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PLATE

CHARTER BY DUNCAN II IN FAVOUR OF THE MONKS OF ST CUTHBERT OF
DURHAM, 1094.

ILLUSTRATION IN THE TEXT

SEAL OF THE ROYAL BURGH OF HADDINGTON.

TWO EARLY EAST LOTHIAN CHARTERS.

Few of our early charters have received so much attention from the historian and the legal antiquary as the one by which King Duncan II granted to the monks of St Cuthbert of Durham certain lands in East Lothian: to the former it marks an important stage in the long conflict between the Saxon and the Celt for the hegemony of Scotland, while to the latter it is important as the oldest writing extant of the Kings of Scotland and the only surviving example of a Scottish charter executed in the Anglo-Saxon style. On these grounds alone it may not be of especial interest to the historian of East Lothian, but the fact that it deals with familiar lands in the county, which is thus brought at an early date into the main stream of Scottish history, should have ensured that some notice was taken of it. It is a curious fact, however, that the writers of our county and parish histories have consistently ignored it, and some of them seem to have been unaware of its existence.* It is perhaps not inappropriate, therefore, that it should be printed in the first volume of our *Transactions* in order to remedy the local neglect to which it has been subjected.

The second charter illustrates the rapid Normanisation of the county which took place during the twelfth century. When Duncan II, the granter of the previous charter, entered Scotland in the spring of 1094, in order to recover his father's throne, the population of East Lothian was mainly of Anglo-Saxon origin, many of them, no doubt, with a sprinkling of Celtic blood in their veins. It was not until the reign of Alexander I (1107-1124) that the Anglo-Norman settlement of Scotland commenced: it increased rapidly under his brother David I (1124-1153) and at the date of the second charter the Anglo-Normans were the dominating element in the country. There can be few more interesting pieces of research for our members than to trace the displacement of the old native landowners of East Lothian by those vigorous intruders and also to find out to what extent their descendants in turn disappeared after the War of Independence.

* There is a facsimile in Green's *East Lothian*. The thanks of the Society are due to Messrs W. Green & Son, Ltd., Publishers, Edinburgh, who have kindly lent the block for reproduction in our *Transactions*.

The text of the two charters, with translations and illustrative notes, follow:

I.

Ego Dunecanus filius regis Malcolumb constans hereditarie rex Scotie dedi in elemosina Sancto Cuthberto et suis seruitoribus Tiningeham Aldeham Scuchale Cnolle Hatheruich et de Broccesmuthe omne seruitium quod inde habuit Fodanus episcopus et hec dedi in tali quitantia cum saca et soca qualem unquam meliorem habuit Sanctus Cuthbertus ab illis de quibus tenet suas elemosinas: Et hoc dedi pro me ipso et pro anima patris mei et pro fratribus meis et pro uxore mea et pro infantibus meis: Et quoniam uolui quod istud donum stabile esset Sancto Cuthberto feci quod fratres mei concesserunt: Qui autem istud uoluerit destruere uel ministris Sancti Cuthberti aliquid inde auferre maledictionem Dei et Sancti Cuthberti et meam habeat. Amen. † Crux Dunecani Regis † Scribtoris Grentonis † Aceard † Ulf † Malcolumb † Eadgari † Hermer † Aelfric † Vinget † Hemming † Teodbold † Earnulf.

(Translation)

I Dunecan son of King Malcolumb constant king of Scotland by inheritance have given in alms to Saint Cuthbert and to his servants Tiningeham Aldeham Scuchale Cnolle Hatheruich and of Broccesmuthe all the service which Fodan the bishop had thence: And these I have given in quittance as good with sac and soc as ever Saint Cuthbert has had from those from whom he holds his alms: And this I have given for myself and for the soul of my father and for my brothers and for my wife and for my children: And because I have determined that this gift should be firm to Saint Cuthbert I have caused my brothers to join in the grant: But whosoever would destroy this or take from the servants of Saint Cuthbert any thing of it let him bear the curse of God and of Saint Cuthbert and mine. Amen. † The cross of Dunecan the king † of Grento the writer † of Aceard † of Ulf † of Malcolumb † of Eadgar † of Hermer † of Aelfric † of Vinget † of Hemming † of Teodbold † of Earnulf.

II.

Ada comitissa mater Regis Scottorum omnibus amicis et hominibus suis clericis et laicis Salutem: Noverint presentes et posteri me dedisse et concessisse et hac mea carta confirmasse Alexandro de Sancto Martino et heredibus eius Elstanesford per illas easdem diuisas per quas David Rex eandem Elstanesford ei dedit: Insuper dedi ei Barowe et Donecaneslaye et Bangelaye per omnes eorum rectas diuisas; et terram illam quam Uhtredus filius Gilise tenuit et terram illam quam est ex orientali parte Seitonie per illas diuisas per quas homines mei eidem Alexandro easdem terras perambulaverunt et tradiderunt ei; et situm molini sui super Tinam; et unam carucatam terre in Carelsira scilicet in Petollin; et unum plenarium toftum in Hadinton et aliud toftum in Carel: Omnesque has prenominatas terras et tenementa cum omnibus rectis divisio in bosco et plano in pratis et pasturis in moris et maresiis et cum omnibus liberis et iustis pertinentiis suis dedi et concessi et hac mea carta confirmaui predicto Alexandro et heredibus suis: Tenendum (sic) de me et de heredibus meis in feodo et hereditate libere et quiete et honorifice per servicium unius militis cum sake et soke cum tol et them et cum infangethef et cum omnibus libertatibus quibus ille miles tenet qui melius liberius et quietius vel honorabilius tenet in toto regno: Testibus Davide filio meo Hugone Giffert Seiro de Tenes Rogero de Valonium (sic) Waltero Giffert Hugone de Baillol Willelmo Giffert.

(Translation)

Ada the Countess mother of the King of Scots to all her friends and men cleric and lay Greeting. Let those present and to come know that I have given and granted and by this my charter confirmed to Alexander of Saint Martin and his heirs Elstanesford by those same marches by which King David gave the said Elstanesford to him: Moreover I have given to him Barowe Donecaneslaye and Bangelaye by all their right marches and that land which Uhtred the son of Gilise held and that land which is on the east side of Seitonie by those marches by which my men perambulated the said lands to the said Alexander and delivered them to him; and the site of his mill on the Tyne, and a carucate of land in Carelshire namely in Petollin, and a full toft in

Hadinton and another toft in Carel: And I have given granted and by this my charter confirmed to the said Alexander and his heirs all those above-named lands and tenements with all their right marches in wood and plain meadows and pastures moors and marshes and with all their free and just pertinents: To be held of me and my heirs in fee and heritage freely quietly and honourably for the service of one knight with sake soke thol them and infangthief and with all liberties as well freely quietly or honourably as any knight who holds in the whole realm. Witnesses David my son Hugh Giffert Sero de Tenes Roger de Valoniis Walter Giffert Hugh de Baillo William Giffert.

NOTES.

(I)

The original is preserved, like so many other early Scottish charters, in the Treasury of Durham Cathedral. It has been frequently printed and engraved. The text will be found in *The National Manuscripts of Scotland*, Part i No. ii; Raine's *North Durham*, Appendix, p. 1; Anderson's *Diplomata Scotiae*; Robertson's *Index of Missing Charters*, p. 153; Lawrie's *Early Scottish Charters*, No. 12; Haddan & Stubbs's *Councils* ii part i p. 165; Dalrymple's *Collections* (1705) p. 229; and Canon Smith's edition of *Bede* (1722) p. 760. A facsimile appears in the first three works and also in Hume Brown's *History of Scotland* (Illustrated Edition) Vol. i; Fraser's *Memorials of the Earls of Haddington*, Vol. i; and Green's *East Lothian*.

Ego Dunecanus filius regis Malcolumb: Duncan was the eldest son of Malcolm III by his first wife Ingibjorg, widow of Thorfinn Sigurdson, Earl of Orkney. Doubt has, however, been expressed as to the identity of the lady and also as to the legitimacy of the marriage. In 1072 he was given as a hostage to William the Conqueror, after whose death he was released by Duke Robert. He continued at the English Court until the spring of 1094, and was in training and upbringing an Anglo-Norman. In addition to the grant to Durham he also gifted to the Abbey of Dunfermline the lands of Lusker, which the monks, more fortunate than their brethren of Durham, retained in their possession down to the Reformation.

Constans hereditarie rex Scotie: These words have given rise to considerable discussion, but it is probable that Duncan was merely copying the Conqueror, who in two charters to Durham describes himself as *Rex Anglorum hereditario jure factus*. On the other hand he may have wished to emphasise the hereditary nature of the succession to the crown under the law of primogeniture as contrasted with the selective and elective element in the law of tanistry. It is interesting to note that the *Chronica de Mailros* (p. 51) states that Malcolm, his father, "suscepit regnum Scotiae jure hereditario." When Malcolm was killed at Alnwick on 13th November 1093, his brother Donald Bane succeeded him under the old Celtic law of tanistry which regulated the succession to the crown north of the Forth; but as that law was not recognised in the southern part of Scotland, where as in England the law of primogeniture prevailed, Duncan would be acknowledged by his southern subjects as *de jure* king of Scotland. With their assistance and with the active help of a body of English and Norman knights, who came north in his train, he deposed his uncle about the 12th of May 1094. Six months later he was betrayed and slain and his uncle again ascended the throne. The later Scottish kings with the exception of John Balliol almost invariably described themselves as "King of Scots."

