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FOR THE MEMBERS OF THE SOCIETY

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THE KINGDOM OF NORTHUMBRIA AND THE DESTRUCTION OF THE VOTADINI

By D. P. KIRBY

The establishment of a Northumbrian bishopric at Abercorn in 681¹ demonstrates clearly that by this date the northern frontier of the kingdom of Northumbria had reached the Firth of Forth. Similarly, the presence of the Northumbrian queen and Cuthbert, bishop of Lindisfarne, at Carlisle in 685² reveals established Northumbrian control of the Solway Firth. Precisely how long the Northumbrians had been in possession of these territories is nowhere stated, but there are indications that the original advance into these regions had taken place nearly fifty years before. The Irish annals record the siege of *Eten* in 638.³ *Eten* is to be identified with Edinburgh in the territory of the Votadini, and the siege has been convincingly interpreted as marking the capture of this important British stronghold by the Northumbrians under King Oswald.⁴ It was probably at this point, therefore, that the Forth became the northern frontier of the Northumbrian kingdom. At about the same time, Oswiu, brother of King Oswald, married a British lady, Riemmelth, grand-daughter of Run.⁵ If, as seems likely, Run is to be identified with Rhun, son of Urbgen (whose praises the bard, Taliesin, sang), lord of Rheged, marriage to Riemmelth may well have meant the peaceful annexation of this British kingdom, thereby giving the Northumbrians control of the land north and south of the Solway.⁶ Thus poised, the Northumbrians could strike beyond Rheged into south-west Scotland or at the British kingdom of Strathclyde, centred on Dumbarton, or across the Firth of Forth at the land of the Picts and even at the Scottish kingdom of Dál Riata. By 638, therefore, the Northumbrian kingdom was a powerful military machine; its potential for systematic aggression in the north not only apparent but also already amply demonstrated in the wars of Oswald's predecessors with the North Britons.

Northumbria was composed of two kingdoms, Deira south and Bernicia north of the Tees, united first by King Æthelfrith. Æthelfrith was the great-grandson of Ida, who founded the Bernician kingdom c. 558,⁷ and from 635 to 759

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descendants of Ida were to dominate the Northumbrian kingship. Archaeological evidence reveals Germanic settlement in Yorkshire before the great Saxon revolt in the mid-fifth century, but Deira only emerges clearly in the historical records under Ælle (c. 558-88), the father of Edwin, and after Edwin's reign Deira was slowly absorbed within a Northumbria dominated by Bernicia. The Angles who went north with Ida to create the kingdom of Bernicia constituted the spearhead of Germanic aggression in the north. It may be that Ida's descent on the Northumberland coast represented a second attempt by the Anglo-Saxons to secure a foothold in the land of the Votadini beyond the Tyne and Hadrian's Wall.⁸ Ida and his successors were certainly fiercely resisted by the North Britons as they pushed into what is now North Northumberland and Berwickshire. It is unlikely that we should think of these warriors as entirely isolated in the vicinity of Bamburgh and Lindisfarne. They must have controlled, from an early date indeed, the land routes south to Hadrian's Wall and the Tyne, linking up overland as well as by sea with Anglian settlements in Yorkshire. In 588 a Bernician prince, Æthelric, grandson of Ida, was sufficiently powerful to invade Deira and establish himself as Ælle's successor.⁹ The Bernician kingdom was already a serious enough threat to the Britons by the reign of Hussa (579-86) to provoke a powerful military alliance of British states, in which Urien of Rheged and Rhydderch of Strathclyde played a prominent part; and at some point during the reign of Ida's son, Theodric (586-93), while Theodric was besieged on Lindisfarne, Urien's death was brought about by a rival British chieftain, Morcant.¹⁰ The possible slaying of Theodric by Owain, son of Urien¹¹ may have gained the Britons a temporary respite; but before long Owain himself was dead. Owain may have been succeeded by his brother Rhiwallawn "Broom-Hair," who was remembered in British tradition as fighting the Saxons (though he is not associated with any of Urien's campaigns), while Theodric's successor was the formidable Æthelfrith, whom Bede describes as ravaging the Britons more than any of his predecessors.¹² It may be that we should take care not to exaggerate the extent of British territory actually annexed by Æthelfrith. His descent on Chester c. 613-15 was a brilliant demonstration of the striking power of a united Northumbria, but on his own immediate northern borders what Æthelfrith did was simply to mop up petty British states in Roxburghshire and Selkirkshire.¹³ Nevertheless, the annexation of these regions would have the effect of driving a wedge between the Votadini and the Britons of Rheged. Æthelfrith's ascendancy was such as to invite retaliation from Aedán, king of Dál Riata, and from the British ruler of the Votadini at Edinburgh acting in alliance with Picts.

