with a gild brother, S. G. 23.
Of lot and cuyl in buying skins, S. G. 48.
No landward buyers to have cut or cavil with a burgess dwelling in burgh, C. Q. B. 3.

DAKIR—
Customs on a dakir of hides. See Customs.

DAMAGES—
Of damages in cases of wrang and unlaw, L. B. 96.
When damages allowed by the Chamberlain, should be paid, ft. Com. 39.
Damas for injury done by cattle, Frag. 35, 39.
INDEX

DAUGHTERS. See also Heirs—
Succession of the daughters of a burgess, L. B. 33.

DAVID I.—
Privileges granted by him to burgesses, Frag. 29.

DAVID II.—
Obligation by the burgesses of Scotland antec his ransom, pp. 193-199.

DEATH-BED—
Disposing of property on death-bed, L. B. 101; Frag. 29.

DEBT—
A burgess may put on oath whosoever denies a debt, L. B. 28.
A knight denying a debt may cause his steward to swear for him, L. B. 28.
Selling the land of a burgess for debt, L. B. 90.
Selling lands on death-bed for debt or necessity, L. B. 101.
Security for debt. See Wade.
Of the debts of those who bequeath property to the gild, and are not brothers, S. G. 4.
Pounding for debt. See Namas.
Probation of debt, C. Q. B. 5.

DEBTOR—
The lands of a debtor may be sold by his security, L. B. 59.
The principal debtor, though a burgess, may be punished, L. B. 57.
There should be only one debtor for one debt, L. B. 113.

DEERR—
Customs for ‘hert hydla.’ See Customs.

DEFENCE—
Deferring the bailie or serian, Art. In. 9.

DELYS. (Delaciones)—
That the appellant have as many delays as the defender, L. B. 109.
Delays of a landward burgess, Frag. 7.

DOME. See Judgment.

D’ELLIUM. See Combat.

DUMBARTON—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

DUMFRIES—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

DUNDEE—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

DYER—
A dyer may not be a member of gild until he abjure his craft, L. B. 94; It. Can. 28.
A dyer may not brew ale for sale unless he have two vats, L. B. 94.
Of dyers putting their hands “in le wadda,” Art. In. 76.

EARL—
Earls may not purchase skins, wool, or hides, W. 40.
Earls are quit of toll and custom, Frag. 29.

ECCLESIASTICS. See Church.

EDINBURGH—
One of the Four Burghs, L. B. p. 3; C. Q. B. p. 135.
Custom of Edinburgh ancient laws given in sickness, Frag. 17.
Obligation by the burgesses regarding the ransom of David II., pp. 193-199.

ENGLAND—
English money to be received in Scotland at its full value, D. ii., p. 189.

ESCHEATS—
Of the occupiers of escheats, Art. In. 33.

ESSEONIGS—
Places in which essoigns admitted, L. B. 43, 92.
Essoign of burgesses in the King’s Court, L. B. 56.
Essoign between burgesses, L. B. 92.
A man may be essoigned
If in the King’s service, L. B. 92.
If sick, L. B. 92.
If at fairs, L. R. 92.
EXPENSE. See also Damages—
At whose expense the neighbours shall go to become surety for a burgess, L. B. 51.
When expenses allowed by the Chamberlain should be paid, It. Cam. 39.

FAIRS—
Of poindings in time of fairs, L. B. 3.
Every man have loth cut and cavyl at fairs, L. B. 54.
Hukastar' may not buy wrought wool, but at fairs, L. B. 66.
If a man go out of the burgh to buy goods on the market day, L. B. 72.
Who may be arrested during the peace of fairs, L. B. 86.
A bondman may not be seized during the peace of fairs, L. B. 88.
If stolen goods be found at a fair, L. B. 87.
Escoignus, when at fairs, L. B. 92.

FALSET. (Crimen Falsi.)
False Weights and Measures. See Weights and Measures.
False Testimony. See Witness.
Falsing of Dome. See Judgment.
False Money. See Money.

FANG—
If a robber be taken with the "fang hoc est hand habande, L. B. 74; Frag. 51.

FARCAST—
For "a set in the havyn" "to farcast or crayour," Port. c. 4.

FEALTY. See Fidelity.

FEAST. See Holiday.

FEODOFIRMARIUS—
Distinction between a "firmarius" and a "feodofirmarius," Frag. 11.


FILTH—
Against laying filth on the market place or common way, S. G. 19.

FIGS—
Customs on 'fyggy.' See Customs.

FIRE—
If the land of a burgess be wasted by fire, L. B. 27.

FIRE—
If fire pass from a house and burn the neighbouring houses, L. B. 60.
The watchman to go out when the curfew tolls, L. B. 81.

FIRMA, FIRMARIUS—
If the 'firmarius' no not pay the 'firma' at term-day, L. B. 53.
If the 'feodofirmarius' be obliged to sell his lands, L. B. 95.
Distinction between a "firmarius" and "feodofirmarius," Frag. 11.
Process for the recovery of annual rents, Frag. 13.

FISHING. See also Salmon—
For what fishermen may be poinded, L. B. 35.
Under what conditions fish may be sold in burgh, L. B. 60; Art. In. 56.
Rules regulating the sale of fish, L. B. 73; S. G. 92; Art. In. 57.
A fisherman may not be in the gild unless he abjure his craft, L. B. 94.
A fisherman may not brew ale for sale unless he have two vats, L. B. 95.
The points of dittay of fisherman before the Chamberlain, It. Cam. 16, 20.

FLESHERS—
Regulations affecting fleshers, L. B. 64, 65.
Sellers of flesh to sell to all men whomsoever, L. B. 67.
Fleshers may not be members of gild until they abjure their craft, L. B. 94.
Fleshers may not brew ale for sale unless they have two vats, L. B. 94.
When they may buy wool and hides, S. G. 90.
Buying cattle between Martinmas and Christmas, S. G. 44.
If they buy unhealthy beasts, Art. In. 17.
If they do not sell meat in the market, Art. In. 18.
Of fleshers preserving the assise of cattle, sheep, and swine, Art. In. 19.
Of the appraisers of flesh, Art. In. 20.
How often fleshers are amerced in a year, Art. In. 22.
If they place their hands "in ventres maturum," Art. In. 75.
Oath of appraisers of flesh, J. O. p. 129.
"Chalance of appraisers of flesh" before the Chamberlain, It. Cam. 7.
"Chalance" of fleshers before the Chamberlain, It. Cam. 8.
FLESHERS—
Punishment of breakers of assize of flesh, C. Q. B. 6.
Fleshers must sell on credit to burgesses, Frug. 1.
Their charges to be fixed by appraisers, Frug. 43.
That no flesh be 'pastillarius,' Frug. 46.
Prices of mutton in Berwye, Frug. 44.

FOREIGNERS. See Strangers.

FORFEITURE. (Foriasfactum, Foriasfactura)—
The extent of forfeiture in a burgh, L. B. 30.
'For a myndale thar sal be bot a forfait,' L. B. 113.
The King's forfeiture £10, L. B. 68.
Forfeits exceeding 8s. to be given to the gild, S. G. 2.

FORGRYP—
Of a ship to 'forgryp,' Port. 3.

FORINSECU—
A burgess may point a 'forinsecus' within burgh, in house or out of house, L. B. 3, 32.
If a 'forinsecus' challenge a burgess, L. B. 12.
If a 'forinsecus' be procured by one burgess to plead against another, L. B. 35.

FORSTALL—
Forstallers to forfeit 8s., L. B. 72.
Merchants usurping the liberty of each other to be punished as forstallers, W. 39.
Forstallers of the burgh, Art. In. 24; It. Cam. 28.
Repledging forstallers, C. Q. B. 1.

FORUM. See Cross.

FOTEMALIS—
Customs on 24 "fotmalis" of lead. See Customs.

FOUR BURGHS—
Edinburgh, Stirling, Berwick, and Roxburgh, L. B. p. 4.
Two or three commissioners from every royal burgh south of Spey to attend the court of the Four Burghs every year, C. Q. B. p. 136.

FOUR BURGHS—
Lanark and Linlithgow to attend court in room of Berwick and Roxburgh, D. ii., p. 191.

FREEMAN. See also Lord.
How long the son of a burgess shall enjoy his father's freedom, L. B. 14.

FURS. See Foloure.

GALLOWS. See Pit and Gallows.

GARLICK—
Customs on Garlick. See Customs.

GAuger—

GILD. See also Burgess and Burgh—
A dyer, fleshers, shoemaker, or fisherman may not be in the gild till he swear not to exercise his craft with his own hands, L. B. 94.
That merchants have a 'gildam mercatoriam,' W. 39.
The others 'ministri' of gild, shall apprehend foreign merchants if they buy or sell but in the burgh, W. 41.
Oath of a brother of gild, J. O. p. 127.

LAWS OF GILD ENACTED AT BERWICK, p. 63-88.
All other gilds suppressed, p. 64.
Chastels of old gilds to be given to general gild, S. G. 1.
Forfeits exceeding 8s. to be given to the gild, S. G. 2.
Legacies from gild brothers, S. G. 3.
If a legacy be left by one not a brother, S. G. 4.
Brothers trespassing through 'wordalaik,' S. G. 5.
Of brothers trespassing a fourth time, S. G. 6.
If a brother "stryk ane ither with his nef," S. G. 7.
That "nane of the mendis be slakyt," S. G. 7.
A "harganour may not ber a knyff within the bondiss" of the gild, S. G. 8.
Of blood drawn from a brother, S. G. 7, 9.
'Gif any stel in the zet or upon the wall of the gild,' S. G. 10.
INDEX.

GILD.—
Of admission into the gild, S. G. 11.
Provision for brothers who fall ‘crukyt, or pure or in ane uncurhill seyknys,’ S. G. 12; Frag. 2.
Provision for a brother’s daughter, S. G. 13.
Burial of poor brothers, S. G. 14; Frag. 2.
Of members not attending a brother’s funeral, S. G. 14.
Of ‘travell’ with a brother ‘exhit vntoth the burgh,’ if guilty, S. G. 15.
Of ‘travell with a brother if not guilty,’ S. G. 15.
If a brother pass away ‘fra the gyld neclypentys,’ S. G. 16.
Of assemblings ‘er the ryngyn of the bell ceus,’ S. G. 17, 47.
Of lepers entering the burgh, S. G. 18.
If filth, dust, or sahes be placed in the common way or market place, or upon the banks of the Tweed, S. G. 19.
Who may speak in the courts of gild, S. G. 20.
What brothers must keep a horse, S. G. 21.
A foreign merchant to haveneither ‘loth nor casel’ with a brother, S. G. 23.
Trafficik with the money of a foreign merchant, S. G. 23.
Buying from ships, S. G. 26, 49.
What a brother must sell to a brother for meat at the market price, S. G. 27.
If one give arils and do not pay, S. G. 28.
Of goods found to be good above and worse beneath, S. G. 29.
Appointment of ‘broccari,’ S. G. 31.
When ‘registari’ may buy, S. G. 32.
If one buy before the goods reach the market place, S. G. 33.
Regulations for the buying of wool, S. G. 23, 30, 34.
If a burgess procure a ‘forisecus’ to plead against his neighbour, S. G. 35.
Of conspirators against the community, S. G. 36.
Government of the community, S. G. 37.
Election of mayor and bailies, S. G. 38.
Revealing the ‘consilium vel secreta gilde,’ S. G. 39.
Glovers and skinners taking the wool off skins, S. G. 40.
How herrings are to be sold, to a gild brother, S. G. 27, 41.
If herrings be not paid for by a gild brother, S. G. 41.

GILD.—
Carriage of wine, S. G. 42.
How much corn may be bought for malt, S. G. 43.
Buying cattle between Martinmas and Christmas, S. G. 44.
Strangers selling tamed skins, L. G. 45.
Of handmills, S. G. 22, 46.
Lotte and cawyl between gild brothers, S. G. 48.
Amereements taken from foreign merchants, S. G. 50.
When a ‘forisabitan’ may buy merchandise, S. G. 51.
How much imported victuals are to be sold, S. G. 51.
Of Templars intromitting with gild merchandise, C. Q. B. 4.

GINGER.—
Customs on ‘gynger.’ See Customs.

GLOVE, GLOVER.—
When glovers may not pull the wool off skins before they sell them, S. G. 40.

GOAT.—
Of goats doing injury in burgh, Frag. 38.

GOD’S PENNY.—
If one buy goods, and give the God’s penny, ‘denarius dei,’ in arils, S. G. 28.

GESEE.—
Of geese doing injury in burgh, Frag. 38.

GRIS.—
Customs on a thousand skins ‘de gris.’ See Customs.

GUILLUM. See Wauld.

HADDINGTON.—
Domes falsed or challenged to be determined at Haddington, Frag. 62.
Lanark and Haddington to attend court of Four Burghs at Haddington so long as Berwick and Roxburgh held by English, D. II, p. 191.
Obligation by burgesses regarding the ransom of David II., pp. 193–199.

HANDHABANDE.—
Of a thief taken with ‘fang hoc est hand-habande,’ Frag. 51.
INDEX.

HARBOUR—
Of harbouring strangers longer than one night, L. B. 85.
Harbouring criminals, It. Cam. 338.

HARE—
Customs on hare skins. See Customs.

HART—
Customs on ‘hert hydla.’ See Customs.

HAY—
When regratteris may buy hay, S. G. 32.

HEIR. See also Sons, Daughters, Property.

HEIR.—MALES—
If an heir say that his father’s gift to the younger children is null, L. B. 108.
Of the heir’s share of his father’s effects, L. B. 115, 116; Frag. 29.

HEIR.—UNDER AGE—
Custody of the person and goods of the heir minor of a burgess, L. B. 98.
A tutor shall suffer judgment, ‘patetur judicium,’ for his pupil, L. B. 90.
When heirs minors are of age, R. M. II. 35.

HEIR—
A man may not alienate the chief bigging from his heir, L. B. 106.
That no borrowage be alienated if the nearest heir choose to purchase or ferment it, L. B. 114.
Heirs of those who use false weights and measures, Frag. 49.

HERITAGE—
How lands held in heritage may be disposed of in poverty, L. B. 42.

HEREYELEDE—
Hereesselde may not be heard in the burgh, L. B. 17.

HERIETH. See Hereyelde.

HERLEBREIKING. See also Arles—
That he who has bought goods and given the god’s penny pay them without herlebreikin, S. G. 28.

HERRING—
Where herrings ought to be sold, L. B. 9; S. G. 26.
How herrings ought to be sold to a gild brother, S. G. 27, 41.
If a gild brother do not pay for herrings, S. G. 41.

HIDES—
Foreign merchants buying hides and dyed skins, L. B. 16; S. G. 23.
Who may buy hides and skins, W. 40; S. G. 23, 30.
Of shoemakers tanning hides, L. B. 93; S. G. 24.
The salting of hides forbidden, S. G. 24.
Regulations for the buying of hides, S. G. 34; Art. In. 60.
When glovers and skinners may not fleece skins, S. G. 40.
Strangers selling tanned hides in burgh, S. G. 45.
‘Chalance’ of skinners before the Chamberlain, It. Cam. 23.
‘Canage’ of skins, Frag. 27.

HOLIDAY—
Transgressors may not be punished on holidays, C. Q. B. 6.

HONEY—
Customs on honey. See Customs.

HORSE. See also Cattle—
Every burgess worth £10 to keep a horse, S. G. 21.
The best horse may be given to the Church, Frag. 20.

HOSPITAL. See Pampers.
That the third of forfeited ale be sent to the brothers of the hospital, L. B. 63.

HOST. See Army.

HOSTILAGIA—

HUKSTARIS—
When and what hukstars may purchase, L. B. 66; S. G. 32.
Their points of dittay before the Chamberlain, It. Cam. 21.

HUSBAND. See also Woman—
A husband may answer for his wife, L. B. 31.
Husband’s rights in burgh property given in free marriage, L. B. 41.
If a wife find security ‘de stando juri’ without her husband’s consent, L. B. 118.
A husband or religious house to be provided for the daughter of a gild brother, S. G. 13.
INDEX.

HYND
Customs on the skins of ‘hynd caluis.’
See Customs.

IGNITEGIUM—
‘The wachman is hallyn to cum furth wyth tus wapyns at the ryngynge of the courfe,’ ‘ignitegiun,’ L. R. 81.

INFAMY—
Who are called ‘infames,’ S. G. 39.

INVERKEITHING—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

IRON—
Customs on iron. See Customs.

JUDGE. See also Judgment, Justiciar, and Suitor—
Of a Judge’s power to postpone judgment, L. R. 47.
‘All actionis movit in aire of Chamelane aw nocht to descend in na lawar court,’ It. Cam. 29.

JUDGMENT. See also Ordeal—
That every man be judged by his peers, L. R. 7.
That a tutor suffer judgment ‘patietur judicium’ for his pupil, L. R. 80.
If judgments be appealed from, and not presented, ‘contra dicta et non presentata,’ Art. In. 10; It. Cam. 28.
Failing of judgments, Frag. 52.

JUSTICE—
Bailies doing justice, Art. In. 1, 2, 3; It. Cam. 4.

JUSTICIAR. See also Judge—
Jurisdiction of the Justiciar, L. R. 6.

KARKES—
Customs for ‘a hundreth karkes of kellis.’
See Customs. Tol. 8.

KELLIS (Retia). See Neta.

KELYNG—
Customs on kelyng. See Customs.

KEMASTARIS—
If kemestaries leave the burgh having sufficient work therein, L. R. 103.

KILN. (Terralium)—
If a hired kiln be burnt, L. R. 50.

KING. See also Misericordia—
The King’s rest in ‘bonwagia,’ L. R. 1.
A new burgess shall swear fealty to him, L. R. 2.
Every King’s burgess to do such service as falls to one rood of land at least, L. R. 49.
If a burgess be summoned to the King’s Court, L. R. 50.
Of those who serve in the King’s mill or farm it, L. R. 62.
The King’s forfeiture, £10, L. R. 68.
Pilgrims shall have the King’s peace, L. R. 77.
His castellans may not take the swine or poultry of a burgess but thrice in one year, L. R. 102.
If a burgess be attacked by the King’s bailie in burgh, L. R. 118.
Restrictions on the King’s bailies and servants in burgh, C. N. 4.
Of holding lands of the King or any other man unjustly, Art. In. 29.
Withholding the service due to the King, Art. In. 30.
Defrauding the King of ‘maletout’ and small customs, Art. In. 31; Frag. 25, 25.
Anent the possessors of lands falling to the King by escheat, &c., Art. In. 33.
Anent the King’s rents concealed, Art. In. 33.
Alienating lands in mortmain without his licence, Art. In. 35.
Persons concealing their goods because unwilling to sell to him, Art. In. 39.
Of the King’s ‘nativi latitteiti’s’ in burgh, Art. In. 40.
Defrauding the King of suits due in his Court, Art. In. 45.
‘De discourpertosurias assaerum et decretorum regia,’ Art. In. 62.
Chamberlain or bailies attending in pleas against him, Art. In. 64.
Defrauding his mulls of multure, Art. In. 78.
Lands not paying his rent, It. Cam. 28.
Favouring another lord more than the King, It. Cam. 28.
Giving lands to churchmen without his licence, It. Cam. 28.
Acquittance against the King, Frag. 23.
No merchant or burgess may leave the kingdom without the King’s or the chamberlain’s licence, D. ii., p. 192.
INDEX.

KNIFE—
Customs for 100 'knyfys.' See Customa.
Tol. 8.

KNIGHT—
When a knight may cause his 'senechal' or 'prepositus,' to swear for him, L. B. 28.

KUKSTULE—
The punishment of the kukstule, L. B. 63; Frag. 39.

KYSRETH—
Of a burgess having 'kysreth,' L. B. 27.

LANARK—
Appointed to attend Chamberlain courts, while Roxburgh and Berwick were in the hands of the English, p. 191.
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

LAND—
Challenging land after year and day's possession, L. B. 10.
A burgess may dispose of conquest land, L. B. 21, 42; Frag. 23.
What lands shall fall to the children of a first wife, L. B. 24.
What lands shall fall to the children of a second wife, L. B. 24.
Of kyrset if the land of a burgess be wasted by fire or sword, L. B. 27.
Of land in burgh given in free marriage, L. B. 41.
Possessing of lands in poverty, L. B. 42, 107; Frag. 10.
If a man be challenged of his land in a burgh, L. B. 43.
Every King's burgess to do such service as falls to a rood of land, L. B. 49.
Of entering and leaving sold or bartered land, L. B. 52.
If a man 'weslet' land, L. B. 79.
Selling the lands of a debtor, L. B. 89, 90.
Lands which are to be sold to be first offered to the nearest relatives, L. B. 42, 58, 90.
Relatives shall have no right to the land after it shall have been sold and improved, L. B. 91.
If lands be set in feufern, and the 'feodofirmarius' be obliged to sell them, L. B. 95.
Fercible ejection from lands, L. B. 99; Frag. 15.
Lands given in sickness, L. B. 101; Frag. 16-19.

LAND—
Lands given by a father to his son may be afterwards sold for the father's necessities, L. B. 107.
If an heir say that a gift of lands to the younger children is null, L. B. 106.
Assise of Land. See Assise.
Giving lands in mortmain without the King's consent, Art. In. 35.
Lands in burgh may not be alienated if the nearest heir wish to purchase or feu it, L. B. 114.
Arent those who violently intrude themselves into other men's lands, Art. In. 34.
A burgess must have 'terram hospitatem,' Art. In. 36; C. Q. B. 2.
Holders of land granted before the battle of Bannockburn, Art. In. 77.
Of lands forfeited in burgh, It Cam. 28.
Lands not paying the King's rent, It. Cam. 28.
Giving land to Churchmen without the King's licence, It. Cam. 28.
The measure of the 'rule' of land in burgh, Frag. 15.
The first in possession of land ought first to recover assaine, Frag. 15.
Resignation of lands in burgh, Frag. 22.

LARDARUM—
Who may make a lardarium, Art. In. 61.

LAST—
Custom for a last of herring, &c. See Customa.

LEAD—
Customs on lead. See Customa.

LEEKs—
Customs on leeks. See Customa.

LEGACIES—
Legacies from gild brothers, S. G. 3.
If left to the gild by one not a brother, S. G. 4.

LEPERS—
How lepers to be treated, L. B. 68; S. G. 18.
Bailies to visit for lepers thrice a year, Art. In. 6; It. Cam. 4.
Lepers admitted secretly into the town, Art. In. 25.
Lepers shall have all patrit salmon and pork, Frag. 45.
INDEX.

LINEATORES. See Lyneries.

LING—
Customs on ‘leyng.’ See Customs.

LINEN—
Customs for linen thread. See Customs. Tol. 8. 8.

LINLITHGOW—
Appointed to attend Chamberlain Courts at Haddington while Berwick and Roxburgh in the hands of the English, D. ii., p. 191.
Obligation by burghers regarding the ransom of David II., pp. 193–199.

LORD (Dominus). See also Vassal—
a man buying his lord’s meat may not be pioned, L. B. 33.
Repledging to a lord’s court. See Repledge.
Favouring other lord’s more than the King, It. Cam. 28.
Landward lords coming to the burgh court, It. Cam. 28.
Men of realtaries attached, and demanding the courts of their lords, Frag. 34.

LOTH. See Cut and Cavy.

LYNERIS. (Lineatores)—
Election of ‘lineris,’ L. B. 105.
If land be lined, and the marches used for a day and a year, L. B. 119.
Form of brief of ‘linacio’ in burgh, Q. A. 60.

MADVR—
Customs on madvr. See Customs.

MAGISTRATES. See Prepositus.

MAILL, MAILL-MAN, MALAR. See Firma.

MALEFACTORS. See Criminals.

MALETOUT—
Of persons selling wholesale, ‘grosas mer- cantissas,’ to defraud the King of ‘male- tout’ and small customs, Art. In. 31.

MALT—
How much corn may be bought for malt, S. G. 43.

MALT.—
Malting, ‘absque fine facto,’ Art. In. 58.
Of stallangiers malting, Art. In. 66.

MANOR—
That an heir be not deprived of & the manor, L. B. 20, 106.

MARCHES—
If marches be used for a day and a year, L. B. 119.
If marches be removed, L. B. 119.

MARITAGIUM—
If a man receive a borrowage in free marriage, L. B. 41.

MARKET. See Cross.

MAUTOLL. See Maletout—

MAYOR. See also Officers, Prepositus.

MEASURES. See Weights and Measures.

MEAT—
A man buying his lord’s meat may not be pioned, L. B. 33.

MEIDE. (Meds)—
Meds subject to the same regulations with ale, L. B. 63.

MERCHANTS—
Of settling the disputes between merchants and burghers, L. B. 8; Art. In. 49.
Merchants arriving in ships to be brought to land, L. B. 9.
Of foreign merchants buying wool, hides, or other merchandize, L. B. 16.
Privileges of foreign merchants, L. B. 16; W. 41; S. G. 23; D. ii., p. 189.
How much merchants shall pay to the burgh greff for custom, L. B. 37.
Merchants may not hold more than four-pence worth in their house for private use, L. B. 67.
That merchants shall have a ‘mercatoriam gildam,’ W. 39.
Merchants shall pay the King’s custom, W. 40.
Wool, hides, and skins, to be sold to mer- chants, W. 40.
All goods brought to market to be offered to the merchants, W. 40.
MERCHANTS—
How merchandize ought to be sold to a guild brother, S. G. 27.
Anent merchandize good above and worse below, S. G. 29.
Of admonitions taken from stranger merchants, S. G. 50.
Of trading with the money of foreign merchants, S. G. 55.
Of goods taken from foreign merchants, S. G. 50.
Defrauding the King of ‘maletout’ and small custom by selling wholesale ‘grosses mercanlibass,’ Art. In. 31.
Of those who hardly handle as well stranger merchants as merchants of the realm, Art. In. 63.
Merchants defrauding the King or burgh of customs, Frag. 24, 25.
The law of merchants, Frag. 29.
Privileges of merchants passing the four gates, Frag. 29.
A merchant may not leave the kingdom without the King’s or the Chamberlain’s licence, D. ii., p. 192.

MERCET—
No mercet in burgh, L. B. 17.

MERTRIKIS—
Custom on skins of mertrikia. See Customs.

MILL—
Rules regarding those who serve in the King’s mill, or farm it, L. B. 62.
When, and how many, hand mills may be used, S. G. 22, 40; Art. In. 58.
Of stallangers holding mills, Art. In. 66.
Various rules regarding mills and millers, Art. In. 67, 68, 69; Frag. 53.
Of abstracters of milltures from the king’s mill, Art. In. 78.
‘Chalance’ of millers before the Chamberlain, It. Cam. 11.

MINOR. See Age, Heir.

MISERICOARDIA. See also King.
That there be one ‘misericordia,’ though many borches, L. B. 113.

MONEY—
Importers of false money, It. Cam. 28.
That English money be received at its proper value, D. ii., p. 189.

MONTROSE—
Obligation by burgesses regarding the ransom of David II., pp. 193–199.

Moots. See Courts.

MORTMAIN—
Alienating lands in mortmain without the King’s consent, Art. In. 35.

MULTURA. See Mill.

MYDMORNE—
Strangers shall not buy cattle in the burgh before mydmorne, ‘prima pulsa,’ L. B. 65.
Hakstarias shall not buy before mydmorne, L. B. 66.

NAMUS. (Distress, Poud)—
A burgess may poind an uplandis man, L. B. 3, 32.
One burgess may not poind another without the provost’s permission, L. B. 4.
The four impediments to poinding, L. B. 33.
If an upland man do not borrow his poind, L. B. 34.
Who may not be poinded, L. B. 35.
Instead of poinding one burgess shall cite another to court, L. B. 44.
A ‘firmarius’ may be poinded without leave of the provost, L. B. 33.
A burgess may poind a stallanger in the burgh, L. B. 54.
Who may poind the burgess of another burgh for debt, L. B. 97.
Taking and selling poindas, ‘tertio denario prefiasato,’ Frag. 31.

NATIVUS. (Nef, Villene, Carl)—
A ‘nativus’ may not be seized during the peace of fairs, L. B. 88.
If a ‘rusticus’ have a borrowage in any burgh, L. B. 11.
If a ‘rusticus’ challenge a burgess, or vice versa, L. B. 11.
If a ‘servus’ buy a borrowage, and reside in the burgh a year and a day, L. B. 15.
A ‘servus’ shall be free if he reside in a burgh a year and a day, R. M. II. 9.
The King’s ‘nativi latitantes’ in burgh, Art. In. 40.

NEIGHBOURS—
The neighbours should become security for a burgess, L. B. 51.
INDEX. 245

NEIGHBOURS—
The neighbours should hand over to the 'bedellius,' a burgess who can find no security, L. B. 57.

NETT. See also Fishing—
Custom 'of a hundredth karkes of kellis,' 'taysis de rethibus,' Tol. 8.
Custom of threat to mak kellis, Tol. 8.

NEWCASTLE—
The assize of Newcastle as to the ejection of a burgess from his possessions, L. B. 99; Frag. 15.
Custom of the burgh anent land given in sickness, L. B. 101; Frag. 19.
Anent division of goods to heirs, Frag. 21.

NIGHT—
Of night-walkers in burgh, It. Cam. 28.

NUNS—
Who shall pay for a religious house to the daughter of a gild brother, S. G. 13.

OATH—
See also Perjury—
Modes of acquittance by oath. See Ac- quaintance.

An oath should be taken
By every new burgess, L. B. 2.
By witnesses produced in trial, L. B. 30.
By servants in bakehouses, L. B. 61.
By servants in the King's mills, L. B. 62.
By the provost and other officials in burgh, L. B. 70, 71, 105.
By the twelve, L. B. 112.
By all members of assize, Frag. 10.

If a burgess exceed the age of combat he shall acquit himself by the oaths of twelve men, L. B. 22.
If a burgess be challenged of theft by an uplands man, he shall acquit himself by the oaths of twelve neighbours, L. B. 28.
Who may not make oath, L. B. 80, 83.
He who denies a debt may be put on oath, L. B. 28.
A knight denying a debt may cause his steward to swear for him, L. B. 28.
A burgess shall acquit him, 'sexta manu,' against an upland man, and vice versa, L. B. 29.
If a man be accused of breaking the assize, he shall acquit himself, 'sexta manu,' L. B. 38.

OATH—
No one to make oath who is under age, L. B. 80.
Heritage may be disposed of in poverty certified by the oaths of twelve men of the burgh, L. B. 107.
Different forms of oaths, J. O., pp. 127-130.

OATS—
When regratters may buy oats, S. G. 32.
How much oats may be bought for malt, S. G. 44.

OIL—
Customs on 'grosse, sayme, or oyle.' See Customs.

OISTE. See Army.

ONIONS—
Customs on onions. See Customs.

OTTER—
Custom on otter skins. See Customs.

OUTLAW—
An outlaw may be arrested during the peace of fairs, L. B. 66.

OVEN—
None but a King's burgess may have an oven, L. B. 18.
Rules regarding those who have ovens, L. B. 61; Art. In. 51.

OYSTERS—
Customs on oysters. See Oysters.

PASTRY—
No flesher may be a pastry cook, 'pastilla rius,' Frag. 43.

PASTURE—
A traveller to have pasture for his horse, cows, or the like, on both meadows and standing corn, C. N. 3.

PAUPERS. See also Poverty—
Forfeited bread to be divided among the poor, L. B. 60.
Their share of forfeited ale, L. B. 63.
Appropriation made to bailies, and not paid to the poor engaged in public works, Art. In. 38.
If the poor be oppressed by private confederations, It. Cam. 28.
PEACE—
King's peace. See King.
Peace of fairs. See Fairs.

PEAS—
When peas should be bought, S. G. 26, 49.
How peas should be sold to a gild brother, S. G. 27.
Customs on peas. See Customs.

PEATS—
Those who carry peats to the burgh may not be pointed, L. B. 35.

PEERLES—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

PELOURE—
Customs on Peloure. See Customs.

PERJURY, AND PERJURORS. See also Oath, Witness—
If a man be convicted of perjury or false witnessing, L. B. 83.

PERTH—
Custom of Perth anent lands given in sickness, Frag. 16.
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

PILGRIMS. (Peregrini)—
Pilgrims shall enjoy the King's peace during their journey, L. B. 77.
If they be challenged while on a pilgrimage, L. B. 45.

PISTOR. See Baker.

PIT AND GALLOWS—
No one without burgh to have a brewhouse unless he have there pit and gallow, C. N. 1.

PLACITUM. See also Judge, Court—
What place shall be determined in burgh, L. B. 6.
A burgess shall not implead out of the burgh, L. B. 7.
A burgess shall be judged only by his peers, and according to the law of burghs, L. B. 7.
When a 'mote' between a burgess and merchant should be ended, L. B. 8.
Thuer may used in defendin wrong and unlaw in burgh moots, L. B. 31.

PLACITUM, &c.—
De curru placitorum, L. B. 47.
At what time a man ought to come to the mote, L. B. 75.
Of sundry challenges, L. B. 78.
Of 'a man granting his own wrong,' L. B. 96.
Who may speak in gild courts, S. G. 20.
If a 'forfœruce' be procured to plead against a burgess, S. G. 35.
Plea decided by the chamberlain not to come before an inferior judge, It. Cam. 29.

PLEA. See Placitum.
PLEDGE. See Borch.
PONTAGE. See Customs.
POIND. See Namus.

PORE—
If putrid pork, 'porci corrupti,' be brought to market, Frag. 45.

POULTRY—
Of poultry required 'to the King's mystery,' 'ad opus Regis,' L. B. 102.

POVERTY. See also Paupers—
That heritage may be disposed of in poverty, and in what manner, L. B. 44, 107, 116.
That poverty be certified by the burgesses, before a man can sell heritage, L. B. 116; Frag. 10.

PRECONES. See Criers.

PREPOSITUS. (Provosts and Bailies of Burghs)—
A burgess may point an uplandman without leave from the prepositus, L. B. 3.
One burgess may not point another without his permission, L. B. 4.
The prepositus alone may interfere with one in 'forfaute' of bread or ale, L. B. 19.
How much merchants shall pay to the burgh greff for custom, L. B. 37.
What the prepositus shall receive from those who leave and enter sold or bartered land, L. B. 52.
A 'firmarius' may be pointed without his permission, L. B. 33.
INDEX.

PREPOSITUS, &c.—
A provost, or bailie, or bedell, may neither manufacture nor sell bread or ale, L. B. 59; Art. In. 23; It. Cam. 4.
Of the election of the prepositi, L. B. 70; S. G. 38.
If a prepositus accuse any one, he may not lead witness against him, L. B. 76.
The burgess of another burgh may be pointed, if the prepositus refuse justice, L. B. 97.
Dispensing or mis-saying the provost or bailies, L. B. 100; Art. In. 8; It. Cam. 28.
The prepositus shall choose twelve burgesses for administering the laws, L. B. 112.
Government of the community by the mayor, four bailies, and twenty-four goodmen, S. G. 37.
No bailie nor king’s servant to have a tavern in burgh, C. N. 4.
Election of the mayor and prepositi, S. G. 38.
Bailies doing justice, Art. In. 1, 2, 3; It. Cam. 4.
Making themselves parties in court, Art. In. 4; It. Cam. 4.
Keeping the assise of bread, ale, and flesh, Art. In. 5; It. Cam. 4.
Visiting thrice a year for lepers, Art. In. 6; It. Cam. 4.
Giving seizin ‘ultra defensionem,’ Art. In. 7.
Deforcing the bailies or serian, Art. In. 9.
Whether the bailivi exact penalties from parties amerced, Art. In. 11; It. Cam. 4.
Whether they examine weights and measures, Art. In. 13.
If they be ‘participes capicionis,’ when letting the King’s rents, Art. In. 32.
If they enrol Crown pleas, Art. In. 48.
Whether they terminate quarrels between burgesses and merchants within the third flowing of the sea, Art. In. 49.
Whether they keep the constitution regarding fisheries, Art. In. 55.
Whether they enrol, ‘irrotulare,’ their courts and assises, Art. In. 59.
If they be not burgesses, and have not a ‘terram hospitalam’ in burgh, Art. In. 63.
Of appropriations made to the bailies, and not paid to the poor engaged in public works, Art. In. 58.

PREPOSITUS, &c.—
If the bailivi stand in pleas against the King, Art. In. 94.
Form of oath by a bailie, J. O. p. 130.
A baillie’s points of dittay before the Chamberlain, It. Cam. 4.
If the bailies sell the town’s liberty without license of the community, It. Cam. 28.
Bailies should enforce the sentence of the King or chamberlain, It. Cam. 4, 29.
Where their accuser should answer, It. Cam. 29.
When they may punish transgressors, C. Q. B. 6.

PRISON—
Of confining criminals where there is no prison, L. B. 57.
Imprisoning breakers of the peace of fairs, &c., L. B. 86.
Imprisoning ‘kemestar’ who leave the burgh, L. B. 103.

PROBATION—
Probation of a sum below or above 40s., C. Q. B. 5.
Probation by a burges against a burgess, C. Q. B. 5.
Probation of seizin in burgh, Frag. 10.

PROPERTY. See also Land, Heir, Lord—
Of heritage during the minority of an heir, L. B. 98.
A burgess may not be forcibly ejected from his property, L. B. 99; Frag. 15.
Distribution of the property of a burgess, L. B. 115, 116; Frag. 16-21.
Heritage may be sold in poverty, L. B. 42, Frag. 10.

PROVOST. See Prepositus.

PUNISHMENTS—
Imprisoning, L. B. 57, 103.
Punishments for theft in burgh, Frag. 39.
Punishment of breakers of assise of bread, ale, and flesh, &c, C. Q. B. 6.

PUPILS—
Tutors shall answer for their pupils, L. B. 98.

PURGATION. See Acquittance.
INDEX.

PURPRESTURE —
If any in burgh be guilty of purpresture, It. Cam. 28.

PURVEYORS—
Their points of dittay before the Chamberlaine, It. Cam. 17.

RADE—
If a foreigner’s ship be in the rade, L. B. 25.

RAISINS—
Customs on ‘rasyny.’ See Customs.

REBELS—
Of rebels in burgh, It. Cam. 28; Frag. 3.
Punishment of rebels in burgh, C. Q. B. 6; Frag. 3.

REDBAND—
If a murderer be taken with “redhand,” L. B. 74; Frag. 51.

REGATARI. See also Hukstars—
To whom they should sell in burgh, L. B. 66.
When and what they may buy, L. B. 66; S. G. 32.
The points of dittay, of regatari, It. Cam. 19.

RELATIVES. See also Heir—
Relatives shall have the first offer of lands to be sold, L. B. 42, 89, 90, 91.
They shall not have any right to the land after it is sold and built upon, L. B. 91.

REPLEDGES—
Repledging burgesses from the King’s Court, L. B. 56; Frag. 34.
Repledging forstallers of the burgh, C. Q. B. 1.

RICE—
Customs on “ria.” See Customs.

RIGHT—
Brief of right. See Brieves.

RINGING. (Pulastea)—
Of buying “before that underyn be rungyn in wyntyre and myldmore in somyr,” L. B. 66, 69.

ROOD—
The King shall have a rent of five pence yearly from each burgess for every rood of land, L. B. 1.
That a man must do the service of a rood of land before he can be made a King’s burgess, L. B. 49.
What it shall contain in burgh, Frag. 54.

ROXBURGH—
One of the Four Burghs, L. B. p. 3; C. Q. B. p. 155.

RUSTICUS. See Nativus.

RUTHERGLEN—
Obligation by burgesses regarding the ransom of David II., pp. 193-199.

SABLE—
Custom on sable skins. See Custom.

SADDLERS—
‘Chalane’ of saddlers before the Chamberlain, It. Cam. 27.

SAILORS—
If a dispute rise between foreign sailors, L. B. 25.

SALMON. See also Fishing.
If millers take salmon in mill dams by nets, &c., Art. In. 69.
‘Chalane’ of salmon fishers before the Chamberlain, It. Cam. 16.
Putrid salmon brought to market should be seized by the bailies, and sent to the lepers, Frag. 45.

SALT—
Where and when salt should be sold, L. B. 9; S. G. 25.
How salt should be sold to a gild brother, S. G. 27.
Customs on salt. See Customs.

SAYME—
Customs on sayme. See Customs.

SCANDAL—
Of common slanderers, Art. In. 26; It. Cam. 28.

SCHORLYNGIS—
Customs on the skins of schorlyngis. See Customs.
SECRETS—


SEisin—

Manner of seisin in burgh, L. B. 52; Frag. 55.
A seisin given before neighbours of the burgh, although out of court, is valid, L. B. 111.
Bailies giving seisin, 'ultra defensionem,' Art. In. 7; It. Cam. 4.
Of probation of seisin in burgh, Frag. 8.
The first in possession ought first to recover seisin, Frag. 15.

SENTENCE. See Judgment.

SERIANd—

If sergeands are elected conform to the constitution of the burgh, Art. In. 56.
Deforcimg a seriand, Art. In. 9.
If a seriand take a reward, 'pro juratis amovendis de seasis,' Art. In. 71.
If he spare the rich and summon the poor to seasis, Art. In. 72.
Oath of a seriand, J. O. p. 128.
The seriand's points of ditty before the Chamberlain, It. Cam. 5.

SERVICE. See also Homage—

Of service before a man can be a King's Burgess, L. B. 49.
SERVUS. See Nativus.

SETWELL—

Customs on 'setwell.' See Customs.

SEXTA MANU. See Oath.

SHIPS—

Merchandise carried in ships should be landed before being sold, L. B. 9.
Salt to be sold out of the ship, L. B. c. 9.
If a foreigner's ship be in the 'rade,' L. B. 25.
Of buying out of ships, S. G. 26, 49.

SHOES, SHOE MAKERS—

What hides shoemakers may purchase for tanning or tan, L. B. 93; S. G. 24; Art. In. 60; It. Cam. 28.
Shoemakers may not be 'in gilda mercatoria' till they abjure their craft, L. B. 49; It. Cam. 28.

SHOES, &c.—

Shoemakers may not brew ale for sale unless they have two vats, L. B. 94.
Their 'chalance' before the Chamberlain, It. Cam. 22.
If shoemakers who are gild brothers work with their own hands, It. Cam. 28.
If shoemakers be tanners, It. Cam. 28.
Punishment for stealing a pair of shoes, Frag. 39.

SICK—

Of lands given in sickness, L. B. 101; Frag. 16-19.

SILK—

That dukstarias do not buy silk but at fairs, L. B. 66.

SKINNERS—

Of the chalange of skinners before the chamberlain, It. Cam. 23.

SKINS. See Hides.

SLAYING—

The time for slaughtering cattle is from Martinmas to Christmas, L. B. 64.
Of a murderer taken with redhand, "rubens manum," L. B. 74; Frag. 51.

SOAP—

Customs on soap, Tol. c. 10.

SONS. See also Heir—

Succession of the sons of a burgess, L. B. 23.
Succession of the sons of a burgess by different mothers, L. B. 24.

SQUIRRELS—

Customs on squirrel skins. See Customs.

STALLANGEAR—

Stallangears to make fyne with the Borow greit, L. B. 37.
Of pointing a stallangear within the burgh, L. B. 54.
That stallangears may not have loth or cavyl with a burgess but at the fairs, L. B. 54.
Of stallangears buying or selling within burgh as burgesses, or brewing, malting, or having hand mills, Art. In. 60.
STIRLING—
One of the Four Burghs, L. B. p. 3; C. Q. B. p. 155.
Obligation by burgesses regarding the ransom of David I., pp. 193-195.

STOKISDYNT. (Stygisdynt)—
Stygisdynt may not be heard in the burgh, L. B. 17.

STRANGERS AND FOREIGNERS—
No one may entertain a stranger longer than one night without borth, L. B. 35; Art. In. 53.
Strangers should be served by merchants at the market prices, L. B. 67.
If travellers leave an inn without paying, D. ii., p. 180.

SUCCESSION. See Heirs.

SUITOR. (Sectatores)—
Oath of a suitor, J. O., p. 123.

SUMMONS. See Citation.

SWINE—
A burgess may not possess swine unless he have a keeper for them, or feed them in the field, L. B. 84.
Of a castellan taking the swine of a burgess for the King's use, L. B. 102.
Of amends for swine, Frag. 37.
Putrid pork 'perdi corrupti' brought to market should be seized and sent to the lepers, Frag. 45.

TAILORS—
The 'chalance' of tailors before the Chamberlain, It. Cam. 24.

TALLOW—
Customs on exported tallow. See Customs.

TAN—
What hides may be bought for tanning, L. B. 33; S. G. 24.
No tanner ought to salt hides, S. G. 24.
What if shoemakers be tanners, It. Cam. 28.

TAVERN—
The King's bailie or 'serviens' may not have a tavern, 'taberna,' in the burgh, C. N. 4.

TAX—
If taxes imposed in burgh, be equally on poor and rich, Art. In. 41.
If taxes imposed without consulting the community, It. Cam. 4.

TEMPLARS—
If a Templar intronit with gild merchandise, C. Q. B. 4.

TENANT. See Firma.

TESTIMONY. See Witness.

THEFT—
If a thief be taken with the fang, L. B. 74; Frag. 61.
If an uplandman accuse a burgess of theft, L. B. 26.
If stolen goods be found at a fair, L. B. 87.
Of theft and thieves in burgh, Frag. 39.

THEME—
Gif vny uplandis man challangis a burgess of tresoun, or of them, he may were hym with batayle, L. B. 12.

THREAD—
Customs on 'threda.' See Customs.

TOLL. See Custom.

TOWN. See Burgh.

TREASON—
A traitor may be arrested during the peace of fairs, L. B. 86.

TRONARIS—
The 'chalance' of tronaris before the Chamberlain, It. Cam. 15.
A 'trona' for weighing wool to be erected in every burgh, D. ii., p. 190.

TURSEIL—
Customs of tursellis, Tol. 1.

TUTOR—
A tutor shall answer for his pupil, L. B. 80.

TWEEDE—
If mud or sahes be laid on the banks of the Tweed, S. G. 19.
If one forstall the burgh by buying on the bridge of Tweed, S. G. 33.
INDEX.

TWERTNAY—
Thurtay used in defending wrong and unlaw in Burgh moots, L. B. 31.

TYMMYR—
Customs on a tymmyr of skins. See Customs.

UNDERN (tercia pulasta)—
Of men dwelling out of the burgh and hukstaries, buying before the ringing of ‘undern’ in winter, L. B. 65, 66.

UNLAW. See Wrong.

UPLAND MAN (toris habitans, opelandensis). See also Forineceus—
A burgess may point an upland man, L. B. 3, 32.
If a burgess lend to an upland man, and he deny or confess the debt, L. B. 5.
If an upland man challenge a burgess, L. B. 12.
If he accuse a burgess of theft, L. B. 26.
What if plea be risen between burgess and uplands man, L. B. 29.
He ought not to be taken off his horse for debt, L. B. 32.
If an upland man will not borrow his point, L. B. 34.

VADIUM. See Wade.

VASSLALS—
“Vasalli” (vassisers) quit of toll and custom, Frag. 8, 26.

VENNELS—
Stopping the common vennels in the burgh, It. Cam. 28.

VICECOMES. See also Officers—
If a burgess be attached in his own sheriffdom, L. B. 51.

WADDDE. (Vadium, Vadimonium)—
If a man have land in wed, L. B. 79.

WATCH—
Of watching in burgh, L. B. 81; Art. In. 52; It. Cam. 4.
Every house to provide a watchman, L. B. 81.
Widows exempt from watching, L. B. 81, 104.

WAULD—
Customs on wauld. See Customs.

WAX—
Customs on wax. See Customs.

WAYNIS—
Customs of waynis, Tol. 1.

WEAVERS. See Wobestars.

WEIGHTS AND MEASURES—
All weights and measure should be sealed with the burgh seal, L. B. 48; Art. In. 50.
Of using false weights or measures, L. B. 48, 68; Frag. 40, 48.
Bailies to cause weights and measures to be duly examined, Art. In. 13.
Of double weights and measures, ‘bini ponderibus et mensuris,’ Art. In. 27 It. Cam. 28.
Weights and measures should be examined by the chamberlain’s clerk, Frag. 47.
Measure of the rood in burgh, Frag. 54.
That there be a ‘trona’ for weighing wood in every burgh, D. ii., p. 190.

WHITINGS—
Customs on ‘Whytining.’ See Customs.

WHYTREDYS—
Customs for tymmyr of the skins of whytredys. See Customs.

WIDOWS—
Widows exempted from providing watchmen in the burgh, L. B. 81; Art. In. 52.
If a widow buy and sell in a burgh, she is liable for all other burgh burdens, L. B. 104.

WIFE. See Woman.

WILLIAM (the Lion)—
Laws of King William so far as they relate to burgsaa, pp. 59-62.
Special freedoms granted by King William to the burgesses, Frag. 8.

WINDOW—
Bakers shall expose bread in their windows, L. B. 60.
The ‘alewande’ (signum cervisiae) shall be exposed in the window, L. B. 65.
Fleshers shall expose meat in their windows, L. B. 64.