Ego antonius filius regis Bladudini constanti hereditario
 reo fore: dabo in elemosina. Sed Cuthbertus et sua hereditario: hanc
 hanc Althele. Seneschale. Cnolla. hachet-wireh. et de Broccostin uche
 me fecerunt quod inde habuit folan-epis. et hoc dedit in tali quan-
 ta cu' dca et soca. quale iniqua inuicem habuit scilicet Cuthbertus
 ab illis de q'is. tunc sua elemosina. Et hoc dedit p me ipso. et
 panna panni mei. et p fribus meis. et p uxore mea. et p infan-
 tibus meis. Et qui uoluit quod istud domum habile est scilicet archiepo.
 facta quod frater mei cesserit. Qui autem istud uoluerit destruere. ut
 inuoluerit scilicet archiepo aliquid inde asserre: maledictione dei.
 et scilicet Cuthberti. et mea habeat. am.

Cuius duntaxat regis ^{gratia}
 edgari ^{gratia}
 malcolth ^{gratia}
 uen goe ^{gratia}
 uo bold ^{gratia}
 en rualf ^{gratia}
 ul f ^{gratia}
 al f ^{gratia}
 hgr. mo. ^{gratia}
 hgr. mo. ^{gratia}
 hgr. mo. ^{gratia}



Sancto Cuthberto: St Cuthbert is said to have been a native of the Lothians and to have spent his boyhood on the banks of the Tyne near Tynninghame. He died in 687.

Tynningham Aldeham Scuchale Cnolle Hatheruwich et de Broccesmuthe: Tynninghame, Auldham, Scoughall and Knowes are in the parish of Whitekirk; Hedderwick and Broxmouth in the parish of Dunbar. St Cuthbert's early association with these lands was no doubt one of the considerations which moved the monks of Durham to obtain this charter from Duncan. At the time it was granted, the lands were part of the endowments of the see of St Andrews, which was then under the rule of a bishop of the Celtic Church, so that the monks of Durham would have no compunction in despoiling a rival who did not acknowledge Rome. On the death of Duncan, the grant became inoperative.

Fodanus episcopus: Fothad or Fodan, Bishop of Alban. There were two ecclesiastics of that name: the first was second bishop of Alban and demitted office in 955: the second was the last bishop (1059-1093). The reference in the charter is to the latter.

Cum saca et soca: These words which are found in charters from an early date denote certain customary rights of jurisdiction vested in the lord of the manor.

Et hoc dedi pro me ipso et pro anima patris mei etc. In grants to religious houses the consideration was invariably prayers and masses for the souls of the granter, his predecessors and successors.

Pro uxore mea et pro infantibus meis: He married his cousin Ethelreda, daughter of Earl Gospatric of Dunbar, formerly Earl of Northumberland. He had a son William.

Quod fratres mei concesserunt: It was usual in Anglo-Saxon charters for the children and heirs of the granter, as having a right of succession in the property, to give their consent. This charter is the sole authority for the existence of Malcolm. Edgar was the fourth son of Malcolm III and Margaret, and was king of Scots 1097 to 1107.

Maledictionem Dei Sancti Cuthberti et meam habeat: A similar clause is usually found in Anglo-Saxon and Anglo-Norman charters and is often expressed in terse and vigorous language. The clergy were forbidden to wield the secular sword, and in those violent and barbarous times had to rely on spiritual curses against anyone who presumed to infringe their rights. Probably in a superstitious age it was as effective as the secular arm in protecting their rights.

Date: In the spring of 1094 when Duncan passed through Durham on his march to Scotland to assert his claim to the throne. Our earliest charters are undated and an approximate date can only be assigned to them from internal evidence, usually from the names of the parties and witnesses. Royal charters from 1199 contain the month and the day of the month, and from 1222 the regnal year.

Authentication: The usual method of authenticating Saxon charters was by subscription of name with the addition of the sign of the cross, which was thought to lend additional force and sanctity to the deed. For those who could not write the sign of the cross alone was sufficient. Some doubt has been cast on the authenticity of the seal attached to this charter, but there is not much force in the objections adduced. While Anglo-Saxon charters were not usually sealed, the Anglo-Norman kings had their Great Seals, and in a charter of William II. (1087-1100) to Durham his Great Seal is still attached. The charters of Edgar, King of Scotland, Duncan's half brother, who reigned 1097-1107, were sealed. The legend on the seal, which is now almost obliterated, is suggested by Laing to be *Sigillum Duncani Deo Rectore Regis Scottorum* (*Ancient Scottish Seals* i No. 1).

(II)

The original is preserved in the *Laing Collection* (No. 57) in the Library of the University of Edinburgh. It is printed in abstract in the *Calendar of the Laing Charters* (No. 2) and in full in

Wallace-James's *Deeds relating to East Lothian* (No. 1). A fresh and careful collation has been made of the text, which has disclosed some misreadings in the transcript printed in the latter work.

Ada comitissa mater Regis Scottorum: daughter of William, second Earl of Surrey, and widow of Henry, earl of Northumberland and Huntingdon, the younger son of David I: founded the Cistercian Nunnery at Haddington. She was married in 1139 and died in 1178.

Alexandro de Sancto Martino: of Anglo-Norman descent. David I granted to him the lands of Athelstaneford, and William the Lion, the lands of Crumbestrother, also in East Lothian. He was a generous benefactor to the Abbeys of Newbattle and Dryburgh. Dr James thought it probable that he was related to Countess Ada.

Elistanesford: now Athelstaneford. It was part of the dowry lands of Countess Ada, and after her death it was granted by William the Lion, her son, to John de Montfort. The boundaries between it and Haddington, as given in King David's charter, are as follows:—"Robedd'ne and "as that extends beyond the peatery up to the boundary which divides the land of Alstanefurd "and of Garmeltun, and from that boundary up to the burn which leads to the head of Kipdud "towards the west and that part of the land of Drem which I retained in my hands when I gave "Drem to Cospatric, and from the head of Kipdud by a path which goes to Radepo and from "Radepo along a march which goes across towards Drem and almost up to it, and thereafter by "the march which goes on the upper part of the land of Robert, son of Galfrid, right to the land "of Fortona" (*translation*) (*Lawrie's Early Scottish Charters*, p. 149).

Barowe et Donccaneslaye et Bangelays: Baro, formerly in the parish of the same name now united with Garvald: Duncanlaw in the parish of Yester: Banglaw in the parish of Haddington. The latter was granted by Alexander de St Martin to the Abbey of Dryburgh in order to reconcile Richard de Moreville, whose brother Malcolm had been accidentally killed, while hunting, by Adulph a brother of Alexander. In the *Liber de Dryburgh* it invariably appears as Langelaw in all the charters, but curiously enough it is always Banglaw in the Rentals.

Scitonie: This is the first mention of the lands of Seton in Scottish records. There has been much discussion as to the origin of the name. Chalmers (*Caledonia*, 1887, ii p. 517) was of opinion that a member of the Anglo-Norman family of Say came to Scotland and obtained from David I a grant of lands in East Lothian "which from him were called *Say-tun*; whence his descendants obtained the surname of *Saytun* or *Seton*." Sir Richard Maitland of Lethington in his quaint *Historie and Cronicle of the Hous and Surenane of Seytoun* (Maitland Club) says the "landis ar callit Seytoun for ane grit caus, becaus they ly hard vpon the Sey cost and the Toun tbair of is neir to the sey" (p. 15). There is no record extant of the perambulation.

Et situm molini sui super Tinam: Ada, daughter of Alexander de St Martin, granted half a merk yearly to the monks of Holyrood from the rent of her mill of Athelstaneford. In medieval times the possession of a mill was a most valuable right, and it performed a much more important part in rural economy than it does now.

Et unam carucatam terre in Carelstra scilicet in Petollin: Carel is Crail. "The word Shire (*schira*, *scyra*) so common in our older church records is often equivalent to parish, but sometimes applies to some other 'division' of church territory which we cannot now define" (Innes's *Sketches of Early Scottish History*, p. 3 n.). "The royal demesne of Crail, with its castle, was frequently part of the jointure lands of the Queens of Scotland." (Sibbald's *History of Fife*, 1803, p. 345 n.) Petollin is probably Pettowie in the parish of Crail.

Et unum plenarium toftum in Hadinton et aliud toftum in Carel: grants of tofts in royal burghs to religious houses were of frequent occurrence. One of the objects was to secure responsible and improving tenants for the Crown property in the new burghs.

Tol et them et cum infangethef: Tol is the right to exact custom for goods passing through the

grantee's lands; also the right to exemption from such custom: *Them* is "the right of compelling the person in whose hands stolen or lost property was found to vouch to warranty, that is, to name the person from whom he received it." (Stubbs's *Select Charters, Glossary*): *Infangethef* is the right to try and punish a thief caught with the "fang" or booty within the grantee's jurisdiction.

Dauid filio meo: David, Earl of Huntingdon, youngest brother of Malcolm IV and William the Lion: born c. 1144; died 1219.

Hugone Giffert, Waltero Giffert, Willelmo Giffert: The family of Giffert were of Norman origin and were related to William the Conqueror from whom they obtained extensive possessions in England. According to Chalmers (*Caledonia* ii, p. 516) two of them settled in Scotland in the reign of David I. Hugh, the first witness, had a grant from Malcolm IV, confirmed by William the Lion, of the lands of Yester and other lands (*Yester Writs*, Scottish Record Society, No. 1). He was succeeded by his son William who is probably identical with the William Giffert who witnesses this charter. Walter appears as a witness to a charter of William the Lion (Fraser's *Douglas Book* iii No. 280).

Seiro de Tenes: Constable of David, Earl of Huntingdon, the first witness.

Rogero de Valoniam: of the Anglo-Norman family of Valoniis: a brother of Philip de Valoniis, chamberlain of Scotland: obtained from William the Lion a grant of the manor of Kilbride.

Hugone de Baillal: of the Anglo-Norman family of Baliol: a benefactor of the Abbey of Kelso.

Date: the limiting dates are 24th May 1153 when Malcolm IV succeeded David I, and 1178 when Countess Ada, the granter of the charter, died.

WILLIAM ANGUS.

THE INCORPORATION OF BAXTERS OF HADDINGTON.

Amongst the various old records which still exist in ancient towns, those of the Incorporated Trades hold an important place, for, apart from the local information contained in them, they are of great value in the study of the development of the Mediæval Burgh. In Haddington there were nine such Trades, namely, the Baxters, Fleshers, Hammermen, Masons, Shoemakers, Skinners, Tailors, Weavers, and Wrights. While in many instances it is not uncommon to find that the records of Incorporations have in the past been either destroyed or lost through neglect, there is some evidence to the contrary in Haddington. Up to the present time the documents of three of the Trades have been made accessible to the writer, and it is pleasant to see how very carefully they have been kept by those in possession of them. The papers of the Baxters* under review consist of the Seal of Cause granted by the Magistrates in 1550, a Minute Book extending from 1677 to 1743, and a number of miscellaneous papers. It will be understood that, with gaps in the records, this study is far from being anything like a complete presentation of the history of the Incorporation. It is based on such information as the documents have afforded, together with some facts gleaned from other sources.

Trade Incorporations had both a secular and a sacred side. The papers deal exclusively with the secular, and it is to be regretted that there are not amongst them any which throw light on the religious history of the Baxters. But, apart from the documents herein specially dealt with, we are happily not without one or two glimpses into the religious life of the Craft in pre-Reformation days. All the Incorporations had their altars in the Church, each altar being dedicated to a particular saint, and there is an entry in the Town Council Minutes of 5th November 1532 of the ratification of an Act that had been made by the Baxters in regard to the upholding of their altar. No doubt that Act had reference, among other matters, to the dues to be paid

* The thanks of the Society are here recorded to Mr T. W. Todrick, Solicitor, Haddington, in whose excellent keeping the papers have been preserved, and who has kindly lent them for the writing of this article.

by the members for the upkeep of their altar, and for the payment of a priest to attend to it, for it appears that in Scotland very few of the Trades' altars were endowed to any great extent, and, consequently, the upkeep of them had to be met by the members. The arrangement was that each member had to pay a certain sum per week for the purpose. In 1531, the dues payable per week by the Shoemakers of Haddington to maintain their two altars are stated to be as follows:—Each master one penny, each servant a halfpenny, and each prentice, "when he is bundyn," half a merk. There can be little doubt that the sums payable by the Baxters were very similar.

The Baxters also took their part in the various festivals of the Catholic Church. Prominent amongst these was that of Corpus Christi Day, when the members of the nine Incorporations, in their best clothes, walked in procession after their respective banners, on which the arms of the Craft were emblazoned, while, in the rear, came the clergy with the Host. The order of the Trades in the procession was strictly adhered to, the precedence of the older Incorporations being jealously guarded. In reference to such precedence there was, for instance, a dispute between the Masons and the Wrights in 1532. The Baxters, with other Trades, also took their part in the various Miracle Plays. On 28th May 1537, it is recorded in the Burgh books that the Assize ordained that the Baxters and other Crafts were to play their pageants yearly, and in that year they were to take place on Midsummer Day.

But apart from such references, we are brought closely in touch with the Church life of the Baxters by means of a List of Collections made in the Parish Church in 1558, which not only gives a note of the amounts collected on Sundays and days of special celebration, but also states the names of those who carried round the box. The following is a specimen of such entries:—
 "Upoun ye xxiiij day of Julii resavit be Johne Douglas, baxter, ijs d½."
 Other collectors were Johne Mayne, James Ayton and Martyne Wilson, and it will be seen that they, along with John Douglas, who in 1540 was selected by the Town authorities to act as Abbot of Unreason if called upon to do so, appear as supplicants in the Seal of Cause quoted below. It is further interesting to note that William Gibson, provost, Thomas Punton, bailie, and Bernard

Thomson, one of those complained of in the Supplication hereinafter referred to also did their part in taking the collection in the Church. If, therefore, we have no actual records dealing specially with the religious life of the Baxters, we nevertheless have in the above a picture of a community—provost, bailie and members of Crafts, including the Baxters—working together in the yet unbroken Church.

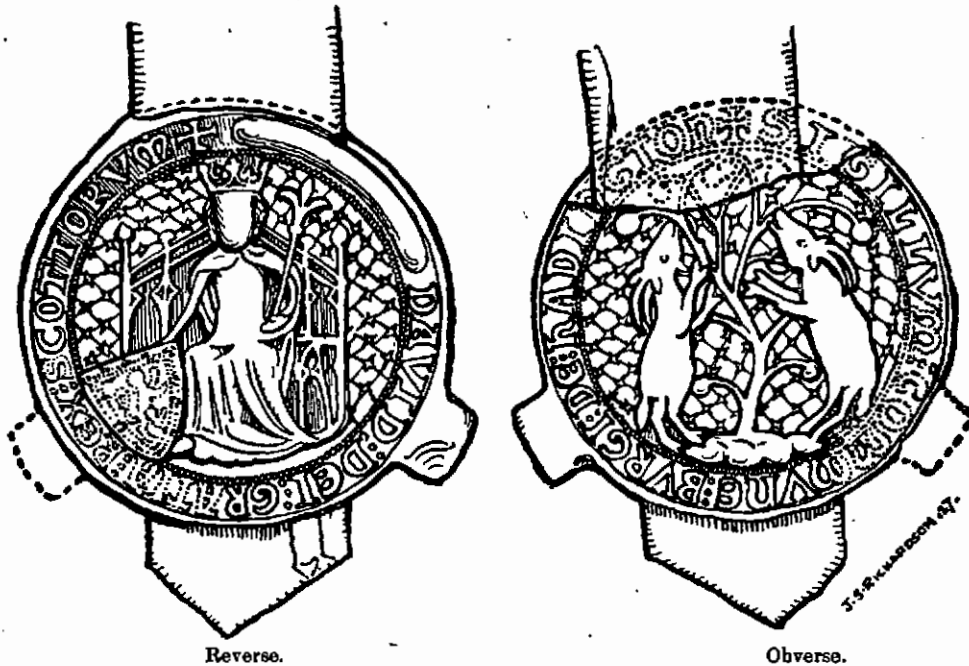
From very ancient times the weight of bread in Scotland was fixed by the magistrates at a sitting for the purpose, called the Assize. The table of weights at which the different kinds of bread were to be baked was fixed after a regular trial, or assay, and was known as the "paiss," the word being derived from the French *peser*, to weigh. Thus, in Haddington, on 29th January 1533, and on 9th October 1543, statutes were made in reference to the "paiss." On 27th November 1545, it was ordained that all manner of baxters were to make "gude sufficient court breid, to sell xxvi. unce for iiiid," and, at the same time, it was enacted that every baxter was to bake "ye third part of his bache in ii penny breid," and that no bread was to be brought out of the bakehouse until it was weighed by the bailies. On 27th January 1552, it was ordained "that the iiijd loaf be xxviii unce good sufficient court breid."

How long the Baxters of Haddington had been an incorporated body it is not possible accurately to determine. In a printed paper of "Information," lodged in the Court of Session in 1807, it is stated that the Incorporation was the most ancient of all those in the burgh, and that it appeared from the Seal of Cause that it had existed before the year 1550, although, from the records of the burgh having been destroyed by hostile invasion, it was impossible to trace the particulars of the original constitution. Further, in a Bill of Advocation in 1795, it is stated that the Incorporation had existed for nearly three centuries. These are statements which were made by the officials of the Incorporation, and it is evident that nothing can be added to them. The Seal of Cause, that is to say, the Charter, granted by the magistrates to the Incorporation, which is dated 3rd December 1550, states that it was given in the Court of Council of the Burgh, and mentions William Gibson as provost, and Thomas Ponton and John Archer as bailies. The Seal of Cause is somewhat