Whether or not the North British states such as Rheged and Strathclyde and that of the Votadini owed their origin to the deliberate creation of border buffer states by the Romans in the late fourth century against the Picts and Scots,¹⁴

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there can be no doubt that the North British rulers were in the front line against the Pictish and Scottish pressures from the north-east and west. If we accept Gildas's account, the Pictish and Scottish threat was extremely serious at least into the mid-fifth century. How and when the tide of Pictish and Scottish expansion southwards turned is not clear. It may have been comparatively late on, for it was not until the late fifth century that the Scottish kingdom of Dál Riata began to coalesce and conditions there to stabilise. North British leaders continued to be involved in action against the Picts in the sixth century. At the battle of *Gwen Ystrad*, Urien stood against the "gwyr Prydein," the men of Britain or of Pictland, in this case almost certainly the men of Pictland.¹⁵ This conflict could have occurred in the valley of the river Eden,¹⁶ in which case a Pictish force had penetrated right across North British territory to the very heart of Urien's kingdom. References occur to a British warrior, Morien, who fought the Gaels (the Scots) and the Picts.¹⁷ But, on the whole, the situation with regard to the Picts must have been far less serious by the second half of the sixth century than it had been previously. Pictish interests were probably becoming more concentrated by now on confining Scottish Dál Riata within reasonable geographical limits than with attempts to annex British territory south of the Firth of Forth.

The concern of Aedán of Dál Riata to check the activities of Æthelfrith of Bernicia is understandable against the background of Aedán's own military activities in southern Pictland. Aedán may even have attacked Bamburgh with Fiachna, son of Baetán, king of Irish Dalaraide.¹⁸ He was apparently in alliance with Maelumai son of Bateán, son of Muirchertach of the Northern Uí Neill, when he was defeated by Æthelfrith at the battle of *Degsastan* in 604.¹⁹ The defeat of Aedán was a crushing one; Bede observed that from that time no king of the Scots dare attack the English down to the time at which he was writing. Taken together with Aedán's recent defeat in a battle in the Pictish province of Circinn in 596, it is evident that his military career ended in disaster. It cannot be assumed that Aedán intervened as an altruistic supporter of the Britons. What he did was to recognise in Æthelfrith the greatest single potential menace to himself in North Britain. It has been suggested that the Scottish kingdom of Dál Riata was established against the Picts with British support.²⁰ However this may be, and it remains conjecture, there was certainly no permanent British-Scottish alliance in the first half of the seventh century. On the contrary, the kingdoms of Dál Riata and Strathclyde were antagonistic. The frontiers of Strathclyde ran as far north as the head of Glen Falloch by Loch Lomond,²¹ and stretched eastwards to the neighbourhood of Stirling.²² Columba on Iona heard how Rhydderch, king of Strathclyde, was drawing to the end of his days in fear of his enemies,²³ but Strathclyde proved resilient. In 642, following defeat in

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northern Ireland and probably on the borders of Pictland, Domnall Brecc, king of Dál Riata, Aedán's grandson, was defeated and slain in battle in Strathcarron, the valley of the river Carron, by Owen, king of Strathclyde, son of Bili.²⁴ Domnall must have been attempting to encircle Strathclyde by land, advancing from the north into the more easterly parts of the kingdom. His overthrow was celebrated by the bardic poets of Strathclyde and a fragment of their verse has survived: ". . . I saw men in array, they came at the battle-shout; and the head of Dyfnwal Frych, ravens gnawed it,"²⁵ or, as a more archaic text has it "I saw an array . . . I saw great sturdy men, they came with the dawn; and the head of Dyfnwal Frych, ravens gnawed it."²⁶

With the Picts, by contrast, there may have been something of a temporary rapprochement. It should not be too readily assumed that Guallauc, one of Urien's British allies against Hussa and possibly ruler of Elmet (in the West Riding of Yorkshire)²⁷ was fighting against the Picts when he campaigned in Pictland²⁸; he might well have been aiding the Picts. In the last years of the sixth or the early years of the seventh century an expedition of leading warriors was directed by Mynyddog Mwynfawr ("the Wealthy") from his stronghold at Din Eidyn (Edinburgh) against the Angles of Deira and Bernicia. Mynyddog was ruler of the Gododdin land, that is to say, by c. 600 what was left of the ancient territory of the Votadini between Hadrian's Wall and the Firth of Forth. The warband which he sent against the Northumbrians numbered three hundred warriors (not counting, perhaps, the retainers of the warriors) and they were drawn from throughout the British lands south as far as Elmet and the kingdom of Gwynedd and adjacent districts of North Wales. They encountered the Northumbrians at *Catraeth* (Catterick) and were almost totally annihilated. This great military disaster was the subject of a classic bardic poem, the *Gododdin*, by the Votadini poet, Aneirin, who praised the valour of each warrior in turn and lamented his passing.²⁹ It is of particular interest that Picts seem to have been present on the British side,³⁰ and it may be that Gwid, son of Peithon, is to be identified with Foith (*P. Wid*), whose three sons reigned successively over the Picts in the 630s and 40s.³¹

