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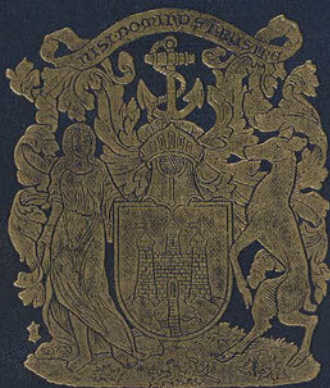
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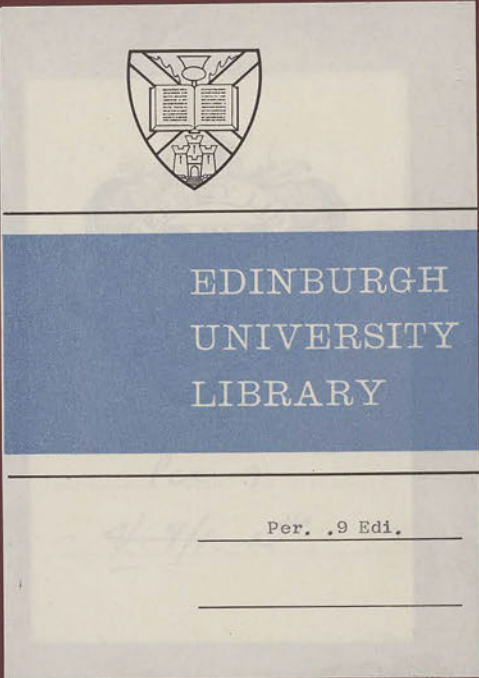
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THE BOOK OF THE  
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#### THE CANONGATE CRAFTS: AN AGREEMENT OF 1610

THE political history of Scotland abounds in the picturesque and the dramatic, but the long annals of wars without and strife within are not the whole of the story. A study of the social and economic conditions through the centuries will adjust the balance and show that Scotland was not the uncouth and backward country which we might otherwise believe. On the contrary, there can be traced the evolution of a sturdy and energetic middle class whose development is largely the story of the Scottish burghs, and of the craft organisations therein.

From early times it had been the policy of the Crown to encourage the towns, not only as an offset to the territorial power of the feudal magnates, but also as the centres of trade within their own area. This was done by granting charters in favour of burghs, most of which had, however, previously existed as organised communities. The burghs thus incorporated were of three types: royal burghs, and burghs of regality and barony; the powers of all of them being founded upon their powers of self-government and privileges of trade. Royal burghs had exclusive right of foreign trade, while all burghs enjoyed a certain monopoly of local trade within a delimited territorial area, save for such modifications as might be introduced by the grant of a market.

At first all the privileges of a burgh were conferred upon the burgesses in general, but with the advance of a more complex civilisation, entailing a division of labour, the merchants became differentiated as a class, economically and



socially superior to the handicraftsmen. A conflict was therefore bound to arise when the artisans sought, first to vindicate their right of self-government within their own ranks, and then to secure a place on the town councils and a share in trade.

The earliest craft associations were of a voluntary character, prompted partly by economic and partly by religious considerations, but with the passing of time the importance of the economic aspect came more and more to predominate.<sup>1</sup> They began to make rules for their own trade, and to compel all handicraftsmen to join their associations. In 1424, when they were granted statutory authority to elect their own 'Dekyn or Maister-man,'<sup>2</sup> their organisation was obviously already well developed, although not till 1556 did the Government finally recognise this right of self-government.<sup>3</sup>

The municipal authorities, however, had been forced at an earlier date to define the place of the crafts within the burgh. From the fifteenth century onwards, this was done by granting, or confirming, Seals of Cause incorporating individual trades by charter, and thus transforming them from voluntary associations into official bodies playing a definite part in the economy of the town. Between the Town Councils and the Trades thus incorporated, friction arose over the claim of the latter to exercise merchandise and to have a share in municipal government. In both aspects this was a local controversy, which resulted, about the end of the sixteenth century, in the victory of the craftsmen.

During this long struggle for power the Incorporated Trades had come to realise that, locally at any rate, unity is strength. They therefore began to make alliances among themselves, although these were in the nature of a con-

<sup>1</sup> W. Angus, 'Skinners of Edinburgh,' *Book of the Old Edinburgh Club*, vi. 15, 16. See also Ashley, *Economic History*, I. chap. ii.; II. chap. ii. Gross, *Merchant Guild*, i. Appendix D.

<sup>2</sup> *Acts of Parliament*, ii. 8, c. 17.

<sup>3</sup> *Register of Great Seal*, 1546-80, No. 1054. E. Bain, *Merchant and Craft Guilds*, 329-30.

federacy rather than an amalgamation like that of associated crafts in England. Each trade retained its old organisation, but a new authority was superimposed to deal with larger issues. This was the Convener Court, or Convenery, of the associated incorporations, meeting under the presidency of the Deacon Convener. Although these tended on the whole to be mere consultative bodies, yet they signified a larger conception of the economic unit. At the same time, however, they implied that the individual crafts would remain purely local associations: there would be no national federation of crafts.

An interesting illustration of this characteristic stage of economic development is afforded by the Agreement between the four Incorporated Trades of the Canongate solemnly drawn up and signed on 14th February 1610. The contracting crafts were the Hammermen, the Tailors, the Baxters, and the Cordiners 'within the burgh of the Cannogait and regalie of Brochtoun.' If their representatives, the deacons and master freemen, were not burgesses of a royal burgh, their town was at least of high antiquity, while the very inferiority of its legal status adds a peculiar interest to the Agreement. The fact that this was a contract between the artisans of a Regality shows that the craft organisations played an equally important part in the economy of all types of burghs.

In the Canongate, however, two distinct forces were operating concurrently. The Agreement affords testimony that the tendency towards mutual help and alliance was at work here as in all other Scottish towns. At the same time the burgh, as such, was going through a period of transition in the matter of the superiority. It had been originally erected by David I. in favour of the canons of Holyrood, while at the same time Broughton was included in the patrimony of the Abbey.<sup>1</sup> This was probably a mark of special

<sup>1</sup> *Charters of Edinburgh*, i. 5-7; *Charters of Holyrood*, i., National MSS. of Scotland.



esteem, for it was unusual to establish two burghs in such close proximity as the Canongate and Edinburgh. The lesser light was bound to be overshadowed by the greater, but, on the other hand, it is going too far to assert, without reservations, that the former 'was unable to maintain its independence against its powerful neighbour.'<sup>1</sup> This Agreement of 1610 is in itself evidence that in the days of the craft system the smaller community had a well-organised and progressive economy of its own,<sup>2</sup> while the *Edinburgh Burgh Records* show that it was strong enough to be a thorn in the side of its greater rival.<sup>3</sup>

Civic burdens fell less heavily upon the burgesses of the Regality, while its situation made it a happy asylum for its discontented neighbours who chafed under 'the jurisdiction of frie burghs.'<sup>4</sup> Again, the controversy anent municipal government which had long disturbed the peace of Edinburgh does not seem to have emerged at all as a vital question in the Canongate where, in terms of the burgh sett, the Deacons of Trades had a place upon the Council from an early period.<sup>5</sup> On the other hand, however, it was legally of an inferior status, while the departure of the Court after 1603 was bound further to affect the fortunes of the town.

After the Reformation the superiority of the burgh passed from the Church into the family of Bellenden, although it was found, in 1620, that as a free Regality, 'the property and jurisdiction thereof properly pertains to the inhabitants

<sup>1</sup> Cosmo Innes, *Ancient Burgh Laws*, 1124-1424, xliii.

<sup>2</sup> Eight crafts were ultimately incorporated in the Canongate; the other trades, besides the four represented in the Agreement, were the Wrights, Weavers, Fleshers, and Barbers.

<sup>3</sup> Edinburgh, for example, had carried on protracted litigation against Leith and the Canongate in which a decree was finally delivered in favour of the plaintiff on 18th January 1576-7. *Edinburgh Records*, iii. 57.

<sup>4</sup> *Edinburgh Burgh Records*, iv. 374. W. Angus, 'Skinners of Edinburgh,' *Book of the Old Edinburgh Club*, vi. 26.

<sup>5</sup> *Municipal Corporations Report* (1835), i. 323. J. Mackay, *History of the Canongate*, 15. 'Register of Burgh of Canongate,' *Maitland Club Miscell.*, ii. 302, 329.

therof, and na uthers.'<sup>1</sup> A study of the Agreement will show that the burgess-craftsmen, at least, had a mind to manage their own property and to exercise their powers of jurisdiction.

Such eminently practical motives were obviously among the 'diuers guid caussis and consideratiounes' that moved the four Incorporated Trades to draw up their Agreement by unanimous consent. Among the contracting crafts the Hammermen take precedence, and are represented by their Deacon and nineteen master freemen, including a pistolmaker, a goldsmith, a pewterer, a cutler, an armourer, and a blacksmith. This catalogue of industries indicates, however, not an amalgamation between associated trades as in England, but rather that the differentiation of industries had not been fully developed in the Canongate. If the units had been larger, the younger trades would have tended to hive off as separate incorporations, as the Goldsmiths had broken away from the Hammersmiths in Edinburgh. Next in order came the Tailors, probably one of the earliest trades to be organised in the Canongate under a Seal of Cause. They appear in 1554 as an Incorporation,<sup>2</sup> and in the Agreement of 1610 they are represented in equal numbers with the Hammermen. The Baxters had fewer representatives, and were possibly less powerful. They were not economically independent, inasmuch as they were thirled to the Canonmills, 'to have their corn ground thairat.'<sup>3</sup> Last on the list are the Cordiners, who had been incorporated for more than fifty years, and possessed considerable property in the burgh. They were evidently a sturdy and enterprising body—the object of the resentment and 'molestatioune' of their Edinburgh neighbours in 1569.<sup>4</sup>

Whatever the order of their precedence, the four trades here specified met together in February 1610 upon an equal footing for the transaction of important business, the result

<sup>1</sup> *Municipal Corporations Report* (1835), i. 324. J. Mackay, *Barony of Broughton*, 47.

<sup>2</sup> J. Mackay, *History of the Canongate*, 93.

<sup>3</sup> *Ibid.*, 94.

<sup>4</sup> *Ibid.*, 91.



of which is embodied in their Agreement. They solemnly contracted for themselves and 'for the hail remanent memberis and bodie' of their respective trades not only to confirm their ancient craft ordinances, but also to maintain 'ane mutuall band of amitie luif and bretherheid' among themselves 'perpetualie in all tyme cuming.' This being, as they were well aware, the difficult but important point, they accordingly promulgated statutes 'to be unviolablie observit and keipit . . . as we sall ansuer to God and als under the pane of perjurie, infamie and defamatioun for ever.'

The first ordinance, anent the office of Deacon Convener, is circumstantial, and for that very reason of peculiar interest. It was ordained that that official should be elected yearly, and should be drawn from the ranks of each craft in rotation by the unanimous consent of the four contracting parties. At sight this has the appearance of popular election, but we have no evidence that in practice it was really so. Although all the members had a voice in the appointment, yet their powers of selection were possibly circumscribed. In any case, the important point was not the manner of election of the Deacon Convener, but the powers and functions of his office. He was to exercise jurisdiction in all ordinary civil causes affecting the contracting bodies as craftsmen. Theft and crimes of violence were, however, specially excluded from his competence. For the rest, he was invested with all the immunities and powers of 'ony uther deykin convenar . . . within this realme.' This last clause is interesting, for if the position of the Deacon Convener of the Canongate Conventer was to be on a level with that of all other Deacon Conveners, then it may be argued that the institution of the office and mode of election in other instances proceeded as a rule on similar lines.

The second item of the Agreement also emphasises the 'strong family likeness'<sup>1</sup> of the Scottish crafts. The respective spheres of the Deacon Convener and of the individual

<sup>1</sup> Bain, *Merchant and Craft Guilds*, 27.

Deacons of Trades are sharply defined. Each Incorporation was to elect its own Deacon annually, while at the same time another master, a man of substance, was to be chosen by popular vote, to be associated with him in exercising jurisdiction 'in all actiounes and caussis concerning his craft.' One or two years was the usual term of office for a Deacon, and it was customary for a board of masters to be associated with him. It is noteworthy that here, again, the election is nominally by popular suffrage, yet the qualification necessary for the office seems opposed to modern democratic ideals. The stipulation that the assistant was to be a 'man of qualitie' may have been designed as a possible precaution against corruption, though it is more probably an indication that the crafts, like Town Councils and Parliament, were oligarchic institutions in which individual worth was calculated in terms of material wealth. Further, the jurisdiction of the Deacon and master freemen is definitely limited to internal disputes, and it is evident from the ensuing ordinances that their authority was not invariably accepted without question.

If the craftsmen of the same trade were not always in agreement, then it is scarcely surprising, though it may have been 'hevalie regraitit,' that the separate Incorporations 'concurris not togidder sa convenientlie . . . as neid requyres.' The aim of the third item was accordingly to promote more harmonious relations between them. In the case of litigation involving the different crafts, either corporately or individually, the only competent Court was to be that of the four Deacons and the four masters, whose sentence had to be unanimous and was also final. Any party summoning the aid of the municipal government was liable to a fine of £5 to the use of the Deacon Convener, who had power to poind and distrain therefor, and was thus presumably, as in other towns, the president or chairman of the Convener Court. In this statute, then, we have an interesting indication of the extent and the limitations of the autonomy of the



Incorporated Trades. At sight they would appear to be independent units within the state, but this was only in their own internal affairs, while their executive powers were limited to the imposition of fines. In the case of a conflict with the Town Council they had to give way before the higher authority of the magistrates. Moreover, it is clear that the Convenery was created by the crafts to suit their own convenience, and that in the eyes of the law it existed only on sufferance.

The fourth article of the Agreement is an extension of the preceding statute. The Convener Court was invested with the powers of a court of appeal from the ordinary jurisdiction of the Deacon and master of any of the crafts. As before, the penalty for defaulters was a fine of £5 to the use of the Deacon Convener. But the Incorporated Trades were not content with a well-organised system for the redress of grievances; other objects of a miscellaneous nature also came under their consideration.

Thus the fifth article of their contract touches the social side of craft activities. Each member was bound upon lawful summons, and under pain of ten shillings, to attend the funerals of brother craftsmen, their wives, children, or apprentices. This was a survival of an ancient practice dating from the earliest days of the crafts as voluntary institutions. The 'attendance of members at the obsequies of the brethern' was one of the chief 'spiritual benefits' which led to the evolution of the Guild<sup>1</sup>; and it retained its importance long after the craftsmen had ceased to support their altar in the Parish Church, and to play their part in religious pageants. Indeed, it has persisted in altered circumstances to our own day.

Of even greater interest is the sixth article of the Agreement, which forbade under pain of £10 that any craftsman should dispossess another of the 'hous or buith quhairin he duellis or workis.' That this was a rankling grievance we

<sup>1</sup> Ashley, *Economic History*, ii. 137, 138.

gather not only from the amount of the penalty, but also from the injunction that it was to be levied 'with all rigour.' Perhaps the influx of discontented artisans from Edinburgh had wrought a social revolution in the town of their adoption. It would give rise to a class of unpropertied freemen; the result would be competition in which one craftsman might easily buy the property of another 'over his heid.' This ordinance, then, seems to reflect a special aspect of the long struggle of the crafts against the spirit of competition. With regard to detail, it may be observed that the phrase 'hous or buith' has reference to a single unit, for the craftsman's booth was a stall thrown out from his house upon the main street. Here, at times other than market days, he plied his calling and disposed of his wares.<sup>1</sup> The craftsmen of the Canongate would not be blind to the advantages of a convenient trading site, and if they had facilities to dispossess their neighbours, we can well understand the need for this enactment against evictions. It is doubtful, however, if the bonds of fraternity would be strong enough to endure the strain of competition and self-interest.

If, however, the establishment of a Convenery points to a spirit of co-operation, the latter part of the Agreement testifies to a feeling of craft-consciousness. For example, their final resolution was that each trade should keep a register of 'thair awin statutis and ordinances.' Here, again, a local statute affords an interesting sign of the times, inasmuch as there was a general tendency at this period for all organisations to keep fuller and more adequate minutes of their proceedings.<sup>2</sup> This is a sign of economic as well as of educational development, because no great need was felt for a scribe until comparatively complex conditions had emerged. The brevity of early records points to the awkwardness of

<sup>1</sup> D. Murray, *Early Burgh Organisation*, 300-2.

<sup>2</sup> For example, the Records of the Convention of the Royal Burghs date from 1597; of the Trades House of Glasgow, from 1605.



the clerk, whose notes became more copious as he became more proficient.

The conclusion of the Agreement is characteristic of the mingling of the opposing ideas of brotherhood and exclusive privilege. Although, on the one hand, the officials of each craft were pledged to be gratuitously at the service of any other of the contracting parties, while the signatories further guaranteed 'to observe, obey, keip and fulfill' their contract 'in all pointis,' yet, on the other hand, this new Agreement was in no way to be derogatory to the craft statutes of the individual trades, nor to infringe their several rights and privileges.<sup>1</sup>

It remained, finally, for the representatives of the four callings to append their signatures to their 'mutuall band of bretherheid amitie and concurrence.' In this connection it is noteworthy that many of them signed with their hands led at the pen because they could not write themselves. Only one Deacon, James Symson of the Baxters, signed unaided. Among the Hammermen seven were illiterate, eleven signed, while the names of Peter Lytiljon and Thomas Jardene, although appearing among the representatives of their craft, are wanting from the list of signatories. The Tailors were even more unlettered: out of twenty representatives, only five signed with their own hand. Among the representatives of the Bakers, the Deacon and eight others subscribed in person, three by means of the notary, and William Malloche not at all. The Shoemakers are in striking contrast to the other contracting bodies, the signatories being more numerous than the number of representatives named in the preamble. Seventeen appear instead of the original thirteen, while six other names, apparently of Cordiners, are appended at the end and attested by a separate notary.

<sup>1</sup> They were still in possession of their exclusive privileges in 1834, although these had ceased to be of much practical importance (*Municipal Corporations Report*, i. 328).

Whatever significance attaches to these facts, however, it does not affect the question of the literacy of the craftsmen. Although it would be hazardous to dogmatise on the superior education of any one trade, yet it is evident that learning was not essential for the tenure of high office. With all their deficiencies, however, the craftsmen of the Canongate could probably hold their own with any similar organisations in the country. It is significant, for example, that when the Decreet Arbitral of Edinburgh was drawn up in 1583, and the Common Indenture of Aberdeen in 1587, in neither case could any of the craft representatives sign with his own hand.<sup>1</sup> Perhaps, therefore, the number of personal signatures in 1610 testifies to the advance of education in the generation after 1587.

Be that as it may, when the craftsmen of the Canongate met in solemn conclave to draw up their Agreement, they had little thought for the things of scholarship: all their energies were absorbed by more pressing and immediate problems. But if they were alive to their own interests, they were not blind to wider issues. They were following a general tendency of the times, but theirs was no slavish imitation. On the contrary, they brought initiative and enterprise to bear upon the solution of their own peculiar difficulties. Their Agreement, indeed, bears witness to the existence of that sturdy middle class which went far to preserve a sound core in the national life through all political upheavals. It is true that they lacked sufficient vision to see that the days of the craft economy were numbered. The tide of economic development made it impossible to bind their 'successouris perpetualie in all tyme cuming' to preserve inviolate the letter of their Agreement. On the other hand, it remains equally essential now, as then, to have 'alwayes God and guid conscience befor oure eyis' and to maintain a 'mutuall band of amitie luif and bretherheid.' Moreover, the very persistence of Deacons

<sup>1</sup> *Acts of Parliament*, iii. 364 b. Bain, *Merchant and Craft Guilds*, 336.



and Conveneries in our midst is itself an illustration of the continuity of our history. These considerations, then, give an interest and importance which justify the transcript of this illuminating and characteristic document.

ANNIE I. CAMERON.

#### THE AGREEMENT

Till all and sindrie quhome it effeiris to quhais knowledge thir presentis sall cum, Ws George Foular, present deykin of the calling of the Hammermen craft within the burgh of the Cannogait and regaltie of Brochtoun, Johnne Esplene, James Hairt, dagmaker, Johnne Smyth, Peter Lytiljon, Nicoll Wallace, James Hairt, goldsmyth, Johnne Foular, Williame Sibbitt, Robert Leirmonth, Robert Newlandis, Johnne Valenge, Thomas Jardene, Robert Quhyt, Johnne Drysdaill, James Jonkene, Andro Blak, Thomas Glen, Johnne Gairdner and Patrik Hammiltoun, burgessis of the said burght of the Cannogait, maisteris and friemen of the said calling of the Hammermen craft, for oure selffis and takand the burding upone ws for the haill remanent memberis and bodie of the said calling of the Hammermen craft within the said burght and regaltie of Brochtoun foirsaid, Alexander Ogilvy, present deykin of the calling of the Tailzeour craft within the said burght of the Cannogait, Edmond Smyth, Gavine Young, Williame Tailzeour, Stevene Brysoun, David Ray, Johnne Thomesone, Williame Gairdner, Williame Donaldsone, David Dewar, James McClellan, James Young, Henrie Scott, Williame Crystie, Johnne Muill, James Eviot, Johnne Fortoun, Johnne Hanna, Abrahame Lokhart, and Alexander Gairdner, burgessis of the said burght of the Canogait, maisteris and friemen of the said calling of the Tailzeour craft within the samen, for oure selffis and takand the burding on ws for the haill remanent memberis and bodie of the said calling of the Tailzeour craft of the said burght and regaltie of Brochtoun

foirsaid, James Simsone, present deykin of the calling of the Baxter craft within the said burght of the Cannogait, Williame Scheves, Johnne Wylie, Alexander Walker, James Davidsone, Thomas Scheves, Williame Malloche, Johnne Ledingtoun (*sic*), Williame Stevene, Thomas Rippit, Williame Alschunder, Williame Seytoun and John Drysdaill, burgessis of the said burght of the Cannogait, maisteris and friemen of the said calling of the Baxter craft within the said burght, for oure selffis and takand the burding on ws for the [haill] remanent memberis and bodie of the said calling of the Baxter craft within the said burght of the Cannogait and regaltie of Brochtoun foirsaid, Williame Arthoure, present deykin of the calling of the Cordiner craft within the said burght of the Cannogait, Cuthbert Pinkertoun, Johnne Greg, elder, Alexander Law, Williame Nicolsone, Johnne Patersone, Thomas Birkmyr, Cristopher Home, Arthour Barrie, Thomas Lowrie, Alexander Monteyth, James Kyle and Johnne Morisoun, burgessis of the said burght of the Cannogait, maisteris and friemen of the said calling of the Cordiner craft within the said burght for oure selffis and takand the burding on ws for the haill remanent memberis and bodie of the said calling of the Cordiner craft within the said burght of the Cannogait & regaltie of Brochtoun abon mentionat, calling to mynde the guid and lovabill actis, statutis and ordinances maid be oure ancient predicesouris of famous memorie concerning the weill and standing of oure particular callings and vocatiounes, and we, being nawayes willing to abrogat na guid act statute nor ordinance maid be thame of befor bot rather to corroborat effectuat and confirm the samen in all pointis to the aige and posteritie to cum, have not onlie authorizit and ratefeit and be the tennour heiroyf authorizes and ratefeis the samen lovabill actis and guid ordinances maid be oure saidis predicesouris of oure saidis four callings in ony tyme bigane, bot also we, for diuers guid caussis and consideratiounes moveing ws being now



haillelie convenit togeddir in full number and ha[ving] alwayes God and guid conscience befor oure eyis, all in ane voice but variance for confirmatioun of oure saidis prediccouris actis and for mantening of ane mutuall band of amitie luif and bretherheid amangis ws the bodeis of oure haill four callingis abonexpemit and oure successouris perpetualie in all tyme cuming, have thocht to mak, conclude and set down thir particular actis and statutis amangis ws [in] maner and to the effect following, to be unviolablie observit and keipit be ws and oure saidis successouris perpetualie in all tyme heir- efter as we sall ansuer to God and als under the pane of perjurie, infamie and defamatioun for ever, of the quhilkis actis the tennour followis: In the first, we all in ane voice find it baith meit necessar and expedient and als we decerne and ordane that thair sall be ane deykin convenar of oure haill four callingis abonexpemit quha salbe chosin upone the day of

zeirlie be the mutuall voitt and consent of the haill bodeis of [oure] saidis four callingis being altogidder convenit in full number, begynand the first zeiris electioun of the said deykin convenar at the craft of the Hammermen at the day abone writtin in this instant zeir of God i<sup>m</sup>v<sup>i</sup>c and ten zeiris and sua furth zeirlie fra the Hammermen to the Tailzeours and fra the Tailzeours to the Baxteris and fra the Baxteris to the Cordineris successive ilk craft eft<sup>r</sup> uther]is to have thair deykene convenar thair zeir about, quhilk deykin convenar, sua to be electit and chosin as said is, sall sit judge, decerne and cognosce in all actiounes and caussis con[cerning]? and belanging to ws and oure haill four callingis abonementionat (bloode and thift being exceptit allenerlie quhilk sall nawayes be comprehendit heirintill) and the said deykin convenar sall use and exerce his said office siclyk and als frielie in all respectis as ony uther deykin convenar dois within this realme: Secundlie, we statute, decerne and ordane for ma . . . and suppressieing of wrang amangis ws in all tyme cuming that sa soun as ane deykin

sall be chosin zeirlie of ilkane of oure saidis four callingis at the tym accustomat conforme to . . . sall be also at the same verie tyme electit and chosin be voitting of the haill number of the bretherene of ilk calling ane man of qualitie for ilk calling to sitt and judge with him . . . in all actiounes and caussis concerning his craft and to give furth and pronounce thair sentence thairanent for mantenance of peax and concord and keiping of . . . amangis ws in all tyme heir- efter: Thridlie, forasmekill as it is hevalie regraitit amangis ws that we the haill four callingis abonewrittin concurris not togidder sa [con]venientlie in all oure honest publict actiounes and conventiounis as neid requyres and that ilkane of ws neglectis sum of oure deweteis to utheris and declynis fra oure awin iurisdiction . . . ice of the libertie thairof, in consideration and remeid quhairof we all in ane voice, efter mature deliberatioun had heiranent, statute decerne and ordaine that gif ony ane of oure four callingis sall do wrang and iniurie to ane uther or gif ony particular persone of ane craft sall do wrang and iniurie to ane other particular persone of ane uther craft, that the [said] wrangis and iniuries in all tyme cuming salbe judgit and decydit be oure haill four deykins and thair four maisteris with thame sittand altogidder sua that thair sall be aucht in number to sitt and . . . the saidis wrangis and sall all in ane voice give furth the decreit therintill and quhatevir beis pronuncit be thame the saidis persewaris and defendaris sall be haldin to fulfill and obey the samen [in] all pointis sua that for summar justice heirintill it sall not be lesum to the saidis pairteis to complene to hailzeis or magistratis bot onlie to submit thameselfis in the saidis materis to thair awin four deykines and four maisteris quha sall be onlie judges compitent in the saidis wrangis; and gif ony of our number dois in the contrair of this act immediatlie abonewrittin the pairtie sua failzeand salbe haldin to pay to the said deykin convenar and to his use the sowme of fyve pundis *toties quoties* and for pament therof to cause



poynde and distrenzie therfor: Feirdlie, in cais it sal happin ony actiounes, pleyis, questiounes, contrauerseis or debaittis to result and arryse amangis ony ane of our saidis four callingis ather prevatlie or publictlie [quhilk can neither be?] amicable nor freindlie tane away amangis thame selffis be thair awin ordinar deykin and maisteris of thair awin craft, that the saidis pairteis sall be haldin to cum to thair awin four [deyki]nes and four maisteris thair to be judgeit be thame under the pane of fyve pundis to be payit be the contravenar *toties quoties* to the use of the said deykin convenar and his maisteris . . . he caus poynde and distrenzie thairfor: Fyftlie, we statute, decerne and ordane that fra this day furth quhen it salhappin at the pleasour of God that we or ony of ws our wyffis, bairnes and prenteissis allanerlie sall depairt this mortall lyfe that than efter dew and lauchfull warning we and the haill bodeis of ilkane of our saidis callingis sall cum to utheris buriallis with all solemnpneteis requisite and ilk persone frieman that is nottit absent at the saidis buriallis efter lauchfull warning as said is sall pay the sowme of ten schillingis *toties quoties* to his awin deykin and maisteris and thai caus poynde and distrenzie thairfor: Sextlie, for forder corroboratioun of ane mutuall luif amitie and brotherheid amangis ws and that we and our successouris sall th . . . air peceable and quietlie inhabite and posses our awin dwelling houssis and buithis within this burght, it is statute and ordanit amangis ws the four particular callingis fairsaidis lykeas we bind and oblis ws our successouris fairsaidis to utheris that it sall nawayes be lesume nor lauchfull to ony particular brother of ony ane of our saidis callingis to tak ane uther particular brotheris hous or buith quhairin he duellis or workis over his heid without speciall licence, tollerance and consent of that brother duelling thairin first had and obtenit therto, and quha dois in the contrair amangis ws sall be haldin to pay to the said deykin convenar and his maisteris the sowme of ten pundis *toties quoties* and thai

to caus poynde and distrenzie therfor with all rigour: Lastlie, we all in ane voice but variance ordanis our saidis four deykines and thair saidis four maisteris to caus mak and perfyte ane fyn paper booke bund in parchement and to insert and registrat thairintill thair awin statutis and ordinances to be maid and sett down be thame and thair saidis successouris in all tyme cuming for the weil and standing of the bretherheid of our haill four callingis abonexpremitt and to the hurt of no man as thai will answer to God at the gryt day of judgement: And to the effect that the actis abonewrittin sall ressaue full execution in all [pointis?] we the saidis deykines and maisteris of the four callingis abonexpremitt bind & oblis ws and our successouris to utheris to mak ilkane of our awin ordinar officiaris in all tyme [heir]after frie to utheris uses and adois without ony silver or guid deid to be ressauit be thame thairfor: Quhilkis actis statutis and ordinances abonewrittin we the haill deykines, maisteris, memberis and bretheren of the four callingis abonexpremitt be the tennour heirof faithfullie bind and oblis ws and ilkane of ws be the faith and treuth in our bodeis, the halie evangell tuichit, to observe, obey, keip and fulfill the samen in all pointis lyke as we ordane our saidis successouris swa to do in all tymes cuming but ony appellatioun, reclamatioun or contradicioun quhatsumever; provyding alwayes that thir presentis sall nawayes be hurtfull nor preiudiciall to utheris anent ilkane of our awin previledgis and liberteis pertening and belanging to our severall callingis & vocationes bot that we and ilkane of ws sall assist fortiefe and concour with utheris in executioun of utheris our liberteis and previledges according to our lovabell use quhairof we and our saidis predicesouris hes bene in possession in all tyme bigane past memorie of man, keipand alwayes the substance and articles abonewrittin, sa help ws God: In Witnes of the quhilk thing we and ilkane of ws have subscryvit this our mutuall band of bretherheid amitie and concurrence with our handis at



the Cannogaitt the fourtene day of Februare the zeir of God  
i<sup>m</sup> vi<sup>e</sup> and ten zeiris.

George Foulare, deykin of the Hammermen craft within  
the burght of the Cannogait, Johnne Esplene, Nicoll  
Wallace, Robert Newlandis, Johnne Smyth, Johnne  
Drysdail and Patrik Hammiltoun, maisteris and  
friemen of the said calling, with our handis at the pen  
led be the noteris undersubscryveand at our commandis  
becaus we cannot wreit our selffis.

De mandatis dictarum personarum scribere nescientium  
ut asseruerunt, ego Jacobus Ramsay notarius publicus in  
premissis subscribo.

Ita est Joannes Adamsone connotarius in premissis  
requisitus testantibus meis signo et subscriptione manu-  
alibus.

(Signed) James Hairtt, dag maker, with my hand ; James  
Hartt, goldsmyth, with my hand ; Williame Sibbald,  
pudrer, with my hand ; Thomas Glen, dag maker,  
with my hand ; Robert Whyt, cowtiller, with my  
hand ; Johnne Gairdner, with my hand ; Johnne Foullar,  
airmorar, with my hand ; James Jonken, with my  
hand ; Johnne Wallange, with my hand ; Andrew Blak,  
blaksmyth, with my hand ; Robert Lermonth.

Alexander Ogilvy, deykin of the Tailzouris abonewrittin,  
Edmond Smyth, Gavine Zoung, Stevene Brysoun,  
David Rae, John Thomsone, James Zoung, Henrie  
Scott, William Crystie, John Fortoun, John Hanna,  
Abrahame Lokhart and Alexander Gairdner, maisteris  
of the said calling with our handis at the pen led be  
the noteris undersubscryveand at our command becaus  
we cannot wreit our selffis.

De mandatis dictarum personarum scribere nescientium  
ut asseruerunt, ego Jacobus Ramsay notarius publicus in  
premissis subscribo.

Ita est Johannes Adamsone connotarius in premissis

requisitus testantibus meis signo et subscriptione manu-  
alibus.

(Signed) Williame Donaldson, taillieur ; W. Tailzour,  
tailzour ; James Maclelland, tailzour ; Wm. Gairner,  
tailzeour, with my hand ; Jhonne Muill, tylior, with  
my hand.

(Signed) James Symson, deykin of the Baksteres ;  
William Sceveis, with my hand ; Alexander Walker,  
baxstar, with my hand ; Thomas Reidpeth, baxter,  
with my hand ; James Davidstone, baxter, with my  
hand ; Johnne Wylie, baxter, with my hand ; Johnne  
Levingtone, bakster, with my hand ; William Alex-  
ander, ba[x]ster, with my hand ; Thomas Scheveis,  
with my hand.

De mandatis dictarum Willelmi Stevene, Joannis Drysdail  
et Willelmi Seytoun, pistores prescripti, scribere nescientium  
ut asseruerunt, ego Jacobus Ramsay notarius publicus in  
premissis subscribo.

Ita est Johannes Adamsone connotarius in premissis  
requisitus testantibus meis signo et subscriptione [manualibus].

Williame Arthour, deykin of the Cordiners abonewrittin,  
Cuthbert Pinkertoun, John Craig, elder (*sic*), Alexander  
Law, William Nicolsoun, John Patersone, Thomas  
Birkmyres, Cristell Home, Thomas Lowrie, Alexander  
Monteyth and John Morisoun abonewrittin maisteris  
of the said craft with our handis at the pen led be  
the noteris undersubscryveand at our commandis  
becaus we cannot wreit our selffis.

De mandatis dictarum personarum scribere nescientium  
ut asseruerunt, ego Jacobus Ramsay notarius publicus in  
premissis subscribo.

Ita est Johannes Adamsone connotarius in premissis  
requisitus testantibus meis signo et subscriptione manualibus.

(Signed) Arthour Barrie, cordoner, with my hand ; James  
Kyll, cordeneir ; Charles Fortown, with my hand ;



Johnne Villsoune, with my hand ; Robert Brwce, with  
my hand ; Henrie Fethie, with my hand ;

Thomas Measone, David Thomsone, Archibald Pitcathlie,  
Alexander Blak, Johnne Meggot, Johnne Craig, younger  
with our handis at the pen led be the noter wnder-  
writtin at our command becaus we can not wryte.

Ita est Walterus Broun notarius publicus ad premissis  
requisitus.

MYLNE SQUARE <sup>1</sup>

**M**YLNE SQUARE was designed and built between  
the years 1684 and 1688 by Robert Mylne of  
Balfargie, the king's Master Mason. The date of  
the Dean of Guild's warrant is 6th August 1684.

Prior to the erection of the Square all the houses on each  
side of the High Street were entered by narrow closes. Mylne  
conceived the idea of an open square. In furtherance of his  
design he took advantage of an old Act of the Scots Parlia-  
ment anent ruinous houses in Royal Burghs. This Act  
authorised Town Councils, in the case of ground which had  
become waste, or tenements which had been destroyed by fire  
and were not rebuilt, to sell off the ground at a valuation, and  
to divide the purchase money amongst the former proprietors.  
The valuation of the old tenements and ground acquired by  
Mylne to form a Square is denominated as an 'Appreciation  
made by fifteen indifferent understanding persons.'

Mylne appears to have been proud of his project, and in  
certain documents signed by him, he announces his intention  
in rather exuberant language. He speaks of his intention to  
build 'A large structure and edifice which might not only

<sup>1</sup> This manuscript was prepared eleven years ago by the late Mr. Irvine A. Stirling, S.S.C. Though consisting merely of rough notes never intended for publication, it contains some fresh and interesting facts regarding Mylne Square, which was demolished on the reconstruction of North Bridge Street. The narrative, which is based on a perusal of title deeds and the Records of the old Dean of Guild Court, makes clear for the first time that Robert Mylne had not (as is generally supposed) acquired the whole of the ground on which the Square bearing his name was built. Some omissions have been found necessary, but the substance of the manuscript is here reproduced. With regard to the builder's name, the usual spelling has been followed.—Ed.