unique, inasmuch as it was not issued upon an *ex parte* application by the grantees, as was usually the case, but was given as a decret after discussion and deliberation. It is evident from the Act of Council of 16th October 1543 that unfreemen were encroaching on the rights of the Baxters, for it is therein ordained "yat nane yat is unfree baik nor brew." So we find that the Seal of Cause was granted as the result of a Supplication given in by Johne Mane and Archibald Kyill, deacons of the baxter craft, Martin Wilson, James Ayton, John Douglas, William Wemyss, Patrick Redpath, and the remanent baxters of the burgh, against Gelis Forrester, and Bernard Thomson, her spouse, for his interest; Agnes Wardlaw, and Alexander Barns, her spouse, for his interest; Margaret Hoge, and John Wilson, her spouse, for his interest; John Ayton, Helen Paterson, Stene Burght, and his spouse, to the effect that these persons "daily usis the craft of baxtery and baking of quhyit breid to be sold on to the lieges of this country as they think expedient, and daily keeps and holds common bakehouses and booths for buying and selling of breid, they nor nane of them having been of before received or admitted to the said craft, as accordit in contrair the statutes and consuetude of burghs and to the privilege granted to the brethren of the said baxter craft upon good considerations and motives, and therefore desiring them and everilkane of them to be compelled to desist and cease therefrae, all the said persons and parties being personally present: And the said provost and bailies, having consideration of the Supplication foresaid and the rychtis reasons and allegeances of all the said parties being heard seen and understand to them, finds decreets deliveris statutes and ordains that it is not lawful to the said persons or any others within the said burgh to use the said craft of baxtery, to hold and keep common bakehouses or booths for baking or selling of quhyit breid except sae mony as are of before or shall happen to be admitted to the said craft be the deacons and masters thereof; and because that nane of the said persons complenit on could verify that they were received or admitted to the said craft, as said is, therefore, the said provost and bailies decerns and decreets that they and ilk ane of them, baith principal and for their interest, shall desist and cease frae all further using and occupying of the said craft, holding of common bakehouses or booths for baking or selling, because they could not verify nor prove

before the said provost and bailies that ever they were received or admitted to the freedom of the said craft of before, as said is. Providing, nevertheless, that gif the said persons or any of them shall happen to prove sufficiently before the said provost and bailies that they were admitted to the freedom of the said craft of before betwixt the date hereof and the seventeenth day of May, year of God 1^m V^c and fiftie ane zeris, that sae mony as proves their admission within the said space, in manner foresaid, it shall be lawful to them to use and occupy the said craft in all times coming notwithstanding the strength of this decret, discharging them of all using of the said craft or privilege thereof unto the said day and ay and quhill sufficient probation of their receiving and admission to the said craft be sufficiently proven before the said provost and bailies."

It will be observed that the first part of this document deals exclusively with the complaint made, and is really a decret against the individuals named. What follows is essentially the Seal of Cause, and it is in the following terms:—" And also ordains that nae persone be received to the freedom of the said craft in ony time to come, but they that have first been prentices and worn furth their prenticeship conform to their band thereof, as use of other burghs is: And siklike decerns decretis statutes and ordains the saids deacons and masters of the said craft to have als mekill freedom and privilege in all times coming within this said burgh as the deacon and craftsmen of baxters of Edinburgh hais granted to them be the provost and bailies thereof; And that all persons admitted and that uses the said craft pays scat and lot tax and stent to be taxed and gaderit be the masters of the samen craft, and that in the business pertaining to the said craft; And als ordains the deacons of the said craft to answer the provost and bailies of the said burgh for all the hail craft for furnishing and baking of sufficient breid and just wecht thereof; And ilk master of the said craft to have ane merk of his ain ilk ane different frae others to be set on their breid, whereby the deacon of the said craft may know the same; and also ordains gif ony freeman of the said craft forberis his craft twenty days together willingly, and bakes not sufficient stuff for furnishing of our sovereign lady's lieges repairing of the said burgh, in that case it shall be lawful to the saidis deacons and masters of the said craft to deprive



the person committar of the said fault of the freedom and privilege of the said craft for his lifetime; and all other faults that shall happen to be committed by any person of the said craft to be corrected and punished by the provost and bailies of the said burgh; and ordains executorials to be direct hereupon as oft as need bees: And this our decret and deliverance pronounced and delivered at Haddington the thrid day of December, the year of God 1^m V^c and fiftie zeris: And ordains the samen to be inserted in our common book of our said burgh, and ane privilege granted and given be the said provost bailies and council of the said burgh to the said craftsmen successors and posterity of the samen craft."

The very fine drawings of the seal which we here reproduce are the work of Mr James S. Richardson, F.S.A.Scot., one of our members of Council. They were done specially for this publication, and the thanks of the Society are due to Mr Richardson for this valuable bit of work.

The document before quoted is written on a sheet of parchment to which is affixed a very interesting seal of the Royal Burgh of Haddington. Unfortunately, one or two bits of the border have, in the course of the centuries, been broken off, and the design which the King's shield originally bore is completely effaced. The following is a description of the seal:—

Obverse.—On a reticulated background, with small stars at the knots, a tree with branches bearing fruit, and two goats reaching up and partaking of the leaves or fruit. The marginal inscription is as follows:—
† SIGILLVM : COMMVNE : BVRGI : DE : HADINGTON.

Reverse.—On a background similar to the above, a King crowned and mantled, seated on a Gothic throne, the right hand resting on a shield which has evidently borne the Royal Arms of Scotland. In the left hand a sceptre with a *fleur-de-lis* head. The marginal inscription is † DAVID : DEI : GRATIA : REX : SCOTTORVM. The word *Sigillum*, which originally must have stood before the word David, had been erased from the matrix, leaving a deep impression in the annulus.

The goat on the sinister side appears to have been added to the original seal. Laing, in his "Supplemental Catalogue of Ancient Scottish Seals," records his opinion that an additional goat had been engraved on the original die sometime after 1518. It will be observed that the seal bears one of the clamps. In order to indicate the missing parts of the inscriptions, they have been conjecturally restored by dotted lines. The lion on the shield has been filled in as facing the King.

From the date of the Seal of Cause till 1677, a period of 127 years, there is a blank, so far as the papers at present dealt with are concerned. At the latter date begins a minute-book which, fortunately, has been preserved. Some pages at the beginning are wanting, but John Turnbull appears as deacon in the first minute. The minutes in this book, which include up to the year 1743, record the election of office-bearers, that is to say, the deacon, boxmaster, keykeepers and quartermasters, clerk, and officer, the setting of the boxpennie for the year, the booking of apprentices and journeymen, the admission of journeymen as freemen of the craft, regulations as to the baking and sale of bread, and the fines and imprisonment of members who have contravened the laws of the craft.

The office of deacon was the most important one that could be held in the Incorporation, and carried with it a seat in the Convener's Court. The election proceeded on a leet, and took place annually in September. At these elections the Trades' bailie had to be present, in order that the preses and remanent members might be "all qualified by law," as the minutes usually stated.

As has been seen from the Seal of Cause, the deacon had to answer to the provost and bailies on behalf of the whole craft for furnishing sufficient bread and of just weight. For this reason he had not only to visit the bakehouses but to inspect the bread exposed on the street on market days. On 30th July 1693, Patrick Sinclair and James Borthwick reported that a search of the market on the previous Friday had revealed the fact that the rolls both of Thomas Borthwick and William Jack were insufficient and that William Jack's were ill-baken. Sometimes a deacon erred in being too zealous in his duty. Such a case occurred in 1728 when Alexander Thomson, a baxter in the Nungate, raised an action against James Hislop, the deacon at that time, "for searching of mercat on Nungate bridge," and for seizing his "bread exposed to sale on the brig." Thomson obtained decret against Hislop, and when the latter made a request to the Incorporation for payment of his expenses, the demand was disallowed, because it was held that he had no authority without the concurrence of the magistrates to search the bridge.

But the deacon had to attend to many other difficult matters. It is recorded that on 11th December 1705 the deacon and craft members present convicted George Smyth for "vilepending the said craft at a public meeting in the said George his dwelling-house, and therefore unlaws him in the sum of five pounds Scots of contumace, and ordering the officer to apprehend him and put him in prison till payment thereof." And on 10th July 1721, a complaint was made by John Lamb against the same George Smyth, to the effect that he had called him "an Ideat and that he was not capable to be a deacon of the craft, which the said John Lamb could prove." It will therefore be seen that the office was one which had its own difficulties. A member of the body who was set aside to act as invigilator and who had to take the

initiative in actions against members, even to fine and imprisonment, frequently incurred the hostility of those who considered themselves aggrieved.

The next office-bearer in importance was the boxmaster or treasurer. The funds were kept in the Craft's box on which it was customary to have three locks, one of the keys being in the custody of the boxmaster and the other two in those of the key-keepers. As may be imagined, this method of keeping money sometimes led to difficulties. For example, in 1727 the Craft, having met on important business and requiring access to the box, fined John Nicolson, one of the key-keepers, for his absence, as he had been warned to be present.

In past centuries, for municipal purposes, towns were divided into quarters, and Incorporations, following the same principle, appointed office-bearers over these districts, their duties being to collect the weekly contributions and see that the Craft rules were observed. In Haddington, although the name of Quartermaster was applied to such office-bearers, there were only two, the office being conjoined with that of Key-keeper.

There were two paid officials, namely, the Clerk and the Officer. In pre-Reformation days the Priest of the altar probably acted in the capacity of clerk, but in later days other provision had to be made. James Smythe was clerk in 1677 and continued to be so till 1694. In that year P. Sleich entered into office and held it till 1716 when he was succeeded by J. Ainslie. Mr Ainslie appears to have acted for about thirty years. It is interesting to note, by reference to the Minutes of the Hammermen Incorporation, that at least from the time of James Smythe to that of Mr Ainslie the clerks acted for both Incorporations, and it may be found that they were the clerks for other Incorporations as well. Other clerks followed, such as John Gray and Peter Craw, but, as the Baxters' Minutes do not go beyond 1743, it is not possible to give accurate dates.

As before indicated, the officer had to summon members to attend the craft meetings. The warning when a deacon was to be appointed was a most important matter, and the officer had to take oath before a magistrate that he had given it. There is no evidence in the minutes that the Baxters had a hall of

their own. From the seventeenth century, and no doubt very much earlier, the meetings took place in the Tolbooth right on to 1742. But there were occasions when, for one reason or another, this rule was departed from. One such occasion was on 8th September 1722 when the meeting was held in the house of John Lamb as the use of the Tolbooth could not be had owing to its being required by the Magistrates. Another occurred on 6th September 1772, when the meeting was at first convened to be held in the Tolbooth, but, on account of a tumult arising, in which George Smyth, the deacon, and several of the craft were threatened, it was appointed to meet in the deacon's house. On 6th September 1742, there is, for the first time, a change, for on that date the meeting was held in the "New hall of the burgh."

After the Reformation the various Incorporations had seats, or lofts as they were called, in the church, each one having a painting in front denoting the nature of the trade. The Baxters had a wheat sheaf, beams and scales for weighing dough, and the words "Bread is the staff of life." It was part of the duty of the Craft's officer to look after the seat, and in August 1729 there is a reference to its having been repaired.

When a boy wished to learn the trade of a baxter, his father applied to one of the freemen, who had a business in the town, to take him as an apprentice. The period during which a boy had to serve his master and learn his trade was five years, and an indenture was duly drawn up. The principal terms of such an indenture are quoted from one signed only about two years before the Incorporation came to an end, but, as the craft was very conservative as to its ancient forms, it may safely be assumed that the nineteenth century indenture followed very closely on the lines of those of the 16th, 17th, and 18th centuries. The indenture quoted is between James Nisbet, baker, and Thomas Muat, and is dated 27th August 1844. The apprentice binds and obliges himself to serve and obey his master by night and by day in everything honest and lawful, to be a diligent apprentice, and not to absent himself from his master's service without liberty asked and obtained nor to see and conceal his master's skaith, but reveal and prevent the same to the utmost of his power; and, in case of the contrary, he binds himself to serve his master two days after the expiry of the indenture for each day's absence

during the currency thereof, and to pay him two pennies for each penny's loss he may sustain by or through his default; and Robert Muat, the boy's father, binds and obliges himself to maintain him in wearing apparel and washing during the currency of the indenture. For which causes James Nisbet binds and obliges himself to teach, learn, and instruct Thomas Muat in his art and trade as a baker, and that in so far as he himself knows, or shall happen to practise for the time, and to do his endeavour to cause him learn and understand the same in so far as he himself knows or the apprentice shall be capable to learn and understand. As also to furnish the apprentice with sufficient bed and board during his apprenticeship. And for James Nisbet's more sure performance of his part of the premises, Cornelius Smith, baker, in Haddington becomes bound as cautioner and surety for him. When such a document was completed and duly signed by the master and his cautioner, and the boy and his father, the master appeared with the boy at the first craft meeting, and requested to have the apprentice booked.

When the apprentice had served his five years, a discharge was written on his indenture, and he appeared before the Incorporation and requested to be booked as a journeyman. After he had completed his indenture he had to serve three years as a journeyman. At the expiration of that period he could make application to the Incorporation to be admitted a member of the Craft. If the Incorporation received his application favourably, his knowledge of and skill in the trade had first to be tested. A typical minute in regard to such an application is that of June 1695. It narrates that there appeared George Smyth, second lawful son of Robert Smyth, burghess of the burgh, who produced his indenture, which showed that he had duly served his apprenticeship, and desired that an essay might be enjoined by the Craft to him to the effect that he might be created a freeman, which desire they thought reasonable, and decided to create him a freeman, on payment of 50 merks Scots to the Craft's box, with the other dues used and wont. They then enjoined a batch of 12 penny loaves or mainshots, to be baken by him in John Bickerton's oven, and appointed Alexander Thomson and Thomas Borthwick to be essay masters. The various entries in regard to candidates for admission as freemen usually record (1) the essay to be set, (2) the names of the essay

masters, and (3) the day and hour at which the work is to be performed. The essay invariably consisted of twelve penny mainshots, these being small loaves of white bread. The word was really *manchet*, signifying, in French, a small loaf of fine bread. If the young baxter's essay was accepted he could then open his shop, and put up his sign, which in most cases, in later days at all events, represented in the centre a wheat sheaf, with "winged-rolls," "Dollar biscuits" and "butter bakes," and sometimes quartern bricks and oven peels, on each side. He could also take his place at the meetings of the Craft in the Tolbooth. In due time he would probably be advanced to be one of the key-keepers and quartermasters, and ultimately, when he was older, would probably be made deacon.

But the Incorporation had not only the booking of apprentices and journeymen, and the creation of freemen to attend to, but had to frame laws in regard to various other matters. For instance, it is recorded on 2nd April 1703 that, having taken into their consideration that there were a great many huggsters in the town who bought their bread from the freemen of the Craft, and sold it at a lower rate than the freemen themselves, which was "very prejudicial to the said Craft," they ordained that in all time coming it should not be lawful to the huggsters to sell any manner of bread bought from freemen or non-freemen. Another example may be referred to. As is well known, it was customary in the 18th century and early 19th century for the working people in rural districts in Lowland Scotland to have what was called a "Penny Wedding," when gifts of money were given to the bride and bridegroom by the wedding guests, who also aided in providing the feast. These weddings were common in Haddington and district, and it seems to have been the practice for some of the contributors to the feast to take their own flour to the baxter and to ask him to bake what was necessary. The Incorporation did not approve of this, and, under date of 2nd November 1715, we read:— "And, considering that in tymes by-past the freemen of the said baxter craft did bake loaves, shortbread, and pyes to public weddings, which was not of their own flour, but belonging to the makers of the said weddings, which was prejudicial and detrimental to the said baxter craft, wherefor and for preventing any such abuses in tyme coming, it is statute and ordained that no baxter

freeman and burgess of the burgh in time coming shall bake any loaves, short-bread, or pyes, or any other sort of bread, to any public wedding within this burgh unless the flour be bought from themselves, and they have the benefit of baking the said bread."

There were many primitive customs in connection with the carrying on of bakers' businesses in past times which cannot be entered into here, but it may be of interest to mention the use of nick-sticks. Two narrow slips of wood or sticks as they were called of the same length were procured, one being kept by the baker and the other by the customer. When the latter received a loaf of bread, both sticks were put together, care being taken that the ends of each coincided. The baker then took a knife and made a notch or nick across both slips, handing back the customer his stick. When the sticks were filled, or a certain number of nicks made, the customer paid the baker, and each was able to check the account from his own stick. This practice was still in use in Haddington in the forties of the nineteenth century, as the writer has heard of it from one who was accustomed as a girl to carry the nick-stick to the baker.

But the Baxters as an Incorporation were in a somewhat unique position, for they were thirled to the town's mills, and by far the greatest amount of their troubles and litigation arose out of their compulsory connection with them. The town owned two mills, namely the East and the West. The fabric of the East one at Poldrate still exists, and the pleasing sound of its old water wheel can still be listened to. The machinery is now of the most modern type, but it is interesting to note (1) that the propelling power is still the old water wheel and (2) that an old barley mill remains intact in a part of the building. The West Mill, which was rebuilt in 1843, has long ceased to be a flour mill although the fabric still remains.

It was customary that all residents in a Barony who had grain to grind were thirled to the mill of the Barony, and consequently in that case no person, whether baxter or otherwise, could take his grain to be ground outside of the Barony. The territory subject to the monopoly was called the "Thirl or Sucken." Burghs also had their mills, but the question of whether a burgh had the right of thirling to its mills depended on the terms of its Charter.

It should be explained that the persons connected with the mills were (1) the mill master or tacksman, that is, he who rented the mills from the town, and (2) the working miller. There were dues payable both to the mill master and the miller, the former being termed the multures and the latter the sequels or knaveship. The English word "multure" is derived from "mola," a mill. The French for it is "Mouture," and the Scottish millers, evidently following the French pronunciation, called it "mouter." There were three kinds of multures, namely (a) insucken multures, (b) outsucken multures, and (c) dry multures. Insucken multures were paid by those residing within the territory who were thirled to the mill. Outsucken multures were paid by those living outside the territory, who, by their own free-will, sent in their grain to be ground. Dry multures referred to the dues which those who were thirled had to pay if they broke the law and got their grain ground outside the territory.

It appears that in Haddington, up to 1743, there had not been any very definite regulations as to dues payable at the mills, but in that year the Town Council, "taking into consideration that there are at present no established rules as to the dues at the mills of the burgh" appointed a committee to investigate the whole question, to interrogate old residents who had been long connected with the mills, and to submit to the Council a proposed table of dues. The committee duly carried out their work and submitted their proposals, which were accepted by the Council. The table dealt with the multures and sequels payable for (1) wheat, (2) oats, (3) hummell-corn, which comprised bear, peas, beans, and rye, and (4) malt. In view of the following details it should be explained that a "straiked" measure indicated that the contents were level with the top of it, and a "heaped" one that there was as much heaped up in it as the measure would hold.

Under the head of wheat, for every six firlots ground the baxter had to give as multures to the mill master (a) one peck straiked containing six pints Scots measure, (b) a heaped dishful of flour, and (c) a heaped bottom of flour. The measure of "a dish" was a Scots pint, and "a bottom" was half a dish. For the same quantity of wheat, namely, six firlots, the baxter had to give as

sequels for the knaveship (a) a heaped bottom, and (b) a straked bottom of flour.

In the grinding of oats, for every six firlots of sheeling, the baxter had to give to the mill master as multures a heaped peck of it, and for every firlot over six, a heaped dishful. Sheeling, it may be observed, was the thin substance containing the meal, which was separated into two parts, namely, meal and meal seeds. In addition, for every three bolls of sheeling he had to give a straked peck of oatmeal to each of the mill masters and to the knaveship, and for every half-boll more a straked dishful of oatmeal to each of them.

In the grinding of hummell-corn, for every firlot ground the baxter had to give to the mill master a dishful and to the knaveship a heaped dishful of meal for every six firlots or under.

In addition to the above-mentioned sequels, the working miller got (a) threepence sterling for grinding each boll of wheat, (b) a heaped dishful of meal for each boll of rough oats, and (c) one shilling four pennies Scots for drying each boll of oats.

In the case of malt, and in this connection it should be kept in view that many bakers were brewers as well, the arrangements were as follows:—For each six firlots of malt a heaped peck had to be paid to the mill master and a heaped dishful for the knaveship. Each steep of malt, containing 11 or 12 bolls at most, paid 8 heaped pecks to the mill master and a heaped dishful for the knaveship. And every firlot under 6 firlots, or any quantity under it, paid a dishful to the knaveship; and from or above 6 firlots and under 12 firlots of malt paid two heaped dishfuls to the knaveship. The miller's dues for grinding each boll of malt was one shilling Scots.

Although the mills belonged to the town, it appears that at some period the town had given the baxters the privilege of recommending or appointing one of the working millers. In the Incorporation Minute Book, under date 3rd March 1741, it is recorded that as Robert Cockburn, miller in the West Mill, was to remove at Whitsunday following, and Andrew Hogg, late miller in the Common Mills of Edinburgh, was at that time "out of business and

well qualified for grinding wheat," the Incorporation agreed to take him for a year from Whitsunday 1742, and to give him threepence sterling for grinding each boll of wheat, a free house in place of his swine's meat, and the dues of other grain conform to use and wont. The rent of the house was to be £8 Scots per annum. In addition to this the Incorporation had a bolting machine in the mill. It had always been the rule that the baxters did their own bolting, that is to say the separating of the bran from the flour, and at some early period the town had allowed them to introduce a machine. There is evidence that in or about 1798 a new bolting machine was set up, and a considerable number of accounts were incurred at that time in connection with it. But there were other utensils which the Craft held in common. An instance of this may be found in the Minute of 7th November 1783, in which it is recorded that the Incorporation decided to buy for the use of the Craft a "harp or sirce and two wyre sives." The searce or harp, as it was also called, was an implement used in cleaning the grain.

But in the eighteenth century, if not earlier, the baxters, both in Haddington and other towns, were chafing under the restrictions of thirlage, and for some years previous to 1783 there had evidently been an organised attempt to evade it. In 1783, George Allan was tacksman of the Haddington mills, and he brought an action for abstracted multures before the Magistrates, libelling that the bakers and others named had refused to grind at the mills and brought into the town large quantities of flour without paying dry multures. The Magistrates gave decision in favour of the tacksman, and also brought an action of declarator of thirlage against the defenders. The pursuers founded on their Charter under the Great Seal, dated 30th January 1624, which gave them right to "all and whole the two corn mills of Haddington with the multures and sequels thereof," and declared that the bakers and brewers in the burgh had time past all memory been astricted and thirled to grind all the corn, flour, and malt manufactured and used by them at the mills. The case was taken to the Court of Session, and the bakers, in denying the thirlage, pointed out that the only title which the town had been able to show was one which conveyed the mills simply *cum multuris*, which, they alleged, was no grant of thirlage at all, for every mill was granted with its multures

(the mill masters' and millers' dues) whether it had any thirlage annexed to it or not. They added that a Charter granted to the town of Dunbar about the very same time that the above-mentioned Charter was given to Haddington ran in very different terms, for it granted not only the mill but also the "sucken thirl and astricted multures," and that such terms really conveyed thirlage.

The town, in addition to the claim of thirlage under their Charter, also cited certain Acts and minutes in their own books, to which the baxters replied that a burgh had no power to thirl the burgesses similar to that which a baron had of thirling the tenants and inhabitants within his barony; and that, even an express act of Town Council declaring a thirlage could not be effectual. They contended that the pursuers had shown no constitution of a thirlage, and that even if an astriction of wheat or other ungrinded grain existed the pursuers had no right to dry multure for flour or meal, grinded malt, ale or bread imported into the burgh, their point being that if there was a thirlage, which they did not admit, it was only on grain which was ground after being purchased. The bakers and others, they said, had often brought in flour, which was baked and used within the burgh, from London, Leith, Dunbar, Westbarns, Linton, and Gimmers Mills without any multure being ever asked or paid. There is no record of the final decision in the case, but it appears that the bakers were unsuccessful.

Up to 1796 the price of bread had been regulated by the Assize which we have already seen at work in the 16th century. At this Assize it had been the invariable practice to have the price of wheat proved by the depositions of witnesses upon oath before the Magistrates, and from the proof so adduced the Assize of bread was regulated. It was customary for the town's officer to go round the town on Monday mornings and to announce, by tuck of drum, the price of the quartern loaf. The smaller kinds of bread, such as penny rolls, were, according to the instructions of the Magistrates, to be sold in just proportion of weight and price to the quartern loaf, but it seems that there were many disputes between the Magistrates and the baxters as to this matter. In the various centuries the smaller types of bread no doubt differed in size, shape,

and name, but at the end of the eighteenth century and the early part of the nineteenth century there was small bread known by such names as "tammies" and "winged-rolls," the latter being popular breakfast bread. There were also "Dollar biscuits" and "butter bakes."

At a meeting of the General Quarter Sessions, held on 3rd May 1796, Justice Wilkie of Haddington House, represented the necessity of having a clerk to the corn markets of Haddington, so as to prevent abuses and connivances to raise the price of corn. The meeting approved of the suggestion, and remitted to Mr Wilkie, William Law of Elvington, Charles Broun of Coals-toun, Richard Somner of Summerfield, and the Provost of Haddington. The Justices subsequently adopted the committee's suggestion that the Assize ought to be struck from the aggregate or average price of middling wheat, and that such wheat as was not properly dry or was hurt or of very inferior quality ought not to enter into the calculation in making up the average. Mr James Kirk, schoolmaster in Haddington, was appointed clerk, and was authorised at the weekly market for the sale of wheat, barley, oats, pease, tares, and rye to take a note of the several quantities of each of these kinds of grain brought to the market and sold and bought thereat, with the qualities and prices thereof. He was also to take a note of the quantities of grain carried off the market and put into booths or other places.

The members of the Incorporation were carefully watching this change in regard to the fixing of the price of grain, and evidently some remarks made by Mr Wilkie were resented by them, for, in the *Edinburgh Evening Courant*, of 14th May 1796, there appeared the following notice:—"To the Public—Whereas the bakers of Haddington have been falsely accused by James Wilkie, Esq., of Gilkerston, of using unwarrantable means to heighten the price of wheat in the public market, in order to raise the assize of bread, they do hereby positively deny the charge, and challenge him, or any other person, to prove it." It was signed by John Aitchison, jun., deacon, John Aitchison, sen., Robert Wright, William Hunter, and James Forrest.

After the system above referred to had worked for a little while, the Incorporation complained that the Magistrates of Haddington set the assize from

time to time by the return of the clerk to the market, which return they stated "always comprehends a quantity of wheat not fit or proper to be made into bread, and in consequence of which the assize is always considerably below the wheat used by the bakers." They presented a memorial to Robert Dundas of Arniston, then Lord Advocate, who gave his opinion that the Magistrates had not liberty to include in their average the damaged wheat unfit for manufacture, and that their duty was to ascertain fairly and *bona fide* the price of wheat fit for bread. The Craft then petitioned the Justices of the Peace in regard to the matter, with the result that they directed the clerk of the market, on making up his report of the quantities sold, to specify the blackened wheat, the maltened wheat, and wheat ill-winned or dighted, when wheat of any of these qualities appeared in the market, and to furnish the bakers with a copy of each week's return, upon payment of sixpence.

Since the Act of Council of 7th February 1743, the rates of multures appear to have continued for many years as then settled, but there is an indication that, for a considerable time, there had been a good deal of trouble between the town and the bakers in regard to them. Towards the end of the eighteenth century, the price of wheat was very high. Owing to this cause, and for other reasons, there was a strong feeling on the part of the bakers throughout the country that it would be a more equitable arrangement if the multures were commuted into a money payment. Accordingly, on 26th May 1798, the bakers presented a petition to the Council for a commutation of 1s 6d per boll for grinding their wheat, in place of the multures fixed in 1743. The Council allowed the petition to lie on the table at that time, but, in the following year, resolved to cummute the multures into money, with the stipulation that the bakers would be bound to grind all their wheat at the town's mill, and would not at any time import flour into the town. An agreement was finally drawn up with the assistance of Charles Broun of Colstoun, but there were one or two points that hindered its completion. Although it had been agreed that the bakers were to pay 1s 6d per boll in full of multures, the question of the weight of wheat was in dispute, as, owing to varieties of crops in different years, the boll weighed 15 stone at one time, and 16 stone at another. Mr Broun did not think such a trifling matter should stand in the way, and recommended that

the bakers' contention for 16 stone should be agreed to. One of the town's conditions in the agreement was that the bakers were not to be allowed to purchase flour not ground at the town's mill, but Mr Broun recommended that, should at any time the mill be disabled from manufacturing flour, the Incorporation should be entitled to purchase it, or to get wheat ground at other mills. A further question in regard to the upkeep of the bolting machine was also duly adjusted, and the final settlement took place on 10th April 1800.

But, in addition to holding their rights with the town, the Incorporation had to protect their interests against encroachments by those who were not members of the craft, and in the last decade of the 18th century a somewhat curious case had to be dealt with. At that period, a certain David Begbie was a merchant in the town, and in or about 1792, along with his sister, he took charge of a nephew, then a little over nine years of age, whose father had been a soldier and whose mother had died. From the time of Charles II a variety of statutes had been passed conferring privileges on discharged soldiers, and one in 1794 enacted, *inter alia*, that the children of soldiers who had not deserted " may set up and exercise such trades as they are apt and able for, in any town or place within this kingdom, without any let, suit, or molestation of any person or persons whatsoever." Begbie and his sister came to the conclusion that it offered an excellent opportunity for putting their nephew into business. William Cochrane, a member of the Incorporation, had given up business, and, as his bakehouse was available, an arrangement was soon made with him. The facts having come to the knowledge of the deacons, he, with the concurrence of the Trades' bailie, summoned a special meeting at which the deacon represented that Begbie, and his sister, had lately " entered into a scheme or contrivance, to encroach upon the privileges of the Incorporation." Thereupon, George Cairns, the Incorporation Officer, was immediately sent to bring the boy to be examined. The boy declared that he was then a scholar with Mr Richard Hay, learning to read and write, that he was uncertain as to his age, but believed it to be between eleven and twelve, that, about three or four weeks ago, he took from William Cochrane, baker, by his uncle or aunt, a bakehouse, but at what rent, or for what length of time he did not know, as he was not present, that his uncle and he went to

Penston and hired a journeyman, that he did not work at the trade himself, that his aunt assisted the journeyman in baking, and sold the bread while he was at school, although, while not at school, he also sold it, and that the bread was sold in his uncle's shop where he also sold tea and sugar. Not only the Incorporation, but the Trades' bailie regarded the whole matter in the light of an illegal encroachment, and the bailie gave judgment against the boy and his uncle and aunt, interdicting them from further baking and selling bread.

But the Incorporation were not at all satisfied with the conduct of Cochrane, who was one of their own number, and he was called before them and closely questioned in regard to the whole matter. He answered a number of questions until, realising that he had committed himself already too far, he became exasperated, and putting his hands upon his ears said he would neither hear his declaration read over nor subscribe it. The Incorporation then presented a complaint to the magistrates for damages against Cochrane. The magistrates found that Begbie had no legal right to carry on the baker trade even under the colour of packing and peeling with Cochrane, and that Cochrane had no right to colour the alleged proceedings to the prejudice of the Incorporation or contrary to the Burgess oath, but found it not instructed that he had been guilty of such undue collusion or colouring. The whole question of the actings of Begbie and Cochrane did not end there, but went to the Court of Session, but into this we cannot enter, except to say that the boy, Thomas Lee, ultimately became a baker and a member of the Incorporation.

In the early part of the nineteenth century there were growing encroachments by the country bakers, and various actions were taken against them. A very flagrant case, and one which was persistently fought by the defender, was that of James Smith, who had started a baker's business in the Nungate about the year 1800. The action against him was raised in April 1805, the complaint being that ever since he began business he had baked his bread and brought it into Haddington every day of the week and sold it not only to private families but also to retailers to be sold over again for him within the burgh. Further, that it was common for his servant to enquire at such shops what bread was wanted, and that for this practice he had been frequently

challenged by members of the Incorporation. Smith tried to make out that under the Act of Parliament of 1592, which exempted Burghs of Barony from the prohibition to exercise crafts in the suburbs of a Royal Burgh, he had right to bring his bread into the town; but this plea was met by the pursuers with the decision in regard to the Perth weavers in 1669, to the effect that, although inhabitants of such suburbs were entitled to pursue their crafts and serve any persons in the landward district, they were not at liberty to sell within the liberties of the burgh. Smith further argued that for a great number of years back, far beyond seven, not only had the bakers in the Nungate, but in other places, been in the constant and uninterrupted use of sending in bread and selling it without challenge, and that therefore the application of the Baxter Incorporation was improper, and that he, Smith, might plead a possessory right to sell his bread within the burgh. On 16th July the Sheriff-Substitute gave his decision, and found that Smith had encroached on the privileges of the Incorporation. A note was added to the Interlocutor as follows:—"The Sheriff does not mean by the above Interlocutor to find that an unfreeman baking bread without the burgh may not sell to private families on commission; but retailing to them, or selling to retailers, he holds to be a violation of the privileges of the Corporation." To the above judgment the Sheriff adhered. Smith carried the case to the Court of Session, but, so far as can be seen, with the same result.

In time of war the role of the Baxters was a very important one and sometimes one of no little difficulty. There is a traditional story connected with the siege of Haddington in 1548 to the effect that a certain Wull Cochran, who had his bakehouse in Hardgate, was interrupted one morning in his work by the entrance of two Frenchmen who demanded his bread, and that in the struggle which ensued Cochran and his men killed the Frenchmen with their rolling-pins.

Amongst the documents there is a little account book which throws some light on an important period in the history of Haddington, as it contains a record of the bread supplied between 1805 and 1809 to the regiments in the barracks during the Napoleonic Wars. The bread was supplied by six bakers,

namely G. Hay, Adam Todrick, J. Forrest, W. Aitchison, W. Hunter, and T. Lee, the last named being the boy in regard to whom the litigation took place ten years previously. The record begins with bread supplied to the 2nd West Yorkshire Regiment of Militia. The accounts seemed to run for a month at a time, the highest being that from 25th September to 24th October 1805, when the six bakers supplied 9801½ 4lb. loaves, amounting to £347, 2s 8½d. After the Yorkshire Militia came the 55th or Aberdeenshire Regiment of Militia, the record of bread supplied to which begins on 30th May 1806 and goes up to October of that year. The greatest number of loaves supplied during that period by the same bakers is from 24th August to 25th September, when 5258 were baked. Then follow nine pages of bread supplied in 1807 and 1808 but with no indication to which regiment. On one page is the heading "Bread of the Royal Perthshire Militia," and in another place there is the heading "Lanarkshire." During the period over which the book extends, namely from June 1805 to February 1809, close on 200,000 loaves were baked by the Haddington bakers for the army. The transactions were carried on by the Incorporation, who received the full amount and paid the various bakers. It seems, however, that the work of the bakers was not always appreciated, for it is recorded that some of the soldiers on one occasion tossed a baker in a blanket because his "tammies" did not please them.

It was during the time of the barracks that complaint was made and action taken by the Procurator Fiscal in regard to bad bread being sold by the bakers. In a note to his interlocutor of 14th January 1808 the Sheriff said that the penalty therein referred to would only come into effect in the case of such a general practice of baking bad bread being renewed, as would give occasion to a public clamour. Although the Sheriff was of opinion that the bakers were anxious to sell good bread, yet, if, *de facto*, bad bread was sold, they would have to be answerable for it. The materials might be the same, yet not of the same quality, and it was to the badness of the yeast, owing to its being soured by the carriage or some other cause, that the bad bread in Haddington was to be ascribed.

But the Incorporation were not satisfied with this judgment and it was

decided to take the opinion of Counsel as to advocating the case. They decided to apply to Francis Jeffrey, and accordingly there is amongst the papers an opinion by this great literary critic of the early nineteenth century, written in his own handwriting and extending to three pages. It is dated from Queen Street, Edinburgh, 6th January 1808, and, in advising the memorialists to rest content with the decision, adds that if they went on to make as good and wholesome bread as they possibly could, the threat in the Sheriff's Interlocutor would never be put in execution, but that if they should be guilty of fraud or gross negligence they would be liable to punishment whether the Interlocutor was altered or not.

In the early thirties of the nineteenth century, the question of the abolition of thirlage was engrossing the minds of bakers throughout Scotland, but the Haddington Incorporation, while considering that thirlage had long outlived the necessity for it, were evidently feeling that to be consistent they must also renounce their own monopoly, and in 1838, the question of disposal of their rights as an Incorporation was under consideration. But although the end of the existing conditions was approaching, both the Incorporation and thirlage were yet to go on for some years. The papers dealt with do not show at what date the final settlement with the town in regard to the extinction of thirlage took place, but on 14th February 1846 the deacon, Thomas Yule, had a meeting with the Agent in regard to the Bill then before Parliament, for abolishing the privileges of Incorporations. The Act was duly passed on 14th May 1846, after which date Incorporations lost the right to carry on their trades to the exclusion of persons not of their number. But although this was so, the Act provided that such bodies as existed might still retain their corporate character and continue to be Incorporations. Evidently the question of continuing as an Incorporation was under consideration for some months, until a decided step towards dissolution was brought about by a joint letter, dated 17th October 1846, from John Aitchison, Cornelius Smith, and Adam Todrick to the deacon intimating that they ceased to be members, and resigning their rights and privileges. Two days thereafter the Incorporation met, when the resignations of the three members were accepted, and thereafter the remanent members resigned in a body and likewise gave up all their rights and privi-

leges. Thus passed away this old Incorporation within four years of the ter-centenary of receiving their Charter.

Of memorials of the Baxters, Haddington Churchyard possesses not a few, both of the table and upright types, the carving on which exhibits that curious combination of symbols characteristic of the sepulchral monuments of the seventeenth, eighteenth, and early nineteenth centuries. The trade of the deceased is indicated by bakers' peels, death is suggested by scythes and darts, and the grave by crossed spades, skulls and crossed bones, while, encircling these grim emblems, there is some wonderful skill shown in the representation of cherubs and Renaissance decoration. These memorials, along with the Seal of Cause, Minute Book and other papers, and the Craft's box remain to remind us of the men who baked the bread of Haddington for three hundred years.

JAMES H. JAMIESON.

LIST OF MEMBERS OF THE INCORPORATION.

The following list of members has been compiled from the Seal of Cause, Minute Book, and other existing papers. It is necessarily incomplete and fragmentary in detail; it is only in the period over which the Minute Book extends, namely, from 1677 to 1743, that it is possible to give detailed information in regard to dates. Even this has been difficult in cases such as those of the Andersons and Borthwicks, where various members of the same family were Freemen at the same time. The following are the abbreviations in the list:—P.—Apprentice; F. Received the Freedom of the Craft; D.—Appointed Deacon. Many members served as Deacon on several occasions, but only the first date on which they are recorded as having served is stated:—

Aitchison, David, son of Alexander Aitchison, Miller at the Craft's Mills. P. to Alexander Borthwick 1683. F. 1691. D. 1695. Died 1696. Tombstone in Haddington Churchyard.

Aitchison, John. D. 1794. Died 1828, aged 78. Tombstone in Haddington Churchyard.

Aitchison, John. D. 1832.

Aitchison, William, son of Alexander Aitchison, Haddington. He purchased Gimmers Mills in 1830, and on his death in 1837 was succeeded in the Mills by his nephews, George and Alexander More, and in the Baker's business by the latter. Tombstone in Haddington Churchyard.

Anderson, John. D. 1683.

Anderson, James, son of above. F. 1683.

- Anderson, John, also son of above John Anderson. F. 1698. D. 1706.
 Anderson, John, only son of John Anderson (probably the last mentioned). F. 1722.
 Anderson, Patrick. F. 1687. D. 1702.
 Anderson, James, son of Patrick Anderson. F. 1724.
 Ayton, James. Middle of 16th century.
 Ayton, James. Middle of 17th century.
 Baillie, William. P. to either Alexander or Thomas Borthwick. D. 1689.
 Baillie, Alexander, son of the above. F. 1704.
 Bickerton, James. D. 1691.
 Bickerton, James, son of the above. F. 1712.
 Bartrum, James, son of Patrick Bartrum, Snawdon. P. to George Smyth, 1719.
 F. 1729. D. 1733.
 Borthwick, Alexander (A). D. 1677-8.
 Borthwick, James (B), son of (A). F. 1682.
 Borthwick Alexander (C), son of (A). P. to William Jack, 1691. F. 1695. D. 1700.
 Borthwick, Alexander, eldest son of (C). F. 1721.
 Borthwick, Robert, son of (C). F. 1728.
 Borthwick, Thomas. D. 1679.
 Cochrane, William. End of 18th century. Was also a Brewer.
 Darg, Alexander, son of John Darg, Lynkhouse, Dirleton. P. to James Bartrum, 1730.
 Deans, Alexander, son of Alexander Deans, Baxter, Nungate. P. to George Shorteous, 1742.
 Deans, Henry, son of Alexander Deans, Pinckartoun. P. to Patrick Sinclair. F. 1702.
 Douglas, James. D. 1689.
 Douglas, John. Middle of 16th century.
 Erskine, John, son of James Erskine, Haddington. P. to George Smyth. F. 1716.
 Forrest, James. D. 1799. Died 1821, aged 51.
 Galloway, Robert, son of Alexander Galloway, Haddington. P. to Alexander Borthwick, 1728. Died 1745, aged 34. Tombstone in Haddington Churchyard.
 Galloway, Alexander, son of above. Died 1783. Tombstone in Haddington Churchyard.
 Goodall, William, son of Patrick Goodall, Spitlerig. P. to James Anderson, 1691.
 Goodall, James. Beginning of 19th century.
 Hadden, George, son of George Hadden, Wright, Haddington. P. to John Anderson, 1693. F. 1698.
 Hay, Richard, son of George Hay, Newton Mill. P. to George Smyth. Middle of 18th century.
 Hay, George. D. 1805.
 Hislop, James, son of Robert Hislop, Gardener. P. to John Nicolson, 1714. F. 1721. D. 1723.
 Howden, George, son of Alexander Howden, Baro. P. to John Nicolson, 1723. F. 1733. D. 1737.
 Howden, James, son of Robert Howden, Uxton. P. to John Erskine, 1734. F. 1743.
 Howden, Robert. End of 18th and beginning of 19th century. Was also a Brewer.
 Hunter, Andrew. End of 18th and beginning of 19th century. Died 1807, aged 85. Was also a Brewer.
 Hunter, William, son of above. D. 1800. Died 1835. Tombstone in Haddington Churchyard.
 Hutton, Andrew. End of 18th century.
 Jack, William. P. to James Nisbet. F. 1683.
 Jack, James, son of above. F. 1722.

- Kyill, Archibald. D. 1550.
- Lee, T. Beginning of 19th century.
- Lamb, John, son of Adam Lamb, Weaver, Gilmerton. P. to Alexander Borthwick, 1698. F. 1704. D. 1710.
- Lamb, Adam, only son of above. F. 1733.
- Liddell, James. End of 17th century.
- More, Alexander. Early 19th century. Succeeded William Aitchison in his business.
- Murray, William. End of 18th century.
- Nisbet, James. Middle of 17th century.
- Nisbet, James. D. 1839.
- Nicolson, John. F. 1707. D. 1716.
- Nicolson, John, son of James Nicolson, North Berwick. P. to John Nicolson, 1727. F. 1740.
- Nicolson, James. Born 1748. Afterwards Farmer in Elphinston. Died 1824. Tombstone in Haddington Churchyard.
- Oliver, William, son of George Oliver, West Fenton. P. to George Howden, 1733.
- Ramsay, Alexander, son of Alexander Ramsay, Musselburgh. P. to William Jack, 1684.
- Ramsay, James D. D. 1822.
- Redpath, Patrick. Middle of 16th century.
- Robieson, George, son of George Robieson, Burgess, Haddington. P. to Alexander Simpson, 1682.
- Robertson, George, son of Patrick Robertson, Haddington. P. to James Hislop, 1725.
- Shorteous, George, son of George Shorteous, Tynningham. P. to George Smyth, 1707. F. 1716. D. 1729.
- Simpson, William, son of William Simpson, Haddington. P. to John Turnbull, 1683.
- Simpson, Alexander. Middle of 17th century.
- Sinclair, Patrick, son of Alexander Sinclair, Burgess, Haddington. P. to Alexander Simpson, 1679. F. 1685. D. 1693.
- Sinclair, William, son of Thomas Sinclair, Baxter. P. to Patrick Sinclair, 1690.
- Sinclair, Thomas. End of 17th century.
- Sleich, George, third son of George Sleich, Burgess, Haddington. P. to John Anderson, 1684. F. 1698.
- Sleich, George, eldest son of above. P. to John Anderson. F. 1721. Elected Officer of the Craft in 1740.
- Smyth, William, son of Robert Smyth, Burgess, Haddington. P. to John Turnbull. F. 1684. D. 1697. Scored out 5th August 1699.
- Smyth, Charles, son of William Smyth, Indweller, Haddington. P. to Patrick Sinclair, 1697.
- Smyth, George, second son of Robert Smyth, Burgess, Haddington. P. to William Smyth (his brother), 1687. F. 1695. D. 1714.
- Smyth, John, son of John Smyth, Workman, Yester. P. to Patrick Sinclair, 1688. F. 1697.
- Smyth, John, eldest son of above. F. 1735.
- Smith Cornelius. Middle of 19th century.
- Storie, John, son of Patrick Storie, Fantassie. P. to John Anderson Elder, 1696. F. 1705.
- Thomson, Alexander. D. 1681.
- Thomson, Alexander, son of above. P. to William Jack, 1684.
- Thomson, William, son of above. F. 1697. D. 1724.
- Todrick, Adam. End of 18th and beginning of 19th century.
- Turnbull, John. D. 1676-7.

Wemyss, William. Middle of 18th century.

Wilson, Martin. Middle of 18th century.

Wilson, William. D. 1843.

Wright, John, son of Robert Wright, East Bearford. P. to George Shorteous, 1719.

F. 1731. D. 1743.

Wright, Robert. D. 1793.

Wright, Thomas. D. 1808. Was also a Brewer.

Yule, Thomas, the last Deacon of the Incorporation.

J. H. J.