Describing the conflict at *Degsastan*, Bede contrasts the mighty army of Aedán with the numerically inferior forces of Æthelfrith. This might be simply an attempt to heighten Æthelfrith's achievement, but it is important to note that Æthelfrith was not yet ruler of Deira — he succeeded to Deira only in 605 — and he may not even have had Deiran support. Hering, son of Hussa, reigned in Deira in the years immediately before 605, and there is a suspicion that he led the Scots into Britain against Æthelfrith.³² Historians have generally dated the battle of *Catraeth* before rather than after *Degsastan*, on the grounds that a petty British ruler on the Firth of Forth is not likely to have tried his strength

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against the Northumbrians after the lesson of *Degsastan*, certainly not after 605 when Æthelfrith united Deira and Bernicia.³³ On the other hand, it was probably quite a sizeable army which set out from Edinburgh,³⁴ and it was to be another thirty years or more before the Northumbrians finally captured this Gododdin stronghold. While it is conceivable that Bernicia and Deira would temporarily unite before 605 against a common foe, the attack on Deira and Bernicia, and the usual identification now of *Catraeth* with Caterick in Deira, does perhaps suggest rather that this attack from the Gododdin came after the unification of Northumbria and not before. There is certainly no reason to suppose that the Britons never again took the initiative against the Northumbrians once Aedán had been defeated, and whether the battle of *Catraeth*, therefore, took place c. 600 or c. 605-10 seems to be a more open question than has generally been allowed.³⁵

Æthelfrith was overthrown in battle by the Deiran prince, Edwin, son of Ælle, in alliance with Raedwald, king of East Anglia and *bretwalda* in 617. The sons of Æthelfrith fled into exile among the Picts and Scots and with them, according to a later source, the mother of Oswald and Oswiu whom Bede tells us was Edwin's sister.³⁶ Oswald was a boy of twelve at the time, Oswiu an infant of three, and it was to the Scots of Dál Riata that they were taken. Bede says specifically that Oswald was in exile among the Scots, and he comments that both Oswald and Oswiu could speak in the Scottish tongue.³⁷ There was a tradition, preserved in the *Breviary of Aberdeen*, that Domnall Brecc, son of the reigning king of Dalriada, Eochu Buidhe, was their principal benefactor.³⁸ The two Bernician princes spent more than twenty years among the Scots, and Oswiu in particular must have emerged more Irish than English in manners and outlook. Another brother, Eanfrith, appears to have sought refuge among the Picts, or at least to have married a Pictish princess, for between 653 and 657 Talorcan, son of Eanfrith reigned as king of the Picts.

The ascendancy of Deira under Edwin was to be brief but significant. Edwin succeeded Raedwald as *bretwalda*: he was the overlord of all the English kingdoms except Kent and he campaigned in Wessex. But Edwin's attentions were turned also to the British territories bordering on his kingdom. According to Bede, Edwin subjected all the British states as well as the Anglo-Saxon kingdoms.³⁹ This is an exaggeration. There is no evidence that he was overlord of Strathclyde, the South Welsh or the Cornish Britons. Cuthbert, later bishop of Lindisfarne, was born, probably in the late 620s,⁴⁰ in Tweeddale or on the southern slopes of the Lammermuirs,⁴¹ suggesting that Edwin's northern frontier had been carried at least this far north: but, if the capture of Edinburgh belongs to the reign of Oswald, Edwin cannot have been the absolute master of all the Britons on the south bank of the Forth — though they may have conceded a

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degree of overlordship. Bede's claim that Edwin had the mastery of all the Britons, however, is a piece of dynastic propaganda of a type which was probably common at this time and which was elaborated still further by Alcuin. For Alcuin, in the late eighth century, Edwin was overlord not only of the Saxons and Britons but also of the Picts and Scots,⁴² and William of Malmesbury extended his imperium to include the Orkneys as well.⁴³ The scale of Edwin's campaigns against the Britons was limited but still impressive. When Æthelfrith succeeded in Deira (if not before), the Deiran royal family fled into exile among the Britons, Hereric, Edwin's nephew to Elmet⁴⁴ and Edwin himself to the court of Cadfan, kind of Gwynedd.⁴⁵ In the early years of his reign Edwin destroyed the kingdom of Elmet.⁴⁶ The North Welsh terrain would be well known to him, and it was at Gwynedd also that he next directed an attack. Bede records that he subjected the Mevanian islands, that is Man and Anglesey.⁴⁷ Welsh sources indicate that he fought several battles against the Britons, and it was probably Edwin who besieged Cadwallon, king of Gwynedd, son of Cadfan, on the island of Priestholm and drove him into temporary exile in Ireland.⁴⁸ Against this background also, the attack by Cadwallon on Northumbria in 634, in alliance with Penda, king of Mercia, is understandable. The defeat and death of Edwin at Hatfield, and the subsequent slaying near Hexham of Cadwallon by Oswald, son of Æthelfrith, meant the eclipse of Deiran power and the real ascendancy of Bernicia.

Edwin's reception of Paulinus from the Augustinian mission in Kent as the chaplain of his Kentish queen and the subsequent conversion of the king linked Northumbria for a time culturally and ecclesiastically with southern England. Though British missionaries may have been active in Bernicia,⁴⁹ the collapse of the mission of Paulinus on the death of Edwin temporarily disrupted the embryonic Northumbrian Church, and one of Oswald's first acts was to seek a Christian bishop from the great Dalriadic church of St. Columba on Iona. The outcome was the sending of a group of missionaries from Dál Riata to Northumbria, followed by the arrival of Aedán or Aidan,⁵⁰ which made Northumbria now more a part of the Celtic Scottish world and Church organisation. In his military ambitions, however, Oswald pursued the general policy of his predecessor. He succeeded Edwin as *bretwalda* of the southern English kingdoms.⁵¹ Bede says that Oswald had the same extent of territory under his command as Edwin.⁵² Subsequently, however, Bede claims for Oswald supremacy over Picts and Scots as well as over Britons.⁵³ Though this statement has received some degree of credence,⁵⁴ no very great significance can be attached to it. This may well be simply the dynastic propaganda of Bernician royalty, answering or provoking the excessive claims that were coming to be made on behalf of Edwin in Deira.⁵⁵ The Northumbrians were in no position under Oswald to act on such

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a scale, and the eventual overthrow of Oswald by the Welsh and Mercians in alliance at the battle of *Maserfelth* (Old Oswestry) in 643 demonstrates quite clearly how Oswald was following in the footsteps of Edwin.⁵⁶ Oswald's links with Iona, his patronage of the church of Lindisfarne, and his close friendship with Aidan, for whom he acted at first as interpreter at court, seems to increase the unlikelihood that he sought to establish himself (even had it been possible) as overlord of the Scots over whom Domnall Brecc then reigned as king. Indeed, on the very eve of his battle with Cadwallon, Oswald had what he believed to be a vision of St. Columba, promising him victory and a happy reign: he gave an account of this vision to Seghine, abbot of Iona, though whether Oswald was visiting Dál Riata at the time or whether Seghine had come into Northumbria is unfortunately not clear.⁵⁷ The most that is likely to have occurred is that Oswald and Domnall Brecc entered into friendly alliance, which might have been construed by a Northumbrian in later years as indicating an acknowledgement of Oswald's overlordship.

If, however, the siege of *Eten* in 638, does represent Oswald's advance along the Firth of Forth to Edinburgh, the Northumbrians now approached closer than ever before to the southern boundary of Pictland, and in so doing penetrated more deeply into Votadini territory. The loss of Mynyddog's stronghold must have been a severe blow to the Britons. A second decisive stage was probably reached four years later in 642, when Oswiu, we are told, fought the Britons.⁵⁸ No details are known of this encounter, but at some point in time before 656, when the battle of *Winwaed* was fought, the Northumbrian frontier on the Forth had been extended to include *Iudeu* or *Giudi*, which has been convincingly identified with Stirling,⁵⁹ the natural fortress at the head of the navigable waters of the Forth and commanding the crossing of the Forth by the Roman road leading northwards into Pictland.⁶⁰ Oswiu retreated here⁶¹ in 656 in the face of the critical Welsh-Mercian invasion of Northumbria in that year. Possession of Stirling must have rested on the annexation by the Northumbrians of Manaw of the Gododdin at the head of the Firth of Forth, the plain of Manaw being between the rivers Avon and Carron and the name surviving in Slamannan and Clackmannan. Manaw of the Gododdin was the far north-western boundary-region of Votadini territory, and its capital was probably Stirling itself.⁶² The capture of Stirling marked, therefore, the final elimination of the British Votadini, and the Northumbrian frontier in the north had come to march with that of Strathclyde on the south-west and of Pictland on the north-east. It may have been this Northumbrian advance towards Stirling which tempted Domnall Brecc to attack Strathclyde in 642. His death in Strathcarron underlines the strategic importance of this area in which Britons, Scots and Northumbrians were in conflict one with another.⁶³ Indeed, the conjunction of Oswald's brother, Oswiu and Domnall Brecc in the same

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region, probably in the same year, could imply something in the nature again of an alliance. Though Domnall was defeated by the men of Strathclyