

TRANSACTIONS

OF THE

EAST LOTHIAN ANTIQUARIAN AND FIELD NATURALISTS' SOCIETY

VOLUME II.

PART II.—1930-31.

Printed for the Society 1932.

C O N T E N T S

	PAGE
THE INCORPORATION OF HAMMERMEN OF HADDINGTON <i>(First Part)</i>	
By JAMES H. JAMIESON	97
CAVES AT ARCHERFIELD ST. PATRICK'S CHAPEL	
By W. S. CURR	112
EAST LOTHIAN NATURE NOTES	
By H. MORTIMER BATTEN	115
THE BARONY COURT OF COLSTOUN : By MRS BROUN LINDSAY	123
EXTRACTS FROM ITS RECORDS	125
GLOSSARY	152
<i>(With Map)</i>	
THE THORN TREE, PRESTONPANS	
By HUGH HANNAH	154
<i>(With 3 Illustrations)</i>	
HISTORICAL NOTES OF PLACES VISITED BY THE SOCIETY :—	158
HADDINGTON	158
DIRLETON CASTLE	159
PARISH CHURCH	159
ARCHERFIELD CAVES (See Page 112)	
INVERESK HOUSE AND PINKIE HOUSE	160
ISLANDS OF FORTH	164
ORAIMILLAR CASTLE	165
BIOGRAPHICAL MEMORANDA :—	166
(1) DR THOMAS ROSS <i>(With Portrait)</i>	166
(2) COL. GRAY OF NUNRAW	167
(3) A. C. RAMSAY	169
(4) DR HENRY HAY	170
OFFICE-BEARERS, 1930-31	171
SEVENTH ANNUAL REPORT	172
STATEMENT OF ACCOUNTS FOR THE YEAR ENDING MAY 1931	173

THE INCORPORATION OF HAMMERMEN OF HADDINGTON.

I

In the long history of the industrial arts from the time when early man fashioned his rude implements of stone, the hammer has played a most important part. Like other artificers in the Middle Ages and in the centuries immediately influenced by the Renaissance, the artisan in metals produced excellent work; and although the Scottish worker may not have had the opportunities of acquiring the artistic qualities possessed by some of his continental brethren, his work was characterised by a skill and thoroughness which it was difficult to surpass. His handiwork can be traced farther back than it is possible to ascertain the precise conditions under which he laboured, but gradually the personality of the workman emerged from the mist which enshrouded it.

In considering the history of the Hammermen of Haddington, the first question that arises is—At what period were they formed into a guild or corporate body? That can never be definitely ascertained, for there are no records which go far enough back to answer the question; but in the Burgh Court Books of Haddington, which are in existence as far back as 1530, we get our earliest references to the Craft.

Like all other Trade Incorporations, the Hammermen in pre-Reformation times had their patron saint and an altar dedicated to him in the church. The patron saint of all Hammermen was St. Eloi, who was born at Limoges about 588 and died in 659. He began life as a blacksmith, but became so successful in finer smith work that he ultimately worked in gold and became famous as a maker of shrines. About 640 he was made a bishop, and after death was canonised. To this saint, the worker both in the humbler metal of iron and in the richer metal of gold, the Hammermen in this country as well as on the continent dedicated their altars. The insignia of Hammermen was a hammer surmounted by a crown, and the usual motto, in later days in Scotland, was "By hammer in hand all acts do stand." The practice of having the hammer crowned is of some obscurity and is traced to a Continental origin. A crowned hammer appears on an ancient shield of the trades of Paris.

The earliest references to the Craft in Haddington Burgh Court Books deal with the altar dedicated to St. Eloi. On 12th July 1530, it is therein recorded that "the assyss fynds that the haill craft of the smyths sall pay the wax that wes tane fra Robyn of Nesbit and for all uther dewteis warit on the altar, and that the craft sall call Matho Huntar for all thing that he has tane pertenand to the altar and the craft." Further, "the sys ordanis that the craft of smiths sall uphold the altar as ald us and wont and that thai sall haif all previlegs that thai wer wont to haif or els the altar sall waik in the tounis handis, and to tyn all previlegs that thai haif hed of the toun."

In the religious processions which took place through the town in pre-Reformation times, the place of honour was that nearest the sacrament or consecrated bread which was carried by the priest, and naturally each Trade Incorporation aspired to secure a position as near as possible to it. There appears to have been some question in the early part of the 16th century in regard to the respective positions of the Wrights and Masons on the one hand and the Hammermen on the other. In 1532 it was decided to take the advice of the city of Edinburgh on the point, and amongst the papers of the Haddington Wrights and Masons were found two documents giving information as to the practice in Edinburgh. The one was a "Testimoniall" from the Common Clerk of Edinburgh and the other a "Testimoniall" from the Wrights and Masons of Edinburgh. Both of these documents are extremely interesting as they give minute details as to the order in processions of the trades in Edinburgh. Whether the complete order was followed by Haddington is not stated, the object of the enquiry being principally to settle the question between the Wrights and Masons and the Hammermen.

The result of the enquiry was that on 28th May 1532 "the syss delyveris that the Maissonis and Wrychts sall pass in processiou on Corpus Christi day and all other processionis in the place and compane wyth the smyths and hamyrmen, ane of the ta craft and ane the tother in oixstares as breithir and companzonis becaus it wes delyverit be ane queist afor that thai suld be placit in processiou in Haidentoun as thai wor in Edinburgh. The said Maissonis and Wrychts productit in judgment and to the syss a

"actentic testimoniall under the seill of office of the hamyrmen of Edinburgh
 "and subscripcioun manuell of the deikyn of hamyrmen to the effec abone
 "writtyn." On the following day the Court of Council confirmed the above
 finding of the assize and added, "And at the smyths sall pass under the tounes
 "banner quhill thair maik ane of thair awn, quhilk salbe maid betweix the
 "dait heirof and the nixt processioun saiffand the octavis of Corpus Christi
 "day and to be maid or the assumpcioun of Our Lady nixt to cum under the
 "pane of viii sh of ylk maister of the craft."

There is a further reference to the altar in 1534. In the proceedings of
 the Court of Council of 22nd April the following appears:—"The smyths
 "to haif privileg and fredom to the craft for the uphald of Sanct Eloyis altar
 "to be gyffyn under the common seill as it sall purport."

On 28th May 1537 the Assize appointed the Smiths, along with the other
 Crafts in the town, to play their pageants yearly and in that year at Mid-
 summer.

In the latter half of the fifteenth century the Town Council of Edinburgh
 began to grant Charters of privileges to various trades. Such a Charter
 granted by a burgh came to be known as a "Seal of Cause," but was often
 spoken of by the holders as their "Gift" from the town. The first Seal of
 Cause granted to the Hammermen of Edinburgh was in 1483; a later one was
 given in 1496. The further question then arises "When did the Hammermen
 of Haddington receive their Seal of Cause from that town?" There is evidence
 that before the middle of the sixteenth century the town had given Charters to
 various Crafts. It may be recalled that the existing Seal of Cause of the
 Baxters* is dated 1550, and that in it there is evidence of a still earlier grant of
 privileges being made to them. In the case of the Hammermen, we find that
 on 13th July 1553 the provost and bailies ordained them "to schaw the
 giftis and privileges of the toun" in five days after that date. This request
 would seem to indicate that whatever document of privileges the Craft pos-
 sessed, it had probably not been exhibited for many years and that the magis-
 trates considered the matter had to be looked into. It will presently be seen

* Transactions, Vol. I, page 15.

that in a statement made in 1633 by the Hammermen themselves and endorsed by the town authorities, it is recorded that "past memorie of man" they had an incorporation and were "of auld erected and appoyntet in ane free craft" by the town and that "they had of auld ane ample gift of the freedom."

That "Gift" was in existence up till 18th May 1598, and in order to account for its disappearance reference must be made to a great calamity that befell the town on that day. Haddington was on various occasions burned by English invading armies, but the outbreak of fire which took place on 18th May 1598 did not belong to that category. The town authorities clearly believed it to be the result either of the carelessness or wilfulness of a resident or residents in the town. It seems to have been attributed mainly to a woman named Marion Congiltoun, for we learn from the Town Council records of 4th September 1598 that she "was the first and speciale raiser of the fyre and "was thairfore and for utheris crymes execut and brunt."

When this great fire took place the deacon of the Hammermen Craft was William Swyntoun, in whose possession, as such, was the Seal of Cause. That day his house was burned, and the precious document of grant from the Town Council, and probably the Craft's box and other papers perished in the flames. The investigation into the history of the Crafts in the town has not yet reached the stage when it is possible to say whether any other Seals of Cause were lost that day, but we know at all events that that of the Baxters was saved, for it is still in the town. It was not the last occasion on which William Swyntoun was deacon; he was serving in that capacity as late as 1628. But on each occasion after 1598 he had no Seal of Cause in his custody.

Following the fire there was necessarily a period of reconstruction, and although much help was received from Edinburgh and other towns to assist the people who had lost their houses and other property, it was long ere the craftsmen of the town were able to replace the working material which they had lost. There is little doubt that the magistrates would have supplied another Seal of Cause if they had been requested to do so, but the document could not be issued without a certain amount of expense, and the Hammermen

seem to have taken no steps to procure one immediately after the fire. There was no reason why they should, as everybody was quite aware of the circumstances. But as years passed it was felt to be an anomaly that the Hammermen should retain all their privileges in trade and the right of representation in the Town Council without holding a Charter conferring such rights. No serious difficulty seems to have arisen for a long period of years, but after thirty-five years had passed and a new generation occupied seats in the Council, the point arose. What the circumstances were which led up to it is not brought out, but the Incorporation had received some hint that a difficulty was to be raised, and accordingly a meeting was called for the evening of 15th August 1633. To that meeting, which like all other meetings was held in the Tolbooth, came old William Swyntoun, with many memories of that awful night of terror when his house and the Seal of Cause were burned thirty-five years before.

Alexander Swyntoun, presumably the son of William, was now deacon and presided at the meeting. The others present were Thomas Swyntoun, George Vaitche, John Trotter, Cuthbert Stoddert, Thomas Stevinstoun, Daniel Stevinstoun, John Skrimgeor and William Stoddert. The minute narrates that "they had of auld ane ample gift of the freedome" and "that the samen was upoun the 18th day of May 1598 consumit and brunt with ane suddane fyre, it being in the hous and custodie of the said William Swyntoun, deacon of the said craft for the tyme." It goes on to say that "hearing that it is quietlie surmisit that the counsell of the said burgh is to discharge thame in electing the deacones of the craft or admitting thame in counsell and that it is most expedient for proveing of that and utheris inconvenientis quhilk may befall thame, they have gevin directions to the said Alexander their present deacon to caus draw up ane new and ample gift of the liberties of the said craft and to petition the provest, baillies and counsell of the samen burgh the first counsell day for granting passing and subscribing thereof." On the following day the petition was duly presented to the Town Council. It narrated the fact of there having been a previous Seal of Cause, dwelt on the calamity of the fire and the burning of the document, and begged the Council not only to ratify their former gifts but also to grant them new gifts. These

requests the Council agreed to, and in their Minute of 16th August state that after "gude advice" had been taken "and consideration had be thame," they "all with ane consent ordainit and ordane ane new gift to be maid." They further instructed the Town Clerk to draw up the document and present it to them to be subscribed on the next Council day. The next meeting was held on 21st August, and on that day the new Seal of Cause† was signed.

Before quoting the full terms of this document it may be well to explain briefly what the Craft designated Hammermen implied. Under that general title was included, both on the Continent and in this country, a number of trades, mainly those working with a hammer on metal, from armourers and swordmakers down to girdle and nail makers. While certain trades had a recognised place in every Hammermen Incorporation in Scotland, there was, beyond a certain point, a variation in those included in different towns. A large town had naturally a greater number of separate trades than a small town, and the selection of trades embraced in an Incorporation depended to a large extent on local requirements. Hammermen were jealous of their rights in regulating such trades as were recognised as belonging to their craft; and even when a particular trade was not being carried on by any members of their Incorporation, they reserved the right to grant permission to unfreemen to work at it under certain conditions or to refuse them the liberty to do so. It should be remembered that the blacksmith in a small town often had to undertake work which in a larger town was done by separate tradesmen. What then were the trades that united in Scotland to form a Hammermen Incorporation? If Edinburgh be taken as an example it will be found that the Seal of Cause granted to the Hammermen in 1483 included Blacksmiths, Goldsmiths, Lorimers, Saddlers, Cutlers, Bucklemakers, and Armourers.

The following is a copy of the Seal of Cause granted to the Haddington Hammermen:—

Be it kend till all men be thir present letteris, We Maister James Cokburne, provest, Robert Learmonth, John Cokburne and James Bartrum, baillies, and John Forest, theasurer of the burgh of Hadingtoun, and

† The Seal of Cause and the minute books afterwards referred to are in the possession of the Misses Ferme, Croce Gate, Haddington, and the thanks of the Society are here recorded to these ladies for their kindness in lending the documents for the writing of this article.

remanent persones under subsoryveand, counsellouris of the said burgh representing the communitie thairof, forsameikle as for eschewing of abuses and confusioun usit amangst craftismen and for keeping of guid ordour and increas of vertew thair has been heirtofoir, and as yet is, deacons and maisteris of craftis appoyntit, quha beiris reull over the multitude als weill within this burgh as othereis burghes within the realm; and considering that the Hammermen craft is maist necessar requisite and expedient to be had within this burgh for the weill and proffeit thairof and of the hail inhabitantis of the samen and of othereis his Hienes leiges resorting thairto; and understanding that the Hammermen of the said burgh past memorie of man had incorporatioun of that craft or trade within this burgh and wes of auld erected and appoyntit in ane free craft be our predecessouris proveist baillies and counsell of the said burgh, and had thair gift and lettres patenta thairof under our Seall of Caus in verie ample forme, and that the samen wes maist pitifullie, with ane great pairt of this burgh, apoun the auchtein day of May in the zeir of God 1^m V^e four scoir auchtein ziers, be the injurie and violence of ane suddane and unexpected fyre, brunt and consumit, being in the hous and custodie of Williame Swyntoun, freeman and deacon of the said Hammermen for the tyme, in bruiking and joyssing of the liberties of the quhilke craft they have evir since bein in possessioun; and we being nawayes of mynd or intioun to prejudge thame or thair successouris of the samen in ony tyme heirefter bot rather maist willing not onlie to ratifie quhatsumevir thair former giftis bot also to graunt to thame new giftis: Thairfor we have of new erected, and be the tennour heirof erectis, the said craft or airt of Hammermen, consisting in Blacksmythes, Goldsmythes, Lorimures, Saidleris, Cutleris, Swordslipperis, Clockmakeris, Powdereris, Locksmythes, Pottares, Buklemakeris, in ane free airt and craft, to be onlie wraucht uset and exercet be sic friemen as sall be inhabitantis of the said burgh and sic as sall be fund sufficientlie qualifiet and admittit be the deacon and remanent brethern of the said craft in tyme coming; and geives power to the saidis friemen and brethern of the said craft to conveyin zierlie about the Feast of Michaelmas and be thair moniest voittes to elect nominate and appoynt ane deacon of the maist civill honest and weill qualifiet persones of the said craft to serve for ane zeir to cum quha sall have power to tak notice and tryell of all enormities of the said craft, and to mak sic statutes and ordinances as sall be meitt and expedient for the honour of God, the proffeit and commoun weill of this burgh, pollicie of the said craft, proffittable to our Soverane Lordis leiges and worthie to be approvin and allowet be us alanerlie, to be keepet and observet be thame under reasonable and competent paines to the contraveneris to be set down in the saidis ordinances; to the reddie executioun quhairof and punicheing of the contraveneris of the samen we for us and our successouris promitt to interpone our auctoritie and to geive our concurrence thairto, and to geive command to our officeris for that effect we being requirit thairto; with power alswa to thame to elect and appoynt ane boxmaster amangst thame and to exact weiklie fra strangeris and all othereis friemen within and without this burgh and resorting thairto with

waires belonging to thair said craft on Mercat dayis ane boxpennie as otheris crafts within this burgh dois and as the said craft has done and as yet dois, and that compt sall be maid to us of the said box and of all unlaws of the said craft to be upliftit and intromettit with be thame gyf it be requirit; and the money to be collected to be employit upoun the decayed and ²misterfull friemen of the said craft at the discretioun of the deacon and maisteris of the samen craft; with power lykewayis to the said deacon of the said craft, and as many of his brethern friemen as sal be chosin maisteris or assisouris to him, to try the friemen of the hail trades forsaidis and to ressaue and admit thame friemen thair of within this burgh, and to try visit and mak searche for all insufficient wark that sall be brought or offerit to sell in the mercattis within the said burgh, quhilke insufficient wark being fund be thame, (we and the magistratis of this burgh for the tyme always concurrind and being with thame) to confiscate and appropriat the samen to the use of thair pure: Item, we ordane that nae wark wraucht within this realm belonging to the said trades (exceptand alwayes forrane wares) be sauld in buithes within this burgh bot in the saidis friemen thair chopes buithes or warkhoussis (except on the mercatt dayes) under the paine of escheiting thair of to the saidis craftis use: Item, that nane be maid friemen of the saidis trades except he be first maid burges of this burgh, and thair- efter give his offer to the deacon and craft and sic as they sall appoynt thairto; and that the samen be fund sufficient be thame otherwayes not to be admittit friemen of the said craft; and that all persones admittit or to be admittit thairto sall pay scat and lot taxt and stent to be gadderit and taxit be the deacon and maister of the said craft, and that in matteris pertaining to the said craft and weil thair of alanerlie: Item, That na maister man of the said craft ressaue ane new prenteis quhill the first three zeirs of the last prenteis he ressauit immediatlie of befor be compleatlie outrun under the paine of ten pundis money to be payit to the craftis use: Item, That nae maister of the said craft ressaue in service ane uther maisteris prenteis quhill the said prenteis have first satisfiet his last maister for his service and have obtenit his dischaige thair upoun, at the leist without he have ane sufficient caus knawn and tryit be the deacon and maisteris of craft to leiuve his maister under the paine of ten pundis to be payit be the said maister to the said craft *toties quoties*: Item, That all prenteissis to be ressauit be maisteris sall immediatelic efter the making of indentouris be buiket in the said craftis buik: Item, That nae prenteiss of the said craft sall be ressauit or admitted to his freedome without he serve for the space of twa zeirs at leist efter the outrining of his prenteisschip with some free maister that he may be mair hable to serve his hienes leiges: Item, That all prenteissis of burges bairnes within this burgh sall pay to the box fourtie shillingis and twentie shilling for buiking and registren of thame with the sowme of ten merkes money of this realme in composition of thair ³banket: Item, That all personis alredie ressauit and admittit friemen of the said craft presentlie resident out with this burgh repair to the samen within the space of twa zeiris and thair mak

2 Needy.

3 Banquet.

thair satled dwellingis and abodes, with thair wyffes bairnes and servandes, during thair lyftymes, under the paine of ⁴tynsell of thair friedome of the said craft, and that nae persone or persones to be admittit or resaut friemen thair of sall depairt this burgh and mak his dwelling or residence outwith the samen in ony tyme heirefter, bot sall still remane thairin under the lyke paine of tynsell of thair said friedome; with power to the saidis deacon and remanent brethern and friemen of the samen craft to depryve the saidis friemen alreddie resaut and not repairing to this burgh within the space foresaid the samen space being expyrit and these quha sall heirefter be admittit and depairt this burgh and mak thair dwellingis outwith the samen as said is of thair said friedome of the said craft, and not to be sufferrit to exerce the samen within this burgh in anytime heirefter: Provyding alwayes, lyke as it is heirby provydit, that in regard the said burgh has great need of the saidis Goldsmythes, Lowrimures, Swordslipperis, Clokmakeris, Powdereris, Buklermakeris and Potteris quhair of thair is nane within the samen and Blaksmythes and Loksmaythes quha for the present are friemen of the said craft and actuall inhabitantis within the said burgh ar verie few in number and not sufficient for serving the inhabitantis thairin and utheris our Soverane Lordis leiges, thairfor and for suppyeing of the said defect it sall be lesum to us and our saidis successouris provest and baillies and counsell of the said burgh for the present and to cum during the space of sevin zeirs efter the dait herof to envit and call qubatsumevir persones ather Goldsmythis, Blaksmythis, Powdereris, Clokmakeris, Buklemakeres, Potteris, Lowrumeris, Swordslipperis quhairever they dwell within this kingdome to cum and dwell within this burgh, they being weill qualifiet in the saidis trades or craftis, quhome the saidis deacon and friemen of the said craft sall be bund and astricted to accept and ressaue as friemen and bretherin of the samen, and that ⁵but any upset buiking money banket money or ony uther acknawlegement or compositioun to thame thairfor, they being first resaut and admittit burgesses of this burgh be us or our saidis successouris and na utherwayes: In Witnes of the quhilk thing to thir presints (written be Patrik Young, notar publict servitour to Mr James Gray, notar publict our Commoun Clerk) subscribed be us and our said Clerk at our command, our Seall of Caus is affixt at the said burgh of Hadingtoun the twentie ane day of August the zeir of God Im VI^o thettie three zeirs.

The document was subscribed by " J. Cokburne, provest; John Cokburne, baillie; J. Bartrum, baillie; John Forrest, Tresorer; Patrik Broune, J. A. Andersone, Williame Cokburn, Alexander Thomsoun, George Forrest, George Carkettill, George Blaikburne."

It has to be kept in view that although the Haddington Seal of Cause included Goldsmiths, Lorimers, Swordslippers, Clockmakers, Pewtherers, Bucklemakers and Potters, the document, as has been seen, frankly states

that none of these trades was represented in the burgh at that time. That is to say, of the eleven trades mentioned, only four were represented in 1633, namely, Blacksmiths, Locksmiths, Saddlers and Cutlers. It is further stated that even Blacksmiths and Locksmiths were few in number and not sufficient for the work required. It is of much interest that there is in the Seal of Cause this very definite statement as to the condition of the trades in Haddington in the time of Charles I, and it is satisfactory to find that the minutes which begin in 1627, two years after the death of James VI of Scotland, entirely confirm these statements. There is no evidence in the minutes from 1627 to 1806 of any Goldsmiths, Bucklemakers or Potters having been in the Incorporation.

It is evident that in securing this " Gift " from the town care was taken that it should comprehend not only trades that were actively in operation at the time but also such as were commonly included at that period in the freedom of Hammermen Incorporations in other Scottish towns. It was a document drawn up in faith of the development of the town. But now having made their position secure by obtaining a Seal of Cause, the Incorporation took measures to ensure that their rights were guarded and, at their meeting on 3rd September 1633, it was enacted that if any one knew of an unfreeman working at one of the trades embraced in their Craft, information was to be conveyed to the deacon, and that thereafter the deacon, accompanied by three or more of their number, was to apprehend such unfreeman. Further, that if any freeman was asked to assist the deacon in the execution of his office in this connection and refused to do so, he would be unlauded.

For more than half a century after 1633 the Incorporation worked under the Seal of Cause, not without frequent encroachments on their rights by craftsmen residing both in the burgh and outside of its bounds. After fifty years of such work, if not before it, it was felt that it would be necessary to secure additional protection if they were to retain their trade privileges, and the steps they took in 1688 will be referred to later.

In the article on The Incorporation of Baxters of Haddington, printed in Part II, Vol. I, of the *Transactions* of the Society, the constitution of such

Incorporations is briefly explained, but the study of the Hammermen papers has revealed additional particulars as to the practice of such societies in Haddington, and some details may be set down here. We find it ordained in the Seal of Cause that the election of the deacon for the year was to take place about the time of the Feast of Michaelmas. It is difficult at the present day to realise what a high place the Archangel Michael had in the affection and confidence of the people of the Middle Ages and how much he figured in the life of Burghs and Incorporations. Of all the dedications to saints of Fairs in Scotland, the number to St. Michael came first after those to the Virgin Mary. The September Fair in Haddington was dedicated to St. Michael, and the Baxters and Hammermen, and no doubt all the other Trades Incorporations in the town, celebrated his Feast Day and had their election of office-bearers at that time. In post-Reformation days the elections seem to have taken place earlier in the month, the Hammermen's varying in date from 2nd to 10th September, but nevertheless the occurrence of the elections and the feast or annual dinner in September still maintained the tradition of St. Michael's day.

A study of both the Baxter and the Hammermen Incorporations shows that it was the almost universal practice that either one or more sons should follow the father in his trade. When the boy came to a certain age he was put into his father's shop and if his father died comparatively young, the lad, if he was sufficiently far advanced, was made a freeman in right of his father. If the deceased father had no son in the business, his daughter's husband, even although he was only a journeyman in the trade, was admitted as a freeman if he successfully performed the essay set to him.

There was no provision for a widow carrying on her husband's business, but it would appear that occasionally an exception was made. Such a case was that of Widow Borthwick. When David Borthwick, who had been a freeman for 48 years, died in 1778, his widow continued the business with the assistance of a duly booked journeyman. In 1787 it was reported that Widow Borthwick had given up her business and had sold her husband's tools, and that James Scones, an unfreeman from the Nungate, was carrying on the

business in the late David Borthwick's shop. The suggestion was that Widow Borthwick, while professing still to have the business in her own hands, had sold it to Scones, and that therefore he, being an unfreeman, was working under false pretences. Action was taken against both Widow Borthwick and Scones. The latter at a meeting of the Craft first of all declared that he was Widow Borthwick's journeyman, hired by the year. On further examination he admitted that he rented the shop from the Widow at £3 10s yearly, that he took the chances of the business on himself and was to pay her a certain sum not then determined for the liberty of working. He owned that the tools were his property. The inconsistency of his statements and the illegality of the compact were brought home to Scones, who severed his connection with Widow Borthwick. But there is evidence of further trouble with her and of Court proceedings.

The funds of this Incorporation, like those of others, were maintained in various ways. One of the principal sources of revenue was the dues paid by freemen and apprentices, and these were as follows:—(1) All freemen paid a quarterly fee. According to the Act of 1st May 1629 it was to be paid at Hallowmass (1st November), Candlemas (2nd February), St. Helen's Day (21st May), and Lammas (1st August). This sum was only a few pence and varied from time to time. (2) Each apprentice, when he appeared with his future master, presented his indenture and was "entered," paid (a) £6 Scots as dues to the box, (b) £6 Scots for a dinner, and (c) fees to the clerk and officer. The clerk's fee was £2 Scots and the officer's 10d. After the boy had served his five years of apprenticeship, and had been a journeyman for two years he presented himself for admittance as a freeman. He was then said to "make his offer" and had to pay £3 Scots. He was assigned an essay, *i.e.*, a specimen piece of work, and if he successfully performed it, and subsequently took the oath of fidelity and secrecy, he was admitted on paying (a) £6 Scots to the box, (b) £6 Scots for a dinner and (c) dues to the clerk and officer. (3) Journeymen had to be entered just as apprentices were, and each master had to pay a certain sum on the booking of each journeyman and a quarterly payment thereafter. The quarterly payment was in 1758 fixed at four pence.

The important fund known as "the boxpennie" requires some explanation. On Market and Fair days anyone, whether freeman or unfreeman, resident or stranger, had the liberty to expose goods for sale on the street. If, however, anyone exposed for sale articles which were ordinarily made by an incorporated trade, the seller of such articles had to make a small payment each Market or Fair day to the Incorporation concerned. It is obvious that the amount of money to be collected depended on the number of vendors and that there could be no check on the collector. The method adopted for the collection of this money was as follows: — Each year, in the month of November, "the boxpennie" was put up to roup and was let to the member of the Incorporation who was the highest bidder. This member was empowered to go round the stalls on the street, and demand payment of the usual fee from each vendor whose articles for sale fell within the special liberty of his Incorporation. On the following Hallowmass, the lessee of "the boxpennie" had to pay over the amount agreed upon and consequently might either have gained or lost as a result of the year's collection of dues.

Both freemen and unfreemen had stands on the street on Market and Fair days. On 11th December 1732 we find a grievance brought up at the meeting of the Hammermen. At that meeting the deacon reported that the tacksman of the stands in the Crossgate had demanded six shillings Scots yearly from every freeman who had a stand there on Market days, that the Baxters and Shoemakers were "much grieved" on that account, and that as such charge was one which had never before been paid either by them or their predecessors, they asked the Hammermen to unite with them in procuring redress, and this was agreed to. The result of the controversy does not appear in the minutes. As may be imagined disputes arose from time to time in regard to the boxpennie, and in this connection an interesting case may be referred to. For a very long period chapmen, along with other vendors, had set up their booths on Market days, and amongst other articles which they sold were buckles. Such buckles were regarded by the Hammermen as falling within their craft, and therefore they had always collected the weekly boxpennie of 4d from the chapmen. It was known that for 120 years and upwards the charge had been paid without demur, but in the middle of the 18th century the

chapmen were thinking out the question of their rights. The matter came to a climax on 17th January 1755. On that day John Bower designated "Chapman in Haddington," refused to pay. The deacon explained to him that if he did not do so certain articles from his stand would be poided. Bower insisted on seeing the Trades Bailie, George Blair, and therefore both the deacon and Bower went to see Bailie Blair. Bower brought forward his objection, which was to the effect that buckles did not fall within the work of the Hammermen craft. Bailie Blair could not entertain any new ideas on the question, but felt that he must abide by the practice in the town far beyond his memory. He therefore gave warrant for poiding, and a pair of metal shoe buckles of the value of 1/- stg. were taken from the stand. Bower raised an action against the Hammermen before the Sheriff-Depute of the County, and the decision was that the Hammermen had no right to carry off the buckles. The defenders presented a Reclaiming Petition to the Sheriff-Substitute, who at that time was William Law of Elvingston. The case for Bower was that the chapmen were not craftsmen but merchants, and just as merchants had the right to sell imported manufactured goods in their shops on any day, so the travelling merchant had right to sell his on Market days. He pointed out that such buckles as the travelling merchants sold were never made by the Haddington Hammermen, nor perhaps were the Hammermen capable of making them. The case for the Hammermen was that from time immemorial the Masters of their Craft had had the right to search the stalls of chapmen to judge of the sufficiency of their wares and to collect the box-penny. On this point the Sheriff-Substitute called for proof. John Wood, Tailor, Haddington, deponed that as far back as 1703 he had seen the deacon of the Hammermen searching the stalls of the chapmen and taking their four pennies, and that he had never heard of any interruption of the custom. John Baillie, also a Tailor, and Andrew Cockburn, a Smith, gave similar evidence, and the result was that the Sheriff-Substitute overturned the Sheriff-Depute's decision and gave judgment in favour of the Hammermen.

The relations of masters and apprentices to each other frequently raised points which had to be dealt with by the Incorporation. When, for instance, a master died before his apprentice had completed his apprenticeship,

the Craft arranged for another master with whom the lad could complete the time not yet served. Sometimes a master did not properly fulfil his part of the contract with an apprentice. As far back as 1637 William Crawford complained that his master, Thomas Thomson, did not provide him with work or food or bed, and the Craft ordered Thomson to implement his obligations, failing which the lad was to be released from his indenture. Curious and unlooked for difficulties sometimes arose, such as that in regard to Thomas Young in 1733. John Young represented to a meeting of the Incorporation that his wife and Thomas Young, his apprentice, had disagreed to such an extent that he felt that it would be better for the boy to leave his house, and he therefore asked permission to allow Thomas Young to continue his apprenticeship under another master. This was agreed to. In 1765 Charles Hendry complained that his master, William Anderson, Saddler, had dismissed him several times, telling him that he had "neither meat nor work for him." It was known to the other craftsmen that Anderson's mental condition was unsatisfactory, and as no other member of the Craft could undertake to employ Hendry, and as his apprenticeship expired at Michaelmas, he was told he might go where he pleased to find work for himself and that such a course would not prejudice his receiving the freedom of the Incorporation when the period of his indenture had expired.

(To be continued in next year's "Transactions.")

CAVES AT ARCHERFIELD.

THESE two caves, which are about 15 feet from high water mark, were excavated by the late Mr J. E. Cree in 1908.¹ The main cave had been long known as the "Smugglers' Cave." Whether this cave was ever used by smugglers as a place in which to store their contraband goods, it appeals far more to our interest as the habitation of a people of a remote age. The geological formation of the coast at this point is volcanic ash, and the caves have been cut out by the action of the sea during the period of the formation of the twenty five feet beach, which process of cutting out is still going on, giving the name of "The Hanging Rocks" to these cliffs. When the sloping bank of sand which almost closed up the entrance was cleared away, a rubble wall five feet six inches thick was found built across the mouth of this cave, having a doorway through it about 4 feet wide. On the north side were two bar-holes, one above the other, running into the wall 9 feet. At the north end of the wall is a window or look-out hole so arranged that, while this window commands a view of the sea and beach, no view of the interior of the cave can be had from outside. On the south side of the doorway, two fire places or ovens were recessed into the wall with one vent leading upward, the other discharging outwards by a square flue.

The natural floor of the cave inclined to the south but this has been brought to a level with stones and earth. Over this floor was a deposit of sand, which on being cleared away, revealed the sites of several hearths; a large circular hearth being near the centre, formed of flat stones. The first cave which is shaped like an elongated horseshoe has its access from east to west and measures 47 feet long by about 25 feet wide, half way in. The other cave is about 40 feet by 15 feet, and about 9 feet of rock intervenes between the backs of the two caves.

Refuse of the food of the occupants was plentiful, including the bones of the ox, the sheep and the swine; shells of edible molluscs were also found. Bones of the dog occurred and the red deer was represented by portions of

¹ Proceedings of the Society of Antiquaries of Scotland, 1908-9 p.p. 243-68.

antlers made into implements. The artificial relics consisted of a quern stone, a small whet stone, an iron knife, a small iron spear head, iron nails, a pick made of an antler, a spindle whorl of deer horn, a bone button and two bracelets of coloured glass. Among the numerous fragments of pottery found were several pieces of Samian ware which definitely indicate the period of the Roman conquest.

The second cave was concealed and entirely filled up with sand and considerable difficulty was experienced in gaining access to it. The habitable space was smaller but presented the same features of a central hearth, round which most of the relics were found including a whetstone, a bronze crook-headed pin, picks and other implements of deer horn and fragments of coarse pottery.

The conclusions arrived at by Mr Cree were:—There was no evidence of the caves having been occupied during either the Neolithic or Bronze Age. All the relics found were of the early Iron Age, 300 or 400 B.C. In the case of the first cave, several occupations occurred, one or more referable to Roman or Post-Roman times. In the opinion of the late Dr Thomas Ross, Edinburgh, who frequently visited the cave, the wall built across the entrance might be attributed to any date between the 4th and the 12th century, and, therefore, in order to prevent the crumbling away of a remnant of so much archaeological interest, the late Mr H. T. N. Hamilton Ogilvy, the proprietor, at the suggestion of Dr Ross, had the wall partially restored by "stepping" and pointing with cement.

It may be added that while the coast line from Aberlady to North Berwick apart from Gullane is now almost uninhabited, there are evidences that there was formerly a considerable population along this coast, numerous burial cists of the early Iron Age having been uncovered from time to time.

The Marine Cottage near by is the scene of Stevenson's "Pavilion on the Links" and the adjacent links are referred to in his "Catriona." The wooded knoll at the back is said to be the site of an old castle formerly the residence of the Scottish kings, but every vestige of the building has disappeared.

St. Patrick's Chapel at the Black Rocks about a mile westwards was discovered and excavated some time ago, the entire building having been buried in sand and turfed over. The ruins were marked on an old Estate plan from which it was possible to trace the walls on the turf. Mr McKinlay in his "Ancient Church Dedications in Scotland": Non-Scriptural Dedications (page 103) says:—"The only dedication to St. Patrick in the east appears to have been a chapel in what was once Gullane parish" (now Dirleton). The building is known to have been in existence in the early part of the sixteenth century, and it is thus referred to in "The Exchequer Rolls of Scotland," XII. p. 693 (1502-1507). "It is statute and ordanit be the lordes commissioneris that frahynfurth na maner of persone be fundin within the linkis of Dirltoun, West Fenton, at Sanct Patrikis Chapell, Gulyne, and utheris linkis pertening to the lordschip of Dirlton."

The dimensions of the Chapel measure internally about 30 feet by 13, the walls consisting of black boulders and sea stones; the only wall openings consist of a window and doorway. At the east end are remains of an altar.

On the shore opposite the caves some interesting fossils have been found consisting of several stems of trees in an ash bed from $1\frac{1}{2}$ inches to nearly 15 inches in diameter.

Opposite the Marine Cottage, the rocks consist of volcanic debris, mostly decomposed lava. Nearer Gullane, the rocks are basaltic in column.

Various relics found in the caves are deposited in the National Museum of Antiquities of Scotland.

W. S. CURR.

EAST LOTHIAN NATURE JOTTINGS.

THE CHAFFINCH.

Standing one bright morning on the wooden bridge which spans the Saltoun Water by the headkeeper's lodge my sight was arrested by a chaffinch flitting from stone to stone among the sparkling shallows, and presently I became aware of a second and a third, all busily at work where the woodlands overhung the river, yet so unobtrusive were they that it required some concentration to pick them out. Soon I realised that for the fifty yards of burn there was a chaffinch for every few feet of pebbly beach, and had it been winter one would have put it down as a passing flock. At this season, however, the majority had young to feed, and concluding that local food attractions had drawn them to that one place, I continued my journey up the river. All through the woodlands, and everywhere that trees overhung the river, there were the chaffinches, a quiet and invisible little people.

A French ornithologist, deploring the destruction of small bird life in his own country, said that in the orchards of England there is a chaffinch for every branch, but it must be almost as true that where the woodlands overhang the laughing waters of Scotland, there is a chaffinch for every stone. Their numbers had escaped my notice until that day, for they are quiet little birds, and the bright flash of their wing markings as they rise to a branch, or flash from bower to bower, is so familiar that we hardly notice it. In early spring the song of the chaffinch comes with the morning sunshine and cannot be mistaken, but it is not remarkable for strength or originality of composure—sweet as apple blossom, and just about as lasting—and thereafter the song of this bright little bird, like the bird itself, is lost in the general rush of spring. Yet our chaffinch population must be great, and could the census of our wild birds be taken, it would probably prove surprising. The larks are multitudinous, the sparrows are many, the starlings probably bid fair to outnumber the sparrows, but just where in the list of teeming multitudes would the chaffinch come? They are everywhere, in every hedgerow, in every garden of every city, over tens of thousands of acres of wild woodland where the sparrow scarcely exists. While the larks would probably top the list, would the chaffinches actually outnumber the sparrows? In East Lothian I think they might.

THE INHABITANTS OF CRAIGLEITH.

Craigleith Island, in common with many other islands along our coast uninhabited by human beings, has its own local residents—seabirds, of course, which come and go with the seasons, but I refer to those which are permanent. I believe it is a matter of twenty years ago that a Russian boat bumped this rock, and apparently left her cargo of rats there, and visiting the island recently, I found abundant evidence that they are still a flourishing race. Locally these rats are described as smaller than the common house rat and bluish-grey in colour — no doubt the result of environment. The brown rat is universal, but he is not universally brown. Particularly in the case of island rats, habitat has played strange tricks, and there is an island near Loch Craignish which is rat-infested, just as Craigleith is, but the rats in that case are black. I was informed that they were the old English black rat, but subsequent enquiry and a glimpse of one of them led me to doubt this. Certainly black rats still exist on some of the islands, but more commonly the small dark-coloured rat marooned in this way is of brown rat ancestry.

Reverting to Craigleith, we found the sunny and sheltered hollows deeply trodden by a criss-cross of their pathways, and their burrows were everywhere. Several eider-duck nests were in close proximity to these strongholds, but we found only one nest that had been robbed by the rats, the fragments of shell dragged into their creeps furnishing evidence. During the breeding season, the rats fare abundantly, but in winter there must be a tremendous weeding out and levelling up of the rat population, as they are then almost entirely dependent upon what the sea yields in the way of shellfish and flotsam. Along the English coast millions of rats migrate to certain sea rocks in the spring, presenting an almost incredible spectacle as they invade the shore at low tide, but only a small percentage of these great armies remain through the winter, the balance returning inland. The island rat has no such choice.

Some time ago a ferret was lost on Craigleith, and it is thought that he nearly eliminated the puffin population that spring, hunting the burrows where the birds were nesting. The rats, too, must have experienced an uneasy time during his comparatively short, but no doubt, eventful stay.

THE FLIGHT OF THE FULMAR.

Suddenly the wind veered from the south to its old familiar corner of east by north, which gladdened the hearts of the local fishermen, since the swell might bring in the salmon and lobsters. Towards evening it stiffened with every indication of wild weather, and I took a walk along the sea-cliffs, where countless herring-gulls, kittiwakes, guillemots, and lesser black-backs were nesting; also a few puffins, shags, and cormorants. The sea now beat against the cliffs with a heavy swell, and looking down upon this cosmopolitan throng of sea-bird life wheeling in the wind, one obtained a very happy impression of the beauty of bird flight.

The herring-gulls and lesser black-backs soaring about the cliffs were masters of the air, as, indeed, a sea-bird has need to be, and they afforded some very pretty pictures as they toyed with the gale, at this point so violent that one had to lean forward to retain one's standing. A gull would hang motionless with wings poised, then slowly float backwards till it landed as lightly as thistledown on some rocky pinnacle, where for a moment it would remain, head on to the wind. Then, rising whimsically, it would glide over giddy space and tilt at one of its fellows, whereupon both would plunge headlong towards the surf in the vault of sea and cliff below. To them the gale was obviously a joy, but I lost interest in the gulls when a fulmar floated across my line. Here, at the first glance, was a past master of the air!

I watched several individual fulmar patrolling their respective beats, but it might have been the same bird—gliding back and forth without motion of the wings, turning in their own length at a certain point, then coming back across wind to turn again, thus see-sawing backwards and forwards with the perfect regularity of a swinging pendulum. As they swept across space, the beauty of their flight lay in the fact that they never moved their wings, which are falcon-like, though their bodies are stubby—in their extraordinary gliding powers, which indeed prove that the engine-less glider is merely a matter of using the air currents properly.

After watching the fulmars for a time, the herring-gulls and black-backs were indeed dull performers, but it was noticeable how rarely the fulmars,

which are essentially birds of the sea, pass in their flight over land. The guillemots are swift with the gale behind them, but the fulmar is the most perfect glider I know.

A few years ago the breeding haunts of the fulmar were confined to St. Kilda, but it has undergone an extraordinary period of increase, and everywhere along the East Lothian and Berwickshire coast, where the soft cliffs it loves exist, the bird is to be seen during the nesting season. Whether these birds are actually nesting I am unable to say. They appear to go through all the formalities of nesting but I have yet to find or hear of eggs or young.

WHERE THE WILD HARES MEET.

Immediately south of the village of East Saltoun there exists an area of waste, second-growth woodland, densely covered with brushwood left in piles by the foresters after the heavier timber had been carted. This, of course, forms a fine sanctuary for wild creatures of all kinds, especially since the immediately-surrounding forests are still intact, and it is at this interesting place that the wild hares meet and marry. It is, indeed, one of their recognised trysting places, and at all times of the day and night hares are to be found there, and invariably in pairs, or companies. It is exceptional at this place to start one hare without immediately flushing another, and regularly they are to be seen running through the timber in twos, displaying that indifference towards human presence which is rare except at their mating places. There is not much food for them about the clearings and the surrounding forests, though most of the adjacent land is richly cultivated, and it is, of course, a recognised fact that hares are solitary by choice during the normal conditions of their lives.

A Haddington sportsman informs me that he has since his boyhood observed a similar trysting place, at no great distance from the one described, and that commonly he has seen as many as sixteen hares gathered there.

THE ROBIN'S DAYBREAK SONG.

While the songs of most birds are inspired by a sense of the poetical, the song of the robin seems as often as not to be the outcome of anger and

jealousy towards one of his own sex. The big, dark eyes of the robin indicate the twilight feeder, and these birds are at their best and brightest during the hours of half light. One morning, after a night of raging wind, peace and quietude fell an hour or so before daybreak, and while it was still so dark that it could hardly be said that dawn had begun, I was wakened by the sweet, melancholy song of a robin outside my window at Pencaitland. Clear as running water the notes sounded on the perfect quietude of field and woodland, just a line or two then silence, then another little burst of song, but as I lay listening I realised that the intervals were filled by the alternate carolling of other robins, a second near at hand across the garden, a third so far off as to be only just audible. Clearly they were singing one against the other, and pleasant though their music was, it bore a note of rivalry.

The light soon improved, and the first robin alighted on a rose bush where I could see him clearly, and I noticed that having sung his line he would sit and listen, and as the second robin chimed in he veritably bristled with rage till his turn came again, whereupon he would throw his soul into it to outclass the others. Soon he could stand it no longer, and darting across the garden removed his rival from its perch on a raspberry cane, his rival in turn removed the third robin from the boundary wall, and there followed a general exchange of places, each robin starting to sing as it possessed its rival's perch. So I realised that all the time I had been listening, the liquid music of the daybreak was no more than a war song of rivalry and jealousy!

Sweetly melancholy though the song of the redbreast may be, it is rarely that redbreast meets redbreast otherwise than with deadly enmity, but their rivalry when singing may indicate the soul of the true poet. I have noticed that two skylarks will never rise and sing within close hearing of each other. One invariably chases the other away until each has the heavens to itself. Similarly two nightingales rarely sing close together. One may sing and another answer, but always there is a little distance between them. No bird, save a starling, could rejoice in its own harmony if the song of another blended into discord, and the starling's song is a discord at the outset. Still, I notice that our robin sings its brightest and its best between bouts

with a rival robin anxious to visit the bird table, and much as we all love this trusting little bird of our gardens, I fear he is a warrior rather than a poet.

DO OWLS EAT WORMS?

The question has been asked me by two East Lothian observers, residing some distance apart. We know that kestrels, buzzards and even larger birds of prey, accustomed to gathering their food from the ground, do not despise the humble worm, and though I seem to recollect having seen the worm included in the printed menu of the barn owl, I have never once thought of that bird as a worm eater. I have tried feeding tawny owl chicks with the liveliest and most cheerful of garden worms, the true "natives" of the race, but on every occasion when such fare was offered them as the most conveniently available diet, the owls merely regarded the worms with a stony and owl-like stare, clearly indicating that they preferred to starve.

One evening recently a gamekeeper rang me up, and without preliminary introduction, a stern voice demanded at the other end:—

"Do owls eat worrums?"

I requested a repetition, and something on the lines of the following dialogue ensued.

"I am asking ye the noo, sorr, do owls eat worrums?"

"What kind of owls?" I enquired. "And what kind of worms, and when and how?"

"White owls. Ordinary worrums. Anytime. I'm asking ye the noo, sorr, because I shot an owl the night, and the laird and me want to know if it wasn't worrums it was after—what was it?"

"You examined the owl immediately you shot it?" I asked.

Yes, Sir, immediately."

"And it appeared to have been eating worms?"

"Yes, Sir, ordinary garden worrums. The bird had been hovering round the pheasant coops so regular that I shot it. I don't hold with shooting owls, but we shot it to prove the case."

"So you have proved it. No pheasant chick remains?"

"No Sir. It seems to me that the owl has been visiting the pheasant coop for worrums."

"I take it that you mean a barn owl?" I asked.

"Aye, aye that's the yin. The licht coloured yin that screeches."

"Were any of the worms living when you rescued them?"

"Aye, aye sorr, a wee bit o' yin worrum, maybe the length of your thumb nail. He was wrigglin' fine."

"Then surely that was proof enough that the owl had eaten worms?" I pointed out, and the keeper reluctantly admitted that it was.

The sum of the evidence was, therefore, to the effect that the owl in question had haunted the pheasant coops mainly in search of worms, which in the dusk of evening were given to making perilous journeys over the trodden earth where the remains of pheasant food attracted them.

Incident number two occurred at a country house near Gifford, the occupant of which had during recent rainy weather repeatedly seen an owl about the circle of gravel which terminates the avenue opposite the door. The butler remarked that he always saw it when he was locking up at night, and my friend saw it on the ground several times—walking about after the manner of a barn door fowl. His conclusion was that it was worm hunting, and it is difficult to find any other conclusion. An owl hunting for rodents sits on a branch above, and descends in a silent swoop upon its prey.

Crows.

While the people of Scotland are, as a nation, unquestionably the best-informed naturalists in the world, it is surprising that there are, nevertheless,

one or two points on which we invariably go wrong. There might be mentioned our application of the name crow. In Scotland the rook is usually called a crow, and a crow is usually called a hoody. Admittedly the rook is a crow, but a crow is not a rook, neither is a crow necessarily a hoody. I have been surprised to find that well-informed keepers and ghillies have been ignorant of the fact that we have two crows, and neither of them is a rook. To be precise our three crows are the rook, the carrion-crow, and the hooded crow or hoody or Norwegian crow. Carrion-crows and hooded crows are mainly lumped together as "hoodies," though the carrion-crow is, of course, quite different from the hoody. In the first place he is not hooded. He is like the raven—black all over, in fact he is more or less a small raven, partaking of the same habits and having much the same sepulchral note. Carrion-crows are to be seen ranging the moors in pairs, two hundred yards or so apart, searching for any weakly creature or carrion remains, just as hoodies do. They are, however, less sociable than hoodies and ravens. In the darkness of a winter's evening I have seen a whole flock of hoodies foregathered in the sheltered timber of a secluded little glen, and I have known vast numbers of ravens to join forces in some mountain turret to roost together; but I have never known carrion-crows to unite, other than the gathering of parents and chicks, the families often remaining united throughout the winter.

It is very strange that in Scotland the carrion-crow should so generally have escaped notice as a distinct species, and that the term "hoody" should be so widely used in applying to the carrion-crow and the hooded crow alike. The rook is the rook and the carrion-crow is the crow and the hoody is the alien hooded crow. It would be nearer accuracy to call the carrion-crow a raven than to call the rook the crow.

I would estimate that the carrion-crow is less destructive than the hoody, since by nature its habits are more vulture-like. He is, nevertheless, a "blackleg," and where most abundant, as for example about the heavily stocked Yorkshire moors, the carrion-crow has no friends among keepers and shepherds.

H. MORTIMER BATTEN.

THE BARONY COURT OF COLSTOUN: EXTRACTS FROM ITS RECORDS.

In the Scottish feudal system tenure by barony was, after regality, the highest and most privileged tenure of land. The Crown alone had power to create a barony, which is an estate created by a direct grant or charter from the Crown erecting the lands comprised in it *in liberam baroniam*, i.e., into a freehold barony. The grant conferred the right of jurisdiction on the baron, and the extent of his jurisdiction was governed by the terms of the charter of erection.

On March 20, 1548, George Broun of Colstoun resigned his lands and barony into the hands of the Earl of Arran as representative of Queen Mary, and on the same day received a Charter by the Queen of the lands and barony of Colstoun for good and gratuitous services rendered to her and her Governor, and incorporating all the lands into one entire and free barony with all baronial rights, furca, fossa, sok, sak, thole, theme, infangthief, outfangthief.

" Sok " means the district included within the jurisdiction of a Baron; " Sak " is the right of judging in litigious suits; " toll " implies exemption from duty and the right to exact duty; " theme " is the Baron's right of compelling the person in whose hands stolen or lost property was found to name the person from whom he received it; " infangthief " is jurisdiction over a thief caught with the " fang " or booty within the Barony; and " outfangthief " the right to extradite a thief from the Barony caught in the soc of another. Pit (fossa) and gallows (furca) is the right of capital punishment. The pit was for the female thief who was usually drowned.

The authority of the earlier barons, if their grant was *cum curiis*, was almost absolute. If the words *cum furca et fossa* were also included they had power to put to death if the offence was a capital one and not one of the four points reserved to the Crown. The officials of the Court were the bailie or steward, the chancellor, the clerk, the officer or sergeant and the dempster.

The records of the Baron Court of Colstoun are fragmentary. They cover two periods from 1627 to 1644 when they were carefully kept on fools-

cap paper stitched together, and from 1698 to 1737 when they were written on irregular scraps of paper. They consist chiefly of estate laws made by the Baron, sometimes "with consent of the haill tennents," sometimes without. These laws prescribed the number of cattle and sheep which might be kept upon the common pasture with penalties for oversouming (keeping more), regulated grinding at the estate mills and the duties to be paid to the miller and his men; the bringing of millstones and other parts of machinery when required; the cutting of timber; the pulling of heather for thatching. The monopoly of the laird's mill was a common restriction of liberty. Every thirteenth peck of meal ground at the mill went to the miller under the name of multure, in addition to the Baron's multure dues.

The spiritual welfare of the Barony was not neglected as appears from the following minute dated 1631. "Statuts quhatsumevir personē or persones abyds fra the kirk on Sabbath day sall pay 6s 8d money *toties quoties*." There seems to have been as much difficulty in getting the dead to the kirkyard as the living to the kirk for the tenants had to be ordained to convey "quhatsumevir deid persone withtin the said baronie to the buriall place" under the penalty of 13s 4d. Timber was valuable then, and all through the minutes are found stringent Barony laws concerning the Baron's trees. The Court was judge as well as lawgiver to the Barony. The majority of cases tried before it were connected with trespass by the tenants or by their "guidis" or livestock, cutting timber, grinding at outside mills, rents owing to the laird, or debts of any kind, keeping oversoumēs or over-regulation of livestock on the ground. Offences against the person were also dealt with.

In 1629 Patrick and William Mure were unawed in ten pounds six shillings and eightpence, for miscalling George Dewar their neighbour. There were also cases of assault, usually termed "riot and blooding," two of which were referred to an assize, or jury, consisting of fifteen tenants or householders, with a chancellor or foreman. A fine was the usual punishment, but in 1643 Thomas Lawson was fined for cutting green-wood, ordained to be banished the Barony for the next offence, and meantime to be put in the laird's pit or jous during the laird's pleasure.

Life in such days was hard. Many of the laws were grievous to the tenants, in particular the thirlage to the estate mill, but some sympathy is due to the laird who, do what he would, was unable to protect his "haynet mure," and on one occasion found his precious young ash trees cut and "left lyand still behind" the culprit, in much the same fashion that a modern laird finds his wild flowers uprooted and his shrubs broken by the King's Lieges for the apparent purpose of strewing the King's Highway.

Records of the Barony Court of Colstoun—
1627-1644.

Curia baronie de Colstoun tenta in loco vocato manis de Colstoun per honorabilem virum Georgium Broun baronem dictae baronie decimo sexto die mensis Martii anno Domini 1627.

Curia affirmata.

THE quhilk day the said George Broun maid and ordainit Patrik Young to be clerk of his Court and in all uther his courts ay an quhill he be discharged be him, *desuper acta.*

The samen day the said judge hes statut and ordainit that quhatsumevir persoun within the said baronie sall be ther guidis eat ther nichtbours come in tyme cuming [*wasted*] pairties hors cattell or utheris sall pay to the partie damnified the soume of [*wasted*] shillingis money *toties quoties*; and siclyke that na persoun within the said baronie keep or have any oversoumes of guidis herefter and suffer and put ther saids guidis ather in wode or waird under the paine of 40s money ouklie to be payit to the said judge *toties quoties*. Item it is statute and ordainit that quhatsumevir persoun sall cast ane turff or diffott within the said baronie and transport not and take away the samen befor Sanct Luke's day sall pay to the said judge *toties quoties* 5 merks money.

It is statute and ordainit be the said judge with consent of the hail persounes within the said baronie that the mylleris sall yearlie, giff they have to do to transport and bringe hame mylstanes to the mylnes of Colstoun, and

coills to be brocht hame be the laird to the hynde and taskeris, sall bringe theme hame yearlie befor August otherwayis na persoun to be astrictit or obliat to helpe thame witht the saidis mylstones and coills in tyme cuming. The samen day Thomas Mairtein confest the cutting of wode in the Seggiehaugh being dischairgeit be act of parliament, and therfor the said judge ordanis him to be punishet for the said faut conforme to the said act of parliament.

The samen day the said judge ordanis that quhatsumevir man or woman sall invaid or miskall uther herefter the pairtie making the occasoun of the said miskalling sall pay to the uther pairtie compleanand efter dew tryall the soume of 46s 8d *toties quoties*.

The samen day hes statute and ordainit that quhatsumevir persoun withtin the said baronie sall be at any court herefter wairnit lafullic therto and not comperand to pay to the said judge the soume of 6s 8d. *toties quoties*; and hes condamnit William Turner in 6s 8d for his present absence he being lafullic wairnit to court and not comperand.

The samen day the said judge witht consent of James Broun his sone and hail persounes of the said baronie hes friely and of ther awin motive will given and grantit and gives and grantis to Patrik Cunynghame smytth thair support and help for buying of ane hors to him, ilke persoun the particular soumes underwritin, viz.: the said judge thrie firlotts aitts or ellis iii li.; item the said James Broun ane firlott aitts, xxs.; item Thomas Sheill in Sandersdaine ane firlott aitts or ellis 20s therfor; item Williame Litster in Seggarsdaine 10s money; item Patrik Hogge ther 10s; item Thomas Mairtein in the Overmyln 10s; item William Aitchisoun in Seggiehaugh 6s; item James Tailzier in Clochardie 6s; item William Turnor thair 10s; item George Hamiltoun in Sandersdaine 5s; item Thomas Wode in Newbiging 5s; item Johne Diksoun in Stopstane 6s 8d; item John Lamb in Gugshell 5s; item James Pook 6s 8d; item Jon Sym 4s.

Quhilkes soumes the forsaid persounes faithfullie promess thame to delyuir to Thomas Wode quha is electit for collecting therof aucht dayes befor Whitsunday nixt, *desuper acta*.

Item it is statute and ordainit that quhatsumevir persoun that pools any hether in the hanet mure sall pay to the said judge 6s 8d *toties quoties*. Item it is statute and ordanit that quhatsumever persoun withtin the said baronie sall happin herefter to sie any forren or unknowin persoun pulling hether ather on the common mure or hanet mure that they sall reveall the samen to the master therof, viz., the said judge, and make him adverteisit therof and quhatsumevir persoun sies the samen and cullours and revealls not the same sall pay for ther defraud 40s *toties quoties* to the said judge.

It is statut and ordainit that quhatsumever persoun sall at any tyme herefter put ther cattell or hors in the wods or waird sall pay to the said judge the soumē of 40s money *toties quoties*.

Curia baronie de Colstoun tenta apud villam vocatam Eistmainis per Georgium Broun baronem dicte baronie et Patricium Broun eius ballium deputatum xiiii die mensis May 1627. *Curia affirmata.*

Absentes.

Unlawes Jon Diksoun in americiament of court for his absence. Unlawes William Aitchisoune for his absence. Item Jon Sym.

Unlawes William Turnor in ane unlaw of 40s for keiping of ane oversoum within the baronie contrair the act maid theranent conforme to the termes thair of, viz., 3 lib for 10 dayes in respect of his awin confessioun.

The quhilke day comperit the said William Turnor and declairit that he knew ane pleuche beam to be standing in William Aitchisoune's hous to be cuttit and brocht ther be Robert Philip and that ther ar quheines and ryse cuttit lyand at the said William's hous end, quhilkes premiss he offerit him to prove to be cuttit furth of the lairds wode and orchard.

Curia baronie de Colstoun tenta apud villam vocatam Eistmaynis per Georgium Broun de Colstoun baronem dicte baronie xii die mensis Novembris 1627,
Curia affirmata.

The quhilk day in presens of the said judge comperit Andro Home his tennent, presentlie dwelland in the Busheheids, quha being accusit for cutting breking and distroying of the said judge hes grein wode withtin the foresaid baronie contrair to the acts of parliament, quha of hes motive will confest that his bairnes hes cuttit of the westerwood of Colstoun divers tymes in this present moneth of November, and therfor the said judge hes unlawet and unlaues the said Andro in fiftie pundis money and ordainis him to be forder punishet conforme to the tennour of the act of parliament maid anent cutting of grein wode.

Ordainis James Tailzeour to pay double multur for grinding 6 pecks aittis by the Nethermyln being ordainit to grind at the said Nethermyln, and siclyke Thomas Carfra in grinding 3 firlotts tua pecks aittis. Unlaues George Mairtein in 40s for comtemptuous words gevin in this fensit court.

It is statute and ordainit that quhatsumever persoun within the baronie beis apprehendit ather withtin wodes wairds or orcheards troubleing the halk nestis within this baronie sall pay to the judge 40s money *toties quoties*.

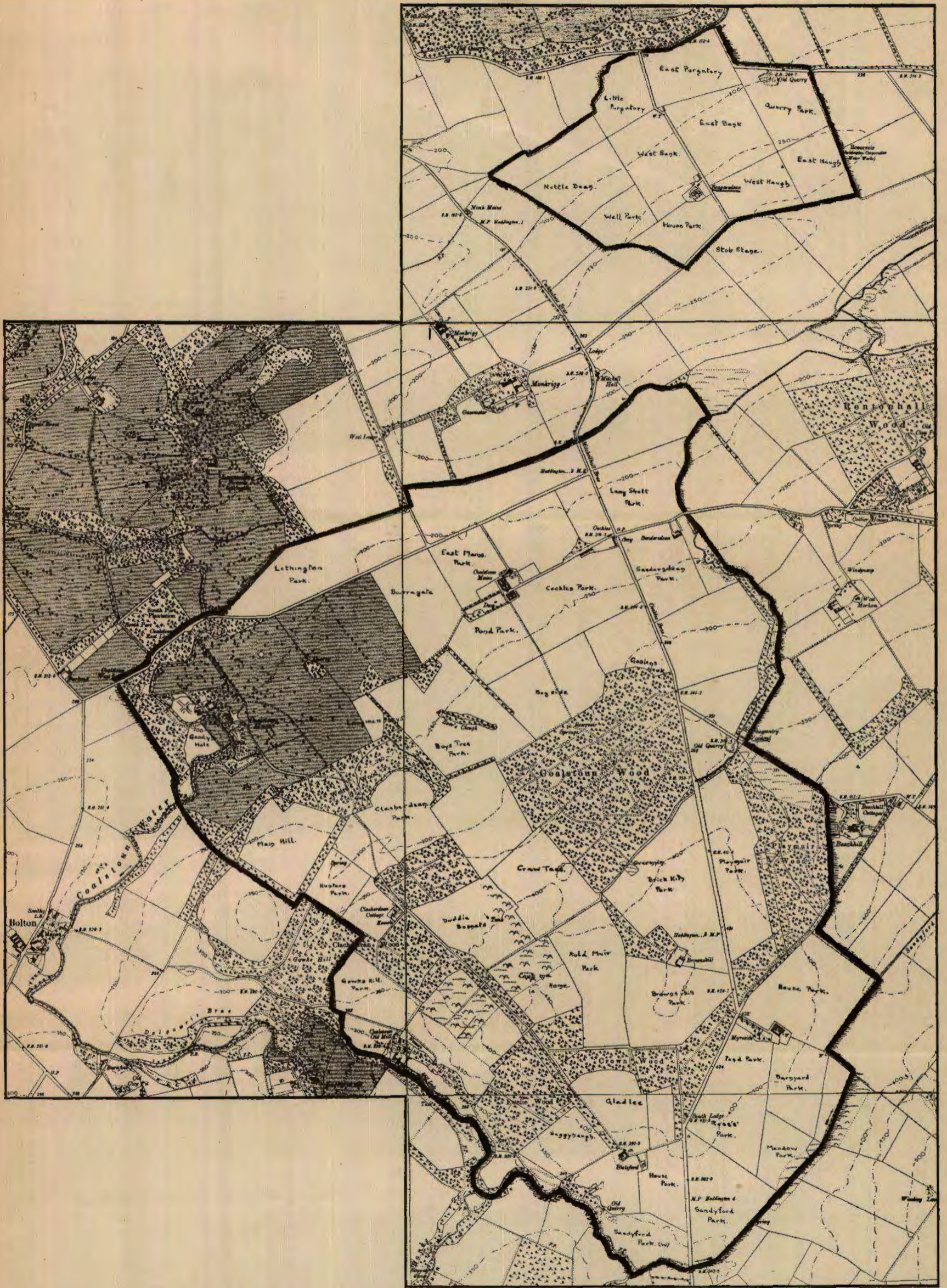
It is statute and ordainit that na persoun within the said baronie sall keep and hald oversoumes within the said baronie under the paine of 5 li.

Statuts and ordainis that na persone tennent or utheris within the said baronie permitt (*some words indecipherable*) louse in the wodes wairds and orcheards under the pane of v lib. money.

Curia baronie de Colstoun tenta apud villam vocatam Eistmaynis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem diete baronie de Colstoun et Jacobum Andersone eius ballium deputatum, 5 Decembris 1628.

Curia affirmata.

Continewis the complaint made be George Mairtein in Castilhallis againis Patrik Broun in Clochardie for 20s alleget awand be the said Patrik to him as rest of 40s for gresing of the said Patrik his sheip, and referris the samen actioun and submittis himself to the decisioun of Jon Broun.



Decernis Thomas Mairtein to pay to George Mairtein in Castelhauch ane firlott beir for the cornes destroyed be the same Thomas to the said George confest be the said Thomas, and the said judge having desyrit the said George to redelyuer to the said Thomas ane quarrell pick borrowed be him fra him the said Thomas wes content to quit him the pick for the said beir and áther of thame discharigis utheris *hinc inde* of all questiounes.

Decernis the persouns the lairdis tennents efternamet to pay to the laird the soumis following viz.:—Robert Greine in Myresyde 30 lib. for Mertymis maill last 1628 instant of his landis of Myresyde, confest. Item William Turnor in Sandifurde 40 merks for Whitsunday and Martymis maill of his lands ther last bypast. Item Thomas Mairtein in the Nethermyln 20 lib. for Mairtymis maill last of his lands and myln ther, confest be the said Thomas Mairtein, and in respect of William Turnors absence being warnit as wes provin be the officer.

Curia baronie de Colstoun tenta apud villam vocatam
Eistmaynis de Colstoun per honorabilem virum
Georgium Broun de Colstoun baronem dicte baronie
xxi Maij 1629.

Curia affirmata.

Comperit Andro Home in Bucheheid and complenit upon Patrik Mure in Bucheheid and James Mure his sone for the cruell bleeding wounding and hurting of the said Andro this day in the morning at fyve or four hours upoun the face abone his eyne to the effusioun of his bloode in great quantities, and for verifieing therof being present the bloode and wound being sene witht utheris bache straiks on divers pairtis of his bodie quhilkis wes sene and knawing to the judges; the said Patrik confest he straik him on divers pairtis of his bodie bot denyit the bleeding of the said complaner and wes content to be tryit by any assyse as followis.

Assyse.

Patrik Hog in Seggersdane, Thomas Hereot in Newbigging, Jon Broun in Colstoun, Jon Diksoun in Stobstane, Ja. Mairtein in Seggiehauch, Thomas Carfra in Eistmaynis, George Hamiltoun in Sandersdaine, Thomas Shiell, thair, Patrik Broune in Clocharden, George Dewar in Busheheid, Thomas Mairtein in the Nethermyln, Jon Kermutie, thair, Jon Philip in Woodend.

Jurati et Admissi.

The same day the said complener producit the said blode and shew to the Assyse the said wounds and bache straiks.

Chancellor, Thomas Scheill in Eist Sandersdane.

The same day the haill Assyse be the mouth of Thomas Sheill Chancellor all in ane voice fyllis the said Patrik Mure of the said blood and finds him guiltie becaus it was verified be the persewers aith, and forder in respect Patrik Mure confest the stryking of the said complener in presens of the said Assyse, as als that it was verified be Thomas Carfra in Eistmaynis that he saw the said Patrik Mure stryke the said Andro complaner witth sundrie utheris, and convictis the saids James Mure and Andro Home in trublance and thairfor the judge unlawis the said Patrik Mure in 50 lib. money of this realme and ordainis him to assyth the said Andro for his blood at the judges modificatioun and ordainis him to remaine in waired [till] the same be paid. And thairefter comperit William Mure in Buseheids and actit him as cawtiouner for the said Patrik Mure and his said sone that they sall at all tymes cuming keep his majesties peace with the said Andro Home and that the said Andro his wyff bairnis and servands sall be harmles and skaithles of the saids Patrik and his said sone all tymis cuming under the paine of 100 lib. by and attour the unlaw contenit in the act of parliament and the said principall actit him to relieve his cautioner. The same day the said Andro Home found Thomas Carfra cawtiouner for him that he sall keep his majesties peace in maner forsaid witth the forenamed Patrik Mure and his sone under the foresaid paine and the said principall actit him to relieve his cawtiouner.

Curia baronie de Colstoun tenta apud villam vocatam Eistmaynis per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Thomam Sheill eius ballium deputatum xxix Maij 1629.

Curia affirmata.

Absentes.

Jon Diksoun in Stobstane. Patrik Broun in Gugishill.

William Aitchisoune in Sandifurde.

James Tailzier in Clocharden.

Unlawis everie ane of the saids absents in 6s 8d for ther absens. Decernis Thomas Mairtein to pay to the laird his master 10 li. money for ilke boll of 6 bolis meill, 12s money for ilke capone of 16 capones and 10 li. for ane fat swyne restand of his fermes of the Nethermyln for his crope 1628 zeirs, viz., fra Witsunday last conforme to ane tack, confest.

Statuts with consent of the hail tennents that quhatsumevir persone or persons hereftir sall take any strae or hey fra the lairds guidis furth of the barnes or byres to burne or destroy the same the persone taker or burner or destroyer therof sall pay to the said judge 20 li. money for ilke fault *toties quoties*.

Decernis William Turnor in Clocharden to pay to the laird 20 merks of silver mail for Witsunday last, confest.

Intimatts to Patrik Mure that giff he will not come and pay to the laird 50 li. as unlaw imposed on him the last court day the 19th instant, in that case the laird will sell and dispone upon ane cow and stirk quhilkes he caussit poynd for the said unlaw and that betuex and Monday nixt.

Decernis Thomas Carfra in Eistmaynis to pay Thomas Mairtein ane dishefull and halff dishefull schillin, tua dishefull humell corne, and ane dishefull humell corne meill and tua dishefull ait meill as double multure for grinding by the Nethermyln.

Decernis William Litster in Seggarsdane to pay to Thomas Mairtein 8 dishefulls of corne and 6 of meill as double multure of ilk boll of 12 bolis of corne grund by the lairds mills grund be him for his hous.

Item decernis Thomas Sheill to pay *ut supra* for 4 bolis aitts and 2 bolis humell corne contumax.

Item Patrik Cunynghame smytht for tua bolis aitts, confest.

Decernis Euphame Quhite to pay to the laird and lady Colstoun 10 merks, confest.

For the better hayning of the wode tries and utheris things therin it is statut that quhatsumever persoun withtin the baronie sall herefter go therin sall pay *toties quoties* 40s money.

Curia baronie de Colstoun tenta per Georgium Broun de Colstoun boronem dicte baronie xxviii April *1626.

Curia affirmata.

Decernis William Mure in Busheheids to pay to the laird ane unlaw of 50 li. for bludeing of Patrik Prestoun ther on the mouth Twysday last the 24th instant in respect the samen being admitted and referrit to his aith refusit to give his aith.

Statuts for keeping of nichtborheid amange the lairds tennents that quhasoeviris beastis sall be found upoun utheris gers herefter sall pay 40s *toties quoties*.

Decernis George Hamiltoun to pay to Thomas Mairtein myller ane fir-lott corne, half humell corne half uther corne, of double multure in respect the samen being referit to the defenders aith refusit to give his aith.

Statuts witht consent of the hail tennents that quwhatever persoun sall hound the lairds sheip aff the common except it be upoun the haynit gers or cornes sall pay 40s *toties quoties*. Decernis George Hamiltoun to pay to Thomas Sheill 3 bolls in respect of the persewars aith gevin affirmative referit therto.

Curia baronie de Colstoun tenta per Georgium Broun de Colstoun baronem dicte baronie xii Auguste 1629.

Curia affirmata.

The quhilke day unlawis William Mure in Busheheids in 50s money for contravening ane act maid 17 Martii 1627 in putting his cow in the lairds waird quhilke wes apprehendit and poyndit be the laird upoun the [omitted] day of May last as the said William confest.

* This date is difficult to explain except as a mistake.

The samen day the judge unlawit Patrick and William Mure evārie ane of thame in 46s 8d money for miscalling George Dewar all in Bushehāids contrair to ane act maid the forsaid 17 Marche 1627 conforme to confession.

Item unlawis Patrik Mure, William Mure, George Dewar, Margaret Diksoune, Andro Home, James Tailzeour, Helene Wode, Thom Turnor, ilke ane of thame in 46s 8d money, for pulling hether in the lairds hainet mure contrair to ane act maid the forsaid 17 Marche 1627, confest.

Decernis Thomas Mairtein myller in the Nethermyln to pay to Thomas Hereot smytth in Newbigging 5 li. money for 10 peck aitts awand for smytths work wraucht be the persewar befor Witsonday last quhilkes suld bene payit at aitseidtyne last, confest.

Statuts that quhatsumevir persone withtin the baronie sall happin suffir thair guidis or foullis eat and destroy thair neighbors cornes, and the same being qualified and provin the said partie awner of the saids guidis or foullis sall refund the skaith to the partie damnified and sall make that rig quhilke sall happin be destroyit als guid as to that rig undestroyit and that by and attour any uther act maid heiranent of before.

Unlawis William Mure in 40s money for cutting of ane wayne pertening to the laird in beirseidtyne last, confest.

Curia baronie de Colstoun tenta apud Eistmanis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Thomam Shiell eius ballium 16 Aprilis 1630.

Curia affirmata.

Anent the complaint maid be the laird and James Mukle, procurator fistcall to our soveraine lord for his hienies entres, upoun James Tailzeour in Clocharden that quherupoun Setterday last the tent day of Aprill instant the said James cuttit the number of 12 sipleinis of aik in greatest number and uther quaik aspe of the availl of 12d money, ilke pece therof furth of the overwode of Colstoun, quhilk he left lyand still behind him in the west syde of the said wode witht his staff withtin the samen quhilkes wer found and apprehendit be the said laird and his servands, quhilke fact being referrit to the said James his aith he being present refusit to sweir and thairfor the said judge holds him as confest; and forder it being allegit that he had cuttit timber

and grein wode furth of the sade wode divers tymes befor, quhilk being also referrit to his aith he refusit to sweir, thairfor the judge condemnis the said James in fourtie pounds conforme to act of parliament being the third fault by and attour the availl of the skaith.

Unlawis William Mure in Busheheids in ane unlaw of 20 li. money for contravening of ane act and ordinance maid the 29 May 1629 yieris in taking furth of the byre certaine hey quhilke he confest.

Ordainis William Mure, James Mure and William Litster hynds to the laird to conduce and fie and utherwayis furnies everie ane of thame ane sufficient servand man for cawing the waynes in beir seed tyme nixt ensewing to the effect the lairds wark may not ly behind and be neglectit under the paine of ten merks monie for ilke ane of the saids thrie persones.

Curia baronie de Colstoun tenta apud Eistmanis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Thomam Shiell eius ballium xvi Martii 1631.

Curia affirmata.

Anent the complaint maid be the laird againis Jon Young in Busheheids and Thomas Young his sone for cutting and destroying 18 young aiks furth of the overwode of Colstoun and leiving the same behind him for fear of apprehension in ait rig in harvest last and sua for contravening ane act of Parliament maid againis cutteris and destroyeris of grein wode in October 1579 be our umquhill souveraine lord King James the Sext of blessed memorie, the said Thomas confest the cutting therof and the said Jon denyet that he commandit his said sone to do the same and for takeing the lairds stray furth of the byr fra the lairds guidis upon the 7 of March instant quhilk is denyit, thairfor the judge referrit the samē to the knowledge of ane Assyse.

Assye.

Patrik Hog in Seggarsdaine, Thomas Sandersoun in Myresyde, William Laurie gardener, George Hammiltoun in Sandersdane, William Turnour in Seggiehauch, John Wode, hynd, Thomas Heriot smyth in Newbigging, Robert Philip in Sandiefurde, John Deanes in Clocharden, James Tait in Wodeend,

William Aitchisoun ther, Jon Broun in Colstoun, Robert Wode in Colstoun, Thomas Mairtain in Newmyln, Robert Archibald in Busheheids.

Jurati et admissi.

Chancellor, Thomas Sandersone.

The assyse all in ane voice fyllis the said Thomas Young of the cutting and steiling of the saids 18 young tries in respect of his confessioun and clengis the said Jon Young of the cutting therof and of the alledgeit hounding out of his said sone to do the same, and fyllis the said Jon Young of the furth taking and stielling of the said stray in respect of the said Jon his refusal to sweir. Thairfor the judge unlawis the said Thomas Young conforme tō act of Parliament and siclyke unlawis the said Jon Young in 20 li. money for the away takeing of the said stray conforme to ane act of the said baronie upoun the 29 day of May 1629.

Statuts and ordainis that quhatsoever the lairds hynds absents thamselffis fra his service without the lairds leave askit and gevin sall pay to him 6s 8d for ilk fault *toties quoties*.

Statuts that quhatsoever person tennent or uther is beastis bees apprehendit upon the waird or haynet gers fra this day bak the awiner therof sall pay 40s *toties quoties*.

Statuts that quhatsoever persone the lairds tennents gaitts his quheit this present crop grawand on the shot at the Eistmaynis sall pay for ilk fault 20s. Statuts and ordanis witht consent of the haill tennents that at all tyme cuming they sall convey quhatsoever deid persone withtin the said baronie to the buriall place and quhatsoever being wairnit the nycht befor and not comperand and convoyed the saids corpes sall pay 13s 4d for ilk falt. Statuts quhatsoever persone or persones abyds fra the Kirk on Sabbath day sall pay 6s 8d money *toties quoties*.

Curia baronie de Colstoun tenta apud Eistmaynis de Colstoun per Georgium Broun de Colstoun baronem dicte baronie et Patricium Broun eius ballium 17 Aprilis 1632.

Curia affirmata.

Decernis George Hamiltoun in Sandersdane to pay to Patrik Broun in Gukeshill 14s money in respect of the persewars aith gevin affirmative referrit therto.

Decernis George Kirkwoode in Busheheids to pay to Margaret Laurie in Clocharden 20s for the gers maill of ane stirk the last somer confest witht 6s 8d of expenssis of pley.

Decernis Thomas Shiell in Sandersdane to content and pay to the laird the sowme of 585 li. money as failzies and penalties incurrit be him in suffering his guidis to pasture upoun the lairds bounds and lands nixt adjacent to the lands of Sandersdane and that thyrse everie yier yierlie thir nyntein yieris halff yier sen July 1612 yiers, being everie failzie ten pounds, conforme to ane claus of the contract contening tack of Sandersdane of the dait the {blank} day of July 1612. Confest and refussand to sweir.

Decernis William Thomsone in Clocharden to pay to the laird 15 fleicis of wool as teind this fiftein zers of his ten sheip haldin be him on Sandersdaine or ells 10s for ilk fleice, inde 7 li. 10s, confest.

Curia baronie de Colstoun tenta per Georgium Broun de Colstoun apud Eistmanis de Colstoun et Thomam Shiell eius ballium 16 Nov. 1632.

Curia affirmata.

Unlawis Jon Wode in Busheheids in ane unlaw of 50s money for ilk ouk of fyve ouks halding 10 sheip as oversoume on the lairds bounds confest be him contrair to ane (act) maid be the laird 16 Martii 1627.

Unlawis George Kerkwoode in ane unlaw of 5 lib. for halding ane cow as oversoume this hail last somer.

Unlawis the said Jon Wode, George Kerkwoode and Andro Romanos everie ane of them in ane unlaw of 5 li. for suffering thair kye thrie severall tymes brek in the lairds yaird eat and destroy his kail and herbis, confest.

Curia baronie de Colstoun tenta apud villam de Eistmaynes eiusdem baronie per honorabiles viros Georgium Broun de Colstoun baronem de dicte baronie et Patricium Broun eius balliuum 27 Maii 1633.

Curia affirmata.

Unlawes James Mairtein in Nethermyln of Colstoun in ane unlaw of 10 lib. money for the blodeing George Hamiltoun in Sandersdane upoun Sondag the 26th day of May instant in tyme of devyne service, in respect the said James referrit the samen to the said Georges aith quha deponit affirmative; and siclyke unlawes the said George in 40s for troublance committit witht the said James, confest.

And the said James and Alexander actit and oblist thame to keep his majesties peace betuix thame in all tyme cuming under the paines containet in the actis of parliament.

Decernis Thomas Mairtein in the Nethermyln of Colstoun to delyvir to Jon Makcaull burges of Hadintoun ane wadder hog or ellis 40s therfor intromettit with be the said Thomas pertaining to the said Jon Makcaull in September 1631 yiers, in respect Thomas confest the skynn therof and referrit the same to the persewars aith quha deponit affirmative.

Decernis Jon Deanis in Eistmaynis to pay and delyuir to the said Thomas Mairtein 40s money for ane lamb gevin in gersing quhilk he redelyuirit not againe, confest.

Unlawis Helen Skynner and Alesone Baptie in Clocharden everie ane in 5 li. money for herrieing the lairds haulks nestis in his wodes and wairds, provin.

Statutis witht consent of the hailt tennents that nanè of thame nor thair servands and bairnis come to the lairds wodes or wairds in any tyme cuming, nor suffer ther guids and cattil gang or remain therin under the paine of fourtie shilingis money *toties quoties, desuper acta.*

Curia baronie de Colstoun tenta per Georgium Broun de Colstoun baronem dicte baronie et Patricium Broun eius balliun specialiter constitutum 9 Sept. 1633.

Curia affirmata.

The samen day the saids judges statuts and ordanis with consent of the hail tenentis that everie ane of thair absent shiereris fra the lairds corne shiering this harvest sall pay to the laird 6s 8d.

Unlawis the hail tennents of the Busheheids and Clocharden everie ane of thame in 40s for ther awin pairtis for away takeing the lairds fyrewode at divers tymes this somer, confest, and statuts and ordanis that na persone in tyme cuming transport any fyrewode quhill the laird be first sufficiently satisfiet under the paine of 40s money *toties quoties*.

Unlawis James Skynner in Clocharden in ane unlaw of 40s for casting turvis and divots in the lairds hayned mure.

Unlawis William Hog in Seggarsdane in ane unlaw of 46s 8d money for pulling hether in the hayned mure contrair to actis of court.

Unlawis Richard Young in Seggiehauch in ane unlaw and amercia-ment of cort for his absens being wairnit to ansere for pulling hether in the lairds mures and for selling the samen to William Hog and utheris, and ordanis him to be wairnit to the nixt court.

Unlawis William Achesone, William Mure and Thomas Sandersone everie ane of thame in ane unlaw of 40s for gersing and keeping ther guidis on the lairds haynet mure this somer contrair to actis of court, confest.

Statutis and ordanis witht consent of the hail tennents that they all tymes cuming keep ther guidis aff the hayned mure of Colstoun under the paine of 5 li. money *toties quoties*, and that quhatsumevir persone sall happin to stop and hinder the lairds officer or servands in putting the saids guidis off the said mure or in poynding therfor in that case they and ilk ane of thame sall pay to the laird ane unlaw of 5 li. money *toties quoties*.

Statutis and ordanis that the mylleris or utheri^s tennents sall keep thair hors in hous all tymes cuming eft^r the soone going down under the paine of the pryce of ane boll of the best aits in Hadingtoun mercat.

Unlawis Thomas Mairtein in ane unlaw of 40s for eatting the lairds aits wⁱtht his hors this somer, confest.

Statuts that everie tennent sall in tyme cuming dulie pull on the common mure ouk^lie thrie sheitfull everie cottar ane sheitfull ouk^lie to thair awin use alanerlie and to na uthir mans use, and quhatsumever tennent and cottar pulls any mair sall pay to the laird 40s *toties quoties*.

Curia baronie de Colstoun tenta apud Eistmanis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Thomam Scheill eius ballium octavo die mensis Decembris anno domini Jm^vic trigesimo quarto.

Curia affirmata.

Anent the complaint maid be Beatrice Scheill in Clochardaine and Helen Wode hir mother againis James Skynner elder and James Skynner younger his sone, indwellars in Clochardaine, for the strais gevin be the said James Skynner younger to the said Beatrice Schiell wⁱtht ane fork in the arme, whilke being referrit to the said James Skynner younger his aith of veritie, he deferit the same bak againe to hir aith quha deponit affirmative thereanent; and siclyke anent the complaint maid be the said James Skynner elder and younger againis the saids Helen and Beatrix for miscalling thame in calling thame common thievis and that they wold be hangit, the judge eft^r dew tryall therof finds baith the saids parties culpable of the saids slanderous words and therfor unlawis everie ane of thame in 46s 8d of money of unlaw conforme to ane act maid thereanent upon the xvi day of Mairche 1627 zeirs; and quheras the said Beatrice allegis that of the saids strais scho bled, the judge referris that part to the knowledge of ane assyse.

Assyse.

James Fouller.	William Turnor.	George Kerkwode.
Patrik Hog.	William Hog.	Andro Romanis.
Thomas Sandersone.	George Hamiltoune.	Patrik Nicolsone.
Jon Dicksone.	James Mertein.	Thomas Hereot.
William Achisone.	Patrik Symsonne.	Jon Wode.

Jurati et admissi.

Chancellor, James Fouller.

The same day the hail assyse all in ane voce be the mouth of James Fouller Chancellor fyllis the said James Skynner younger of the forsaid straiks gevin be him and committit in the persone of the said Beatrix in respect of her sith gevin therupon in maner forsaid, and clengis the said James of the alleget blodeing of hir in respect that nothing is productit for proving therof and therfor the said judge unlaws the said James Skynner younger in ane unlaw of 10 merks money for the said straiks.

The same day it is statut and ordanit be the laird and his said baillie with consent of the hail tennents withtin the said baronie that na persone or persones withtin the said baronie take away or transport hame to thair hous or any uther part any of the lairds fyrewode in tyme cuming untill the laird be first staket and sufficit under the paine of fyve pounds money *toties quoties*.

Unlawes Patrik Nicolsone in Eistmanis in 40s for cutting and transporting of tua soupellis furth of the laird's wode and giving thame to Patrik Keringtoun, confest.

Unlawes the hail hynds and taskeris in ane unlaw of 5 lib. money for away taking of the lairds fyrewode: Confest all except Patrik Nycolson in Eistmanis.

Unlawes Janet Dicksone and George Kirkwode hir spous in ane unlaw of 20 lib. money for burning the lairds stray and taking the same from his guidis, confest be the same George.

Curia baronie de Colstoun tenta apud villam de Seggarsdaine infra dictam baroniam per honorabiles viros Jacobum Broun feoditarium de Colstoun et Patricius Broun eius balliuum, 29 Maii 1637.

Curia affirmata.

The quhilke day the said James Broun of Colstoun creat and maid Patrik Young notar to be his clerk zierlie in all tyme cuming quhill he be discharigit be him, quha being present gave his aith *de fidei administratione officii, desuper acta.*

Anent the blode committit be James Symsons in Dalgourie in the person of Jon Knycht his servand witht his nieffis upoun the face upoun Setterday last bypast the 27 Maii instant, quha being present confest the said blode and came in the judges will theranent, therfor the judges unlawit him in 50 lib. Scots money.

Anent the ryot committit be Thomas and George Turnor in the persone of Janet Adasone in Gukshill, and anent the ryot committit be the same Janet Adasone in the persone of Bessie Yorkstoun, all pairties being present they confest the straikeing ane of another, thairfor the judge unlaues thame and everie ane of them in amerciament of court, *desuper acta.*

Curia baronie de Colstoun tenta apud Eistmanis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Patricium Hog balliuum dicte baronie specialiter constitutum ultimo die mensis Octobris 1638.

Curia affirmata.

The laird and baillie witht consent of the tennents ordanis everie ane of thame to pay for reparatioun of the saitt in the Kirk as followes quha ar restand awand viz.:—Alexander Wilkiesone for Sandifurde 4s; Item Seggiehauche 4s; Item Clocherdaine 3s; Item Newmyln 3s; Item Sandersdaine; Andro Toftis 6s; James Johnstoun 6s; George Hamiltoun 3s; Thomas Hereot 8s; Item

the old Laird 27s. Andro Toftis and James Johnstoun submittit and referit thame to William Andersone in Morhame and Patrik Hog in Seggarsdaine anent the decisoun of all matteris and questionis of nychtborheid presentlie standing betwix thame witht power to thame in cace neid beis to choyse ane oversman and promittit to abyde ther act.

Curia baronie de Colstoun tenta apud Eistmaynis de Colstoun per honorabilem virum Georgium Broun de Colstoun baronem dicte baronie et Patricium Hog in Seggarsdaine eius ballium xxi Decembris 1638.

Curia affirmata.

The quhilke day the Laird and his baillie witht consent of the hail tenants statuts and ordanes that nane of the tennents horsse nolt sheip or utheris goods come or be apprehendit upoun any of the Lairds bounds or gers under the paine of 40s *toties quoties*.

The samen day anent the complaint maid be the Laird againes Andro Toftis his tennent and fermeror in Sandersdaine for not payment of his Mertymes maill last quhilke is 120 lib. zierlie and termelie 60 conforme to the tack grantit therof daitit the last day of Februar 1638, the said Andro being personalie present confest him to be addettit and awand to the Laird 4 lib. 19s 8d restand of the said maill for Mertymes last 1638, and therfor the Laird desyrit sentence againes him not onlie for the said soume restand awand bot also for the penaltie of 20 lib. money contenit in the said tack incurrit be him conforme to the said tack quhilke the baillie decernit.

Curia baronie de Colstoun tenta apud Eistmaynes de Colstoun per Jacobum Broun de Colstoun baronem dicte baronie septimo die mensis July Anno Domini 1640.

Curia affirmata.

The quhilkē day the said James Broun of Colstoun creat and maid Thomas Sheill in Dalgourie his baillie, and Patrik Young, notar, burgis of Hadingtoun, clerk, James Tait in Wodend, officer, and Richard Young,

dempster, in this court and in all uther courts to be halden withtin the said baronie during the said James Broun his plesor and ay and quhill they be dischairgit, quha being personalie present and acceptand the said offices in and upoun thame gave ther aiths *pro fidei administratione officii, desuper acta.*

The quhilke day the Laird and his baillie ratified and approvit the haill actis and ordinances maid be his predecessors in any court or courts withtin the said baronie at any tyme bygane and ordanis the samen to have full force and effect and to be put to executioun in all poynts againes the contraveneris and brekers therof, *desuper acta.* Statuts and ordainis the haill tennents quha are in use and wont and bounden to grind at the old myln of Colstoun to grind thair haill girst at the said myln als well of corne quheit aittis and malt as uther graine in all tyme cuming, the myller takin na mair deutie nor old use and wont therfor thir 30 yieris or fourtie yieris bygane and that under the paine of double multure and fourtie shillings money *toties quoties, desuper acta.*

Statuts and ordanes that in all tyme cuming na aill be tappit or sauld be any persone or persones withtin the said baronie browein outwith the said baronie under the paine of 5 lib. money *toties quoties.*

Curia baronie de Colstoun tenta apud Eistmaynes de Colstoun per Jacobum Broun de Colstoun baronem dicte baronie et per Thomam Schiell eius ballium specialiter constitutum 25 August anno domini 1641.

Curia affirmata.

Unlawis Thomas Mairtein in the Nethermyln of Colstoun in ane unlaw of 4 lib. 13s 4d for twyse pulling hether on the lairds haynet mure contrair to ane act maid theranent daitit 16 Marche 1627 in respect the said Thomas refusit to give his aith theranent.

Unlawes Richard Young in ane unlaw and amerciamēt of cort for his absence from the court this day being wairnit for pulling hether on the lairds haynet mure.

Aient the complaint maid be James Scheill, servitor to the Laird of Colstoun, younger, againes Patrik Sandersone, sone to Marioun Mairtein in the Myresyde, for keeping the said Marioun hir goods upoun the haynet mure and the said James having turned them af the said mure and having maist peaceablie come againe to his awin goods the said Marioun her tua bairnis, The said Patrik and Isobell Sandersone, and Thomas Sandersone came upoun him in maist furious maner and straik and abused the said James Scheill to the effusioun of his bloode in great quantitie. The saids pairties being present the defenderis denyed the blode and trublance, thairfor the compleaneris producit Patrik Broun in Clocharden and Alexander Johnstoun in Sandersdaine witnesses quha deponit as followis, to witt, the said Patrik Broun deponit he saw not the said Patrik and Marioun Sandersone stryke the complaner bot he come quhen the trublance was endit and saw Thomas Sandersone rugging ane bonat from the said James Scheill and thairwith straik and dadit him twyse on the heid, and saw James Scheill bleding at the neis, quhilke he thinkes wes by the dinging of him to the ground be the saids Patrik and Marioun Sandersone, and that all the stryff wes becaus the goods wes upon the haynet mure quhilke he deponis to be maist trew; and the said Alexander Johnstoun deponis he kens the trublance began becaus the goods wes gangand upoun the hayned mure and saw the saids Patrik and Marioun Sandersones stryke and ding the said complaner twyse to the ground and reiff his bonat from him and that he saw the said complaner be the said strokes bled both at nois and mouth and that Thomas Sandersone reft ane bonat from the said complaner and dadit it twyse upoun the complaners shoulderis. And therfor the baillie of court unlawes the saids Patrik and Marioun Sandersones in ane unlaw of blode and the said Thomas Sandersone in ane unlaw of trublance conforme to act of parliament and ordanes the officer of the said baronie to poynd distrenzie and arrest therfor, *desuper acta*.

And siclyke the said baillie unlawes the said Marioun Mairtein in ane unlaw of 5 lib. for breking the act maid anent the eating of the hayned mure upoun the 9 September 1633 and ordanes the officer to poynd and arrest therfor, *desuper acta*.

Curia baronie de Colstoun per honorabilem virum
Jacobum Broun de Colstoun baronem dicte baronie et
Thomam Schiell eius balliuum specialiter constitu-
tum decimo tertio die mensis Aprilis anno domini
1642.

Curia affirmata.

Ordanes in all tyme cuming that any of the Lairds tennents that hes any
complaint againes utheries that they give in the samen in court be ane written
bill or complaint utherway not to be hard, *desuper acta.*

The samen day the laird and his baillie considering the wrang done
to the Laird be Thomas Mairtein in the Nether myln of Colstoun in castin at
his awin hand but libertie ane great number of faill upoun the piece bounds
called the Clapperts bewest the damheid of the said myln quhilke wes nevir
uset to be dune, thairfor and for eshewing the lyke abuse in tyme cuming statuts
and ordanes that nayther the said Thomas Mairtein nor na uther tennent ther-
after cast any faill upoun the said piece bounds quhilke is preiudiciall to the
incres of the gras therof withtout libertie asket and obtenit from the Laird
under the paine of fourtie shillings for the first fault and 5 lib. *toties quoties*
therafter, *desuper acta.*

The samen day statuts and ordanes that nane of the tennents withtin the
said baronie be thameselffs ther wyfes bairnis and servands enter not nor make
passage throw the lairds yeard as laitlie some has wrangouslie done to his
great preiudice and dinging done of the yeard dykes and that they naway
gather any stiks about the said yeard nor withtin the samen under the paine
of 6s 8d for the first fault and 20s the second fault and fyve pounds for
the third and remanent faults and failzieing of ther goods and geir under
the paine of laying ther persones in the stoks for the space of twelff hours
toties quoties, desuper acta.

The samen day statuts witht consent of the haill tenentis that nane of
thame ther hynds taskeris coattars bairnis and servands in tyme cuming
shall transport and sell any gers aff any pairt withtin the said baronie to any

pairt or toun without the said baronie under the paine of 13s 4d for ilke fault, *desuper acta.*

Curia baronie de Colstoun tenta apud Eist Maynis eiusdem per Jacobum Broun de Colstoun baronem dicte baronie et per Patricium Broun eius ballium undecimo die mensis July 1642.

Curia affirmata.

Anent the complaint maid be Jon Quhyte servitor to the laird againes James Patersone for stryking him with ane weidheuk on the shoulder, the said James being present confessit his fault and actit him that he sall nevir committ the lyke fault herefter to na persone withtin the said baronie under the paine of 5 lib. money *toties quoties* for ilk failzie, *desuper acta.*

Unlawes William Allane, James Patersone, James Broun, Jon Bartilman, Jon Deanes and everie ane of thame in ane unlaw of 40s for eitting the lairds gers in his medow and wairds contrair to the acts maid thereanent of befor in respect of ther awin confessiounes.

The same day the laird and baillie witht consent of Johne Diksone in Stobstane ordainit him to grind at the overmyln of Colstoun; lykas he actit him in all tyme cuming to grind his hail grist of all cornes quhilkes sall grow on the lands possest be him lyand withtin the said baronie and of all uther cornes quhilkes he shall have for his hous quhilkes he sall happin buy, he being roumefrie and paying als easie dewtie as uther men in the countrey that may grind fra the said myln under the paine of double multure and 20s for ilke failzie.

Curia baronie de Colstoun tenta apud Eistmaynes de Colstoun per Jacobum Broun baronem dicte baronie specialiter constitutum et per Patricium Hog eius ballium eiusdem baronie xxvii die mensis Martii 1643.

Curia affirmata.

The quhilke day anent the complaint maid be the laird againis Thomas

Lausone, servitor to Thomas Aitkyne myller in the overmyln of Colstoun, for the wrangous cutting and destroying in the lairds waerd upon Twysday the xxi day of March instant the number of seven dussones of young hasel sip-lines witht the quhilkes he wes presently efter the cutting thereof deprehendit and the samen tane from him, and the said Thomas Lausone being present in cort and accuset of the said wrang he confest and acknowledged the same, and therfor the baillie forsaid unlawit him in ane unlaw of ten pounds money and ordainit him to be banished the baronie if evir he be apprehendit withtin the lairds wod waards or yeards herefter ather cutting any tries or breking any therof or gadding ane stiks and in the meantyme to be put in the lairds pit or joks during the laird's pleasure.

The samen day Thomas Aitkyne compleanit upoun Jon Diksone in Stobstane for not grinding his girst at his myln and so contravening the act maid againes him the xi July last, quha being present confest ane firlott humell corne ground by the said myln and promest to amend that his fault and to grind in tyme cuming all his girst at the said mylne under the paine of doubleinge the unlaw and penaltie contanet in the forsaid act.

The samen day the laird witht the consent of the haill tennents present ordainit ane trew visite and sicht to be tane of the firlots, peks and dishes of the mylns of Boltoun and Bothanes quherwith the multure and uther deutie is ressavit, to the effect that efter tryall tane theranent the metts and measurs of the overmyln and nether myln of Colstoun may be maid conform theirto and to be inviolable observed [in] all tyme thaireftir unalterit, *desuper acta*.

Curia baronie de Colstoune tenta apud Eistmaynes de Colstoun per Jacobum Broun de Colstoun baronem dicte baronie et Patricium Hog eius ballium xii die Maii 1643.

Curia affirmata.

Anent the complaint maid be Helen Doull spous to Andro Toftis againis Margaret Mairtein both in Sandersdaine for stryking the said Helen witht ane graip quhilke wes referit to the said Helens aith and scho deponit affirmative thereanent: Thairfor the Laird and his baillie ordanit the said Margaret

to [be] put in the joges ane day from the sun rising till the doun passing therof and if evir scho commit any siclyke fault or be tryed to be flytting or skalding to be put in the joges for 48 hors, *desuper acta*.

Anent the complaint be George Nycoll servitor to Andro Toftis againis George Murray in Sandersdaine for stryking him witht ane shole, the said George confest the same and therfor the said Judge unlawet the said George in ane unlaw of 5 lib. money.

The samen day the saids Andro and George actit thame in all tyme cuming to keip his majesties peace and naway to truble nor molest utheris ther wyfes bairnies and servands in ther bodies goods and gier utherway nor be order of law under the paine of fiftie pounds money for ilke failzie *toties quoties*.

Ratifies and approves ane former act maid againes all the tennents that nane of theme sould be sein ather themselfis or any of thaïr goods present in the wods wairds or meadows at any tyme cuming and ordaines the same to have full force and effect and to be put to executioun againes the contravenoris under the paine of 5 lib. money *toties quoties* for ilk man or ther goods that sall be sein withtin the said wods wairdes and medowes at any tyme fra Candlemas quhill Michaelmas yierlie.

Curia baronie de Colstoun tenta apud Eistmanes de Colstoun per Jacobum Broun de Colstoun baronem dicte baronie 14 Decembris 1643.

Curia affirmata.

The quhilke day anent the complaint maid be the laird againes his tennentis coattares his hyndis and utheris persones dwelland withtin the said baronie for suffering ther hors nolt and sheip pasture and eit withtin his wode, especiallie in the newcuttit hag quherby the young aik aische and utheris tries quhilkes are now sprung up ar totallie eattin and destroyit, ffor remeid therof the laird with consent of the hail tennents ther present and consentand therto statute and ordanit that na persone nor persones herefter suffer ther

hors nolt sheip or utheris goods to come in pasture and eat withtin the said wode or hag under the paine of fyve pounds money of this realme for the first fault and 10 lib. for the second fault and so furth *toties quoties* for everie fault, *desuper acta*.

Decernes James Richiesone in Goukshill to pay to Jon and James Schiells, sones lawfull to umquhile Thomas Schiell in Dalgowrie, his executors, and to George Schiell ther tutor the soume of 8 li. 14s of maill deducand 13s 4d for hame bringing of four load koills and 5s for a yokeing of turfvjes and 10s for theiking of the hous. Item Thomas Clerk 10 lib. 14s deducand 10s for 3 load koills hamebringing. Item William Aitkin 8 lib. 14s deducand 13s 4d for four laid koills leiding hame and 10s for ane yokeing turfvjes and divotts. Item Richard Young ten merks deducand 13s 4d for 4 load koillis hamebringing and 10s for a yokeing devotts and turfvjes and ane pek beir and ane pek aitts eattin be umquhill Thomas goods and ten shillings for bigging the walls of the hous in respect of the saids defenderis awin confessiounes.

Curia baronie de Colstoun tenta apud Colstoun infra dictam baroniam per honorabiles viros Jacobum Broun de Colstoun et Patricium Broun Juniorem balliuum dicte baronie secundo die mensis Maii anno Domini 1644.

Curia affirmata.

Quhilke day the Judges forsaidis maid and creat Thomas Spottiswood, notar public, clerk of the baron court of the said baronie ay and quhill he be dischairgeit, quha being present and acceptand the said office gave his aith *de fidei administratione officii, desuper acta*. Statutes and ordanis in all tymes cuming that hynds, taskeris and coatteris in Buscheids everie hous sall keip na mair hennes everie hous nor thrie hennes fra the first day of March quhill the last of September under the paine of selling of the hen that any of them sall have abone the said number, *desuper acta*.

Anent the complaint maid aganies Thomas Mairtein in the Nether Mylne for keiping of oversoumes contrair the actis of the said court, comperit the said

Thomas, confessit his keiping therof, thairfor the Judges unlawit him in ane 50s of unlaw *toties quoties* for everie ouk of 7 ouks conforme to ane act maid theranent 16 March 1627 and siclyke in caice he contravene statutes that the sowme in the former act be double, *desuper acta*.

Comperit James Curtney in Dalgowrie and confessit the blood and ryot committit be him in the persone of Alexander Stewart and came in the Judges will theranent, and ordainit the said Alexander to compair the nixt Court day to ansere as effieris, *desuper acta*.

Curia baronie de Colstoun tenta apud Colstoun per honorabilem virum Jacobum Broun de Colstoun baronem dicte barone et Patricium Broun eius balliuum baronie specialiter constitutum 17th May 1644.

Curia affirmata.

Comperit Alexander Stewart and confest that he gave some injurious words to James Courtney his master and thereby movit him to committ the blood in his persone in maner forsaid and therfor came in the judges will theranent and therfor the judges quit him of all unlaw.

Anent the complaint maid be the laird aganes Andro Toftis and George Murray in Sandersdane for not payment of ther teynd lambes, quha being present confest they have this yeir 18 lambes and that they had the last yeir 2 lambes and ane the yier befor, inde 21 lambes, and promittit to delyver tua therof to the laird.

The samen day thē laird and his said baillie witht consent of the saids Andro and George and haill remanent tennents statutes and ordanes that in all tyme cuming nane of the tenents absent, abstract, conceall or put away af the ground any of ther lambes quhill they be teyndit and befor ther spaining nor efter the spaining quhill the laird be requirit to teynd thame under the paine of 40s money *toties quoties* for ilke lamb conceallit and put away by and attour the worth of the lamb to be payet to the laird, *desuper acta*.

The samen [day] the said baillie efter complaint maid be the laird aganis divers persones his tennents for away taking his castin turves contrair to all resoun, and takeing the samen to his consideratioune hes for remeid therof in tyme cuming statute and ordanit that in all tyme cuming nane of the tennents, hynds, taskeris nather be thame selffis ther bairnis servands nor na utheris quhom they may stop or lat presum to take away any of the lairds castin turves under the paine of 5 lib. Scots money of penaltie *toties quoties* by and attour the restoring of the worth of the turves so taken away.

EDITH C. BROWN LINDSAY.

The earlier history of the Barony may be dealt with by Mrs Broun Lindsay in a future article. The first proprietor of authentic title was David Broun, described as " miles dominus de Cumber Collstoun " who made (1270) a grant of land to the church of the Holy Rood in Edinburgh, which grant was confirmed by a charter of Alexander III dated at Haddington 26th January 1272.

The accompanying map reproduced by permission of the Ordnance Survey authorities shows within heavy lines the estate of Colstoun for the last hundred years or so. Into this map Mrs Broun Lindsay has inserted at the request of the editors the old place names no longer in use, so far as she has been able to verify the sites.

GLOSSARY.

- ABYDS**—Stays away.
ACTIT HIM—Bound himself.
ATRIG, OATRIG — Perhaps local name Oat-ridge.
AITSEIDTYME—Oat seed time.
ALANKERLIE—Only.
AMERCIAMENT—Fine inflicted by a Court.
ASSYTH—To compensate.
ATTOUR—Over; moreover.
AVAILL—Value.
AWANDE—Owed.
AWNER, AWINER—Owdor.
- BACKE STRAIKS**—Back strokes.
BEIR, BERE, BEAR—Barley having six or four rows of grain.
BEIRSEIDTYME—Bear seed time.
BOTHANS—The old name of Yester.
BUT LIBERTIE—Without liberty.
BYE—Byre.
- CAPON**—Capon.
CAST—Dig.
CAW—Drive.
CLENGIS—Acquits
CONTUMAX, CONTUMACIOUS, *i.e.*, Wilful disobedience to an order of Court.
CULLOURS — Colours, *i.e.*, to make an action specious or plausible.
CUM CURRIS—With right to hold courts.
CUM FURCA ET FOSSA—With gallows and pit (the right of capital punishment).
COTTAGER—Farm servant of lesser status than hynd.
- DADIT**—Knocked forcibly.
DEDUCAND—Deducting.
DE (OR PRO) FIDELI ADMINISTRATIONS OFFICIUM—Faithful administration of office.
DEMPSTER — The officer of court who pronounced doom.
DESUPER ACT—Probably for *Secundum desuper acta* — According to the act thereupon made.
DISCHARGED—Forbidden.
DESTRENEIE—Distrain; arrest.
DIVOT—A piece of turf for covering cottages or for fuel.
- ELLIS**—Else.
- FAILS**—Turves; sods.
FALZIE—Failure; non performance.
- FENSIT COURT**—Fenced court.
FERMES—Rents.
FERMEROR—Farmer.
FISCOALL—Fiscal.
FORDER—Further.
FYLLIS—Finds guilty; opposed to assoilzie.
- GAIT**—To set up grain in single sheaves or "gaits" to dry.
GRAS—Grass.
GEVIN IN GRAS—Put in grass.
GIRST—Grist; the grain which one was bound to have ground at the mill to which one was thirled.
GRAIP—Dung fork.
GUIDS—Livestock.
- HAG**—A coppice; the lesser branches of a tree cut down for firewood.
HALE, HAULK—Hawk.
HANET, HAYNET, HAYNIT—Enclosed.
HAYNE, HAIN, HANE—To spare; to preserve.
HING INDE—Henceforth; on either side.
HUMEL, HUMMELL-OORN — Grain without a board as peas, beans, etc.
HYND, HYNDE, HINE—Farm labourer; ploughman.
- INCREE**—Increase.
- JOKS, JOGES, JOUGS**—A kind of pillory.
JURATI ET ADMISSI—Sworn and admitted.
- KAIL**—Cabbage; colewort.
KOULLS, COULLS—Coals.
- LAT**—Let
- MAILL**—Rent.
METS—Measures.
- NEIS, NOIS**—Nose.
NIEFFIS, NIEVIS—Fists.
NICHTBOUHEID NICHTBOUHEID — That aid which those who lived adjacent to each other were legally bound to give one another in the labours of husbandry.
NOLT—Cattle; bullocks.
- OUK**—Week.
OUKLIK—Weekly.
OVERSOUM—(See *soum*).

PIT AND GALLOWS—Right of capital punishment (see 3rd paragraph of article).
PLUCHE—Plough.
PLEY—Plea.
POYND—Distrain; arrest goods for payment.

QUACK ASP—Quaking ash; aspen.
QUARRELL PICK—Quarry pick.
QUHA—Who.
QUEINES—Whins.
QUEINT—Wheat.
QUERAS—Whereas.
QUHEN—When.
QUIKE—Which.
QUILL—Until.

REIFF—Pull roughly; rive.
REMANENT—Remaining.
REST—Remainder; balance.
RESTAND AWAND—Remaining due.
RIG—A measure of land.
ROUMFRIS—Free accommodation at a mill for the purpose of having one's corn ground.
RUG—Pull sharply; tug.
RYE—Brushwood.

SCHO—She.
SHELS—Husked corn.
SHERER—Shearer; one employed in cutting down grain with a sickle.
SHOLE—Shovel.
SHOT—A division of land.
SICLYE—Similar; similarly.

SOUN—The amount of pasturage which would support a cow or five sheep; hence oversoun, an excess of stock on the pasturage.

SPAIN—To wean.
STAIKET—Supplied.
STOKS—Stocks, *i.e.*, a frame in which the legs of criminals were confined by way of punishment.
SOUPLE—The part of a flail which struck the grain.

TASKEE—Labourer who received wages in kind for a certain task.
TEYND LAMB—Teind lamb; tithe lamb.
THEYING—Thatching.
TOTES QUOTES—As often as; for each time.
TRUBLANCE—Disturbance; breach of peace.

UMQUILL, UMQUILL—Deceased.
UNLAW—To fine.
UTHERIS—Others.
Ut SUPRA—As above stated.

VISE—Inspection.
VOCE, VOICE; IN ANE VOCE—Unanimously.

WAIRD, WARD—A small piece of enclosed pasture ground; safe keeping.
WAYNE—Cart.
WEIDHEUK—Weeding hook.
WODE—Wood.

THE THORN TREE, PRESTONPANS.

As the white hawthorn tree is dead, which for about a century and a half was a living landmark of the battle of Prestonpans (September 21st, 1745) and those who may remember it in its glory of white and fragrant "flourish," or scarlet haw, are few in number, the editors have pleasure in complying with a suggestion that there should be published in the *Transactions* one or two pictures of it. The tree was one of the famous historic trees of the county. Though never so wide spreading or imposing as the great yew tree at Whittingehame under which it is reputed the murder of Darnley was plotted in 1567, it was in its prime a handsome hawthorn.

The tree stood where the battle raged fiercest, and where the brave "Christian Hero," Colonel James Gardiner of Bankton, fell. It had originally three stems, standing out so markedly one from another that Peter McNeill in his *Tranent and its Surroundings* (2nd edition), 1884, speaks of the tree as a clump of three thorn trees; and J. Sands in his *Sketches of Tranent in the Olden Time*, 1881, writes that "strictly speaking there were three thorn trees." Like Bonnie Prince Charlie fighting to secure the crown of his ancestors the tree was young in years when the battle was fought. The hawthorn seldom lives to be two hundred years old, and the thorn tree was complete till 18th October 1899, though buttressed with iron rods and bands. On that date the largest stem was blown down as mentioned in a *Courier* of June 1900. In 1817 it was already regarded as venerable. In a letter written in that year it was so described by Andrew Bigelow of Medford, Massachusetts, and that letter is incorporated in his *Leaves from a Journal or Sketches of Rambles in North Britain and Ireland* published in 1824. Bigelow and a friend had walked over a part of the battlefield when a shower overtook them. They found shelter from the rain "under the lee side of a hawthorn row, about a stone's cast from the venerable thorn tree beside the meadow mill." Bigelow goes on to say "Our covert being on the declivity of a rising ground which commanded a view of the scene of combat we were enabled to calculate the relative advantages and disadvantages of the positions occupied by the two armies anterior to the engagement." Close to the tree in a field known as Thorntree Field many of the slain were



THORN TREE—Original Tree.

Reproduced from Chalk Drawing in flat water colour in possession of Mr James M'Neill. Artist, Mr F. W. Mason.

buried. Both Jacobites and Royalists peacefully sleep their last sleep together under the ground that was stained with their life blood at the time of the battle with a deeper scarlet than that of the reddening haws on the thorn tree. Towards the close of the eighteenth century, as chronicled by Peter McNeill, "when this field was being drained the workmen came upon a number of bodies, the clothes covering the remains being so well preserved they could distinguish Royalist from rebel."

The Society has made two visits to the battlefields of Prestonpans (or Preston), and an account of both is given on pp. 207-212 of Volume I of the *Transactions*. On both occasions the thorn tree was visited. The first visit was made on 20th September 1924 under the leadership of the late W. B. Blaikie, LL.D., a well-known authority on the "Forty-five." The second took place five years afterwards (on 21st September 1929) and included a visit to Preston Tower and Cross, Hamilton House and Northfield House under the leadership of Mr James S. Richardson. The visit to the thorn tree was under the guidance of Mr Richardson and Mr Alexander Burnett. On the first visit it was noted that only one of the three limbs of the tree remained and it was dead; on the second Mr Burnett "gave a clear and concise account of how the dead and blackened stump which the members saw before them, had a special interest in connection with the history of the battle."

On the second visit a suggestion was considered that a Memorial be placed on the site of the thorn tree. The movement to erect a suitable Memorial Cairn gathered way. The tree was cut down by permission of the Earl of Wemyss as owner, the best portion of the trunk being presented to the Naval and Military Museum at Edinburgh Castle.

The thorn tree is mentioned in the verses on the "Battle of Prestonpans" by Adam Skirving, the East Lothian farmer who wrote the song "Hey, Johnnie Cope are ye waukin yet," which Sir Walter Scott in the *Tales of a Grandfather* says is "familiar in our mouths as household words over the whole length and breadth of Scotland." "'The Battle of Prestonpans' has preserved also" (Sir Walter says) "for its author, a memorial of his name outlasting the period of his own day and generation." The whole poem is

given in *Scott's Tales of a Grandfather* and is too long to be given here. The thorn tree stanza is, however, given:—

At the thorn-tree, which you may see
 Bewest the meadow mill, man,
 There mony slain lay on the plain,
 The Clans pursuing still, man;
 Sic unco hacks and deadly whacks,
 I never saw the like, man;
 Lost hands and heads cost them their deads
 That fell near Preston dyke, man.

Of the two illustrations of the tree, the first shows the tree as it originally stood with its three stems and represents the tree about 40 years ago laden with hawthorn blossom. It is from a chalk drawing, tinted in flat water colour, by Mr F. W. Mason which is in the possession of Mr James McNeill, Inveresk, youngest son of Mr Peter McNeill, the historian of Tranent and Prestonpans for whom the work was executed by Mr Mason. The editors tender their thanks to Mr James McNeill for his courtesy in allowing them to reproduce the drawing; and also to Mr John R. Borrowman for his courtesy in allowing them to reproduce the second illustration, which is from a fine photograph taken by him over 30 years ago after the tree had lost one of its main limbs. It should interest our members to know that in his garden at St. Michaels, Gilmerton, Mr Borrowman has a tall and sturdy thorn tree raised from a shoot of the battlefield thorn tree. Further illustrations of the thorn tree are to be found in the second edition of Mr Peter McNeill's book on Tranent published in 1884, and in his book on Prestonpans published in 1902. Both are from pencil drawings by James Veitch. The first shows the three stemmed tree, and the second two stems and a stump, but they are not so satisfactory as the illustrations presented here.

The erection in February 1932 of the Memorial Cairn to commemorate the battle is duly chronicled in the *Haddingtonshire Courier* of the 12th of that month. It was erected by the Society for the Preservation of Rural Scotland, and our Society gave a substantial contribution to the cost. The



2 STEMMED TREE.

From photograph by Mr John R. Borrowman.



MEMORIAL CAIRN.

From photograph by Mr W. B. Hislop.

leader in the movement was Sir Iain Colquhoun, Bart, of Luss, and associated with him and others were our President, Major W. A. Baird of Lennoxlove, and our member Mr G. A. Connor.

The cairn has not been erected on the actual site of the tree, which was near a colliery siding and could not readily be seen from the main road. It was ultimately decided to erect it in a more prominent position. The site chosen and granted by East Lothian County Council is a triangular piece of ground at a fork in the Edinburgh/North Berwick road at Meadowmill. It is within sight of the position occupied so long by the venerable hawthorn tree, and is close to the position occupied by the guns of Sir John Cope's ill-fated army.

The cairn which is about ten feet high and is hammer dressed is a stepped pyramidal structure "concave in plan above a square base with bevelled angles, with corner stones and coming into the square at the apex." It is finished off at the summit with a heavy top stone. On a panel on the main face is the arresting date "1745" carved in bold letters. A casket is built into the cairn containing a paper narrating the circumstances, and that the thorn tree was situated about 400 yards, 35 degrees west of north from where the cairn stands. The casket contains other documents relating to the thorn tree, along with photographs of it, a piece of the thorn tree itself and a set of new coins. The cairn was designed by Mr William Davidson, F.R.I.B.A. The builder was Mr John Henderson of Edinburgh.

While the cairn is not built on the actual spot where the thorn tree weathered the battle and two centuries, the actual site will, it is hoped, be preserved for generations yet to come through the transplanting from a private garden of an offshoot from it. A metal plate recording the circumstances should in due course be affixed.

HUGH HANNAH.

HISTORICAL NOTES OF PLACES VISITED BY THE SOCIETY.

THE TOWN OF HADDINGTON.

Visited 9th May 1931.

Leaders:—MR ALEXANDER BURNETT AND
MR J. H. JAMIESON.

THE first visit of the Society to Haddington took place on 14th June 1924, but as on that occasion the programme was limited to an inspection of the churches of St. Mary and St. Martin, the Council considered it desirable to arrange another visit with the view of conducting the members to the most notable historic places in the town.

The members met in the Parish Church Hall, and after the business of the annual meeting had been concluded, Mr Jamieson briefly outlined the tour to be taken round the streets and explained the special historic interest connected with the buildings and sites to be visited. Thereafter the party set out under the leadership of Mr Alexander Burnett to view the places which had been described. The tour included Newton Port, Market Street, Court Street, High Street, Hardgate, Church Street, and Sidegate. Amongst the places visited were the Gray Library; the site of the Old Tolbooth; the sites of the various old markets which in bygone days were held on the streets, special attention being directed to the arrangement of the causeway stones for the purposes of the wheat and bean markets; the Assembly Rooms; the house in which Mrs Carlyle spent her childhood and youth, and the house in which her earthly remains lay before burial; the house in which Samuel Smiles spent his childhood and youth; the shop of James Miller, the author of "The Lamp of Lothian"; Cairns's Close; the site of the ancient Market Cross; the old Burgher Manse where the Rev. John Brown wrote his books; the ruins of "the Maister of Hailes Place" commonly known as "Bothwell Castle"; the King's Arms Inn; various features at the Custom Stone, including the sites of a tenement of the Knights of St. John of Jerusalem and the Chapel of St. Ann; "Haddington House" in Sidegate; the sites in Church Street of the Franciscan Monastery and St. Catherine's Chapel; the building of the old Burgh Schools in Church Street. On arriving at the Sands, Mr Burnett led the company to the

middle of the ancient bridge and pointed out and explained the various historic points seen from that position. Thereafter a short visit was made to the Parish Church and Mr Burnett briefly referred to the more noteworthy points connected with it.

There was a very large gathering of members and the experiment of taking such a large company round the town proved very successful.

A large number of the members assembled in the George Hotel for tea when Mr Jamieson gave a brief account of the hotel and of its associations with Carlyle, Mrs Carlyle, and others.

DIRLETON CASTLE.

Visited 6th June 1931.

Leader:—MR G. P. H. WATSON.

For the second time in the history of the Society the members had the pleasure of inspecting Dirleton Castle. On this occasion the visit was combined with visits to Dirleton Church and Archerfield Caves, accounts of which form the subjects of separate articles in these pages.

The former excursion to the Castle took place on 18th July 1925, the leader on that occasion, as well as on the recent one being Mr G. P. H. Watson, Architect to the Royal Commission on Ancient and Historical Monuments of Scotland. As a summary of the particulars given by Mr Watson in regard to the castle in July 1925 appears on page 215 of Volume I of the *Transactions*, it is only necessary now to record the Society's thanks to Mr Watson for his kindness on both occasions in conveying his expert knowledge of this ancient stronghold to those who were privileged to hear him.

PARISH CHURCH OF DIRLETON.

Visited 6th June 1931.

Leader:—REV. HENRY O. WALLACE, M.A.

THE original church of the Parish was the church of St. Andrew at Golyn (Gullane), and was in existence before 1170. In 1612 by Act of Parliament for

"translating of the Kirk of Golyn to Dirletoun" the church was transferred to Dirleton one of the grounds being that Dirleton was "ane thriving toun and Golyn ane decaying toun." Shortly after 1612 the present building was erected. It is a long rectangular edifice, having a high square tower at the west end and a small cross aisle on the south, the latter having been added in 1664. The aisle is ashlar built, the other parts being of rubble. It has heavy rusticated pilasters at the southern angles and on the pilasters near the top may be traced faintly the remains of two sun dials. On the south side of the aisle is a late Gothic three-light window which has been characterised as being of exceptionally good design and execution for the period. Above the window is a somewhat coarse Renaissance pediment with an ensigned cartouche on the tympanum, the cartouche bearing a saltire within a bordure charged with eight thistle slips for James Maxwell, Earl of Dirleton. These arms are also shown above the east door of the aisle, as well as on the archway between the aisle and the church. In the east gable of the church is a Renaissance monument which dates probably from the early years of the 18th century. Inside, the church is plain and has been modernised. In 1930 the east porch was taken away and closed. The east gallery was also removed, and a chancel constructed. The upper part of the tower is modern. It is vaulted, and access is given to the chamber above by a narrow turret stair which projects from the north wall and which is probably one of the oldest parts of the building.

INVERESK AND PINKIE HOUSES.

Visited 27th June 1931.

Leader:—MR JOHN RUSSELL.

A LARGE number of members of the Society met at Musselburgh where they had the pleasure of visiting in succession Inveresk House by the kind permission of Dr Gold and Pinkie House through the kindness of Lady Hope. The Society was favoured with ideal excursion weather, for the afternoon was delightfully sunny and warm, which helped to make the Musselburgh outing

one of the most enjoyable of the season. There was no lack of historical incident associated with the two mansions for the story of Musselburgh touches that of our national history at many points.

Inveresk House.

The members first visited Inveresk House where they were welcomed by Dr Gold. This quaint old mansion stands near the summit of the hill which is surmounted by St. Michael's, the parish church of Inveresk, and within the site of the Roman fort erected here by Agricola whose practised eye at once perceived the military advantages of so commanding a position. The hypocaust or heating chamber of a Roman bath still existing within the grounds was viewed with much interest, but several other Roman relics one remembers here seem recently to have disappeared.

Inveresk House was erected in 1597 by the Rev. Adam Colt who received a grant of the lands of Inveresk from his kinsman Lord Thirlstane. He and his son Oliver who succeeded him were ministers of Inveresk for the long period of eighty-two years. Inveresk House became the manor house of the estate in succession to the older mansion of Millholme, afterwards the dower house, which still stands on the northern verge of the lands in the High Street of Musselburgh. The manor of Inveresk remained a possession of the Colt family for over three hundred years, and relics of their ownership in the form of inscribed stones, heraldic shields, sun-dials and tomb-stones still remain to remind us of them. Within the grounds are two wells, one of which has, time out of mind, borne the name of the patron saint of the parish church.

Inveresk House has associations with many famous people, and among others with James VI, Charles II and his brother James, Duke of York, Cromwell, the double-dealing Monk, the notorious Archbishop Sharp and his son Sir William of Stoneyhill, Bonnie Prince Charlie, Sir Walter Scott and the gay and sprightly Miss Grant of Stevenson's fascinating story of "Catriona."

Pinkie House.

The members then proceeded to Pinkie House which is approached from the east end of Musselburgh by a fine Renaissance gateway and avenue of tall trees. Here they were received by Lady Hope who showed the company over the principal rooms and then most hospitably entertained them to tea.

Pinkie House is a fine old chateau-like mansion which was once described by the author of "Robinson Crusoe" as the glory and beauty of Inveresk. It is a building of various dates, the oldest part being the massive square tower, originally a country seat of the Abbots of Dunfermline. The greater portion of the building owes its existence to Chancellor Alexander Seton, the first Earl of Dunfermline, whose extensive additions in 1613 transformed the old L-planned house of the Dunfermline churchmen into what is practically the mansion we know at Pinkie to-day.

The new house, after the fashion of the time, was built to form two sides of a square which, in older days, was completed on the north and west sides by high ornamental walls, enclosing a courtyard measuring 140 feet by 120 feet. Only parts of these walls remain to-day. The east block which incorporates the older house of the Dunfermline abbots forms the principal portion of the mansion. The north part of this block, including the tower, is the oldest portion of the building. The second portion of the structure includes the remainder of the east front and the southern wing which projects from it at somewhat less than a right angle. The east range was the house proper and it has several features of note. Among these are the seven great chimney-stalks which surmount the wall-head of the east facade. The northern end of this range of buildings has two picturesque rectangular turrets at the angles linked together by a parapet walk, while the southern end terminates in a beautiful oriel window which is carried up through three storeys from the ground floor to the roof.

The rooms in the northern or older portion of the east block are specially

noteworthy. Two of these on the upper floor contain what are perhaps the finest 17th century plaster ceilings in Scotland, especially that in the "King's Chamber," so called from its occupancy by Charles I for several years after the Union of the Crowns, while in the one farther to the south Bonnie Prince Charlie is said to have passed the night following the Battle of Prestonpans. In a line with these, to the east of the great tower, and extending along the greater length of the east block lies the "Painted Chamber" which was probably built after the model of the Long Gallery at Seton Palace, for the long gallery continued to be a feature in Scottish mansions, as at Holyroodhouse, after it had gone out in England. The blood stains still to be seen on the floor of this stately chamber remind us that here many of the wounded were tended after Prestonpans. The house contains some interesting paintings and among them on the west wall of the "Painted Gallery" that of "The Green Lady" who is supposed to have been one of the Seton family. The tragedy associated with her name suggests ghost-haunted corridors on moonlight nights, and through the gloomy length of the "Painted Gallery" at the dread midnight hour her unhappy shade is said to "walk" in the direction of its great oriel window as if to hold converse with someone on the lawn beneath.

In front of the house stands a beautiful stone fountain elaborately decorated with inscriptions, monograms and heraldic devices having reference to the Seton and Hay families. The monumental structure in front of the County Buildings, Haddington, containing the bust of George, 8th Marquis of Tweeddale, was modelled from the beautiful well-head at Pinkie.

Chancellor Seton, the first Earl of Dunfermline, spent his earlier years in Italy where he was educated at the Jesuits' College in Rome. Here he became familiar with foreign art, and in the building of Pinkie much of the decorative work is said to have been executed by Italian craftsmen.

On the confiscation of the 4th and last Earl of Dunfermline for his adherence to the Stuarts at the Revolution Pinkie passed to his kinsman, the Marquis of Tweeddale. In 1788 it was sold to Sir Archibald Hope of Craighall with whose descendants it still remains.

ISLANDS OF THE FORTH.

(Fidra, Craigleith and the Lamb.)

Visited 18th July 1931.

Leader:—MR H. MORTIMER BATTEN.

THE members met at the harbour of North Berwick at 3 o'clock and were conveyed by motor boats to Fidra, where a landing was made. It is to be hoped that at some future time the archaeology, history and traditions of this island may be dealt with in the *Transactions*, but the visit on this occasion was mainly for the purpose of studying its natural history.

In addressing the company on the bird life of the three islands, Mr Mortimer Batten said that Fidra was not an important island as regards bird-life, as the only birds that really belonged to it were the eider-duck, rock-dove and rock-pipit. The rock-dove, he said, was the parent of all domestic pigeons, and a great many domestic pigeons took to the wild and were practically indistinguishable after one or two generations, from the rock-dove. In addition, there was the ducot-doo which had merged again into the general stock of rock-doves and pigeons after they had gone wild.

Dealing with the island of Craigleith, he said that the bird most numerous there was the eider-duck, the habits of which were similar to those of the scaup. No wild bird knew the sea better than the eider-duck, every hidden rock and reef being familiar to it. These birds had a curious grunting call, and were famous for their soft feathering, which was used for stuffing quilts. Herring gulls, he said, were unfortunately numerous on Craigleith, and their destruction of the terns and their eggs was extensive. Some of the herring gulls that had been shot were found to have their breasts deeply stained with the yolks of eggs they had devoured.

(Further reference to the "inhabitants of Craigleith" is made in Mr Mortimer Batten's "East Lothian Nature Jottings" in this Part.)

Speaking of the Lamb, Mr Batten said that in 1931 the terns had not been so numerous and had been late in nesting. The three species found on

the island were the Artic, common, and sandwich terns. They were different from any other gulls, both in their manner of flying and habits.

An opportunity was given to the company to visit the lighthouse on Fidra. The existing light, which had its origin in 1885, presents a double flashing light every fifteen seconds, visible for fifteen miles. The lighthouse tower is fifty-six feet high, making a total height of one hundred and fifty-six feet above sea level.

On the homeward journey to North Berwick, the islands of Craigeleith and the Lamb were viewed from the boats.

CRAIGMILLAR CASTLE.

Visited 19th September 1931.

Leader:—W. FORBES GRAY.

THE last excursion for the season took place on the afternoon of Saturday, September 19, when members mustered in full force at Craigmillar Castle, the history of which was narrated and the architectural features explained by Mr W. Forbes Gray, F.R.S.E., F.S.A.Scot. The function was favoured by brilliant weather. Mr Forbes Gray emphasised the fact that much of our national history centred in this hoary but well-preserved ruin, which, though never a royal castle in the sense of being possessed by the Crown, was indissolubly linked with the Scottish monarchy. Both James V and his daughter, Mary Queen of Scots, were closely associated with Craigmillar. In the Castle, with Mary playing a part, was drawn up the "bond of blood." James VI, again, was believed to have arranged there his mission to Christiania, for the purpose of marrying the Princess Anne of Denmark. It was noteworthy, too, that at the approach of the English army under Hertford in 1544 the rich citizens of Edinburgh removed their treasures to Craigmillar, which, according to Knox, was "the strongest house near the town, after the castle of Edinburgh." Referring to the architectural aspect, Mr Forbes Gray pointed out that the massive square tower was the oldest portion of Craigmillar, and probably dated from the end of the fourteenth century.

BIOGRAPHICAL MEMORANDA.

"The liell labour lost and liell service."—WILLIAM DUNBAR.

I. THOMAS ROSS, LL.D.

It is a gratifying fact that in the early years of our Society's history we have had in our membership a number of men and women who, owing to their advanced age, have brought us into close touch with the past with which they in their youth were familiar. Some of them have been distinguished in historical research, and amongst such we must name Dr Thomas Ross.

Dr Ross's wife came of East Lothian stock but he was not an East Lothian man nor did he even reside in the county. Nevertheless he knew the county well and had a deep interest in it, and all students of Architecture and historical study know how much the whole of Scotland is indebted to him and his colleague Dr David Macgibbon for the voluminous works entitled "The Ecclesiastical Architecture of Scotland" and "The Castellated and Domestic Architecture of Scotland." In these books practically every castle and mediæval ecclesiastical fabric in East Lothian is described and numerous drawings and plans given. Dr Ross was investigating East Lothian history and preserving for us drawings of crumbling buildings more than a generation before our Society was even thought of. It, therefore, seems appropriate that his services should be recorded in our *Transactions*.

But Dr Ross has a further claim to our gratitude. Shortly after the Society was founded, the writer visited him and told him of what had been done. He was deeply interested and read over many cuttings from the *Courier*, recording the early excursions and productions of the Society. He remarked "You have a splendid county to deal with." He then expressed his desire to become a member, and his name was accordingly added to the list.

When the Society proposed to visit Dunglass, Dr Ross hoped to be able to go there and say a little about the architectural features of the chapel, but owing to failing health this hope was not realised. He was very helpful to Mr Hugh Hannah, who acted as leader at Dunglass.



The Late Dr. Ross.

Dr Ross was born at Wardheads, Errol, Perthshire, on 10th November 1839, and after a long and useful life died at Edinburgh on 4th December 1930, aged 91. He was one of the most distinguished Scottish Architects of his time, and possessed a rare faculty for archæological and historical research. This is not the place to enumerate the facts of his distinguished career, but this brief note is written to record his connection with and work for the county, so that future generations of East Lothian people may know of their indebtedness to him.

J. H. J.

II. LIEUTENANT-COLONEL WALTER WINGATE GRAY OF NUNRAW.

Nunraw, one of the historic seats of East Lothian, and a reputed site of Ravenswood in the "Bride of Lammermoor" lost its laird, and this Society one of its valued members, when Lt.-Col. Walter Wingate Gray, Deputy-Lieutenant, V.D., died on Sunday, October 11th, 1931. On the following Wednesday his mortal remains were placed in the beautiful private burial ground of the estate.

Colonel Gray, who was born near Glasgow in 1856, acquired the estate of Nunraw by purchase from Mr Robert Hay about fifty years ago. He identified himself increasingly with the interests of the parish of Garvald in which the estate is situated, and with the wider interests of the surrounding county. The family from which Col. Gray came is descended from a nephew of Graham of Claverhouse. An old form of the name "Wingate" was "De Wongafte." Sir Richard de Wongafte fought in the battle of Bannockburn.

Many will remember with pleasure the visit which the Society paid to Nunraw on 4th June 1927 when the company was welcomed by Colonel Gray and his wife. After outlining the history of Nunraw, or Whitecastle as it was alternatively known—old baronial keep, fortalice, and nunnery—Colonel Gray related how the mediæval buildings had developed in the course of the centuries into the present mansion house. During a tour of inspection many

points of interest—the battlements, vaulted passages, and old stone stairs—were shown, chiefly remarkable being a beautiful painted ceiling which, after being long hidden above a plaster ceiling was brought to light in 1864 by the last of the Hays of Nunraw.

Colonel Gray joined the 16th Royal Lancers in 1881, and afterwards the Lothians and Border Horse, known later as The Lothian and Berwickshire Imperial Yeomanry, from which regiment he retired in 1906 with the rank of Lieutenant-Colonel. He retained the soldier spirit in mien and manner to the last. In civic services Colonel Gray's place was no less honourable. He was elected a member of the County Council in 1890, being the last surviving member of the original board at the time of his death. He had held the arduous position of Convener of the Finance Committee for no less than thirty-one years. He was Senior Deputy-Lieutenant of the County. His agricultural interests are indicated by his tenure of the office of Vice-President of the Board of Governors of the Edinburgh and East of Scotland Chamber of Agriculture, and his membership of the Animal Breeding Committee. He was a Vice-President of the East Lothian Ice Rink Club. As a sportsman he was an expert angler, a good shot and a keen curler. A busy man of affairs, he was also a devoted son of the Church, and for many years conducted services for the children in the village of Garvald.

To all his interests as churchman, soldier, citizen, landowner and agriculturist Colonel Gray added that of antiquarian lore and history. In all the proceedings of the Society he was deeply interested as was evidenced by his frequent attendance at its meetings and excursions, as also by his constant reference in private conversation to its aims and endeavours.

Col. Gray was twice married. His first wife, Miss Mary Stewart Stephen, a member of the well-known west-country shipbuilding family, predeceased him about eleven years ago. There were two sons and three daughters by the marriage, the elder son, Major W. S. Wingate Gray of the Royal Artillery being in command of a brigade in India. In 1925 Colonel Gray married Miss Margaret Thornton, daughter of the Rev. Dr Thornton, London, to whom, as well as to the other members of the family, the Society extends its sympathy.

M.B.L.

III. ANDREW CUNNINGHAM RAMSAY, J.P.

Andrew Cunningham Ramsay, J.P., became a member of the Society at its inception in 1924 and was a useful member of council for some years.

For a period of twenty years he held the office of Burgh Chamberlain of Dunbar, and also that of Clerk to the Dunbar Parish Council, until that body was superseded by the Eastern District Council of the re-constituted East Lothian County Council, when he was appointed Clerk to the District Council. He was a trusted and capable official.

At the outbreak of the Great War, Mr Ramsay joined the army and was demobilised in 1919.

His capacity and energy were such that, despite the onerous nature of his official duties, his scanty leisure was freely devoted to much good and useful service for the community.

Mr Ramsay was interested in the activities of the Society, and in particular, the history and antiquities of the old Burgh of Dunbar. He had searched the Town Council records and extracted therefrom much that was curious and interesting. His notes of this research he courteously and generously placed at the service of the writer, who had then in preparation a paper on "Dunbar of Old," which was later published in the Society's *Transactions* for 1929-30.

His holidays were spent mainly in angling, at which sport he was an adept; and he took occasional further recreation in golf and swimming.

His death, following upon an operation in an Edinburgh Nursing Home, was quite unexpected. And the passing, at the early age of 49, of one who was so able and active in all good work that benefited the local community, is generally regretted. He leaves a widow and son.

T.W.F.

IV. DR. HENRY HAY.

Dr Henry Hay, M.B., C.M., who died at the age of seventy-eight in an Edinburgh Nursing Home on Sunday, 31st January 1932, was a life member of the Society. Both sides of the Society's activities appealed to him—the study of the archaeology and history of East Lothian and the study of the natural history of the county. He was deeply interested in the excursions and *Transactions* of the Society. He had a special knowledge of the Gifford and Lammermoor districts. His love of antiquities and natural history, however, was not confined to his native district. For many years he had been an enthusiastic member of a sister Society, the Berwickshire Naturalists' Club, frequently taking part in its excursions. A subject which appealed strongly to him was the vanished villages of the Gifford district—Bothans and Duncanlaw, with their grain mills on opposite sides of the Gifford Water, and their churches—the one dedicated to St. Cuthbert, and the other to St. Nicholas. Dr Hay would have liked to see the sites of these villages and other sites excavated.

Dr Hay was the youngest and last surviving son of the late Peter Hay, who was at one time Farmer at Spilmersford. His youth was spent at the family home at Gifford Vale, the last outpost of the village of Gifford on the road to Haddington. Educated at Edinburgh Institution and Edinburgh University, he graduated M.B., C.M., in 1876. He practised in Edinburgh. For thirty-six years he was medical officer at the "Calton," H. M. Prison in Edinburgh, and he was also on the staff of the Royal Edinburgh Hospital for Sick Children. A large-hearted, understanding man, he had the sympathy and tact of the born physician. The volunteer movement had a hearty supporter in him, and he was at one time surgeon-major in the Forth Division, Royal Engineers (Volunteers). With his genius for friendship he had a large circle of friends, not a few of them artists and literary men.

When he retired from the practice of his profession over ten years ago the large garden of his charming home at Gifford Vale was always a delight to him, and he loved, so long as he was able, to work in it himself. He was a widower and lived at the Vale with his sister who survives him. If the Society had been begun before his health began to fail he would no doubt have been a valued contributor to the *Transactions*, as well as a more prominent member of the Society.

H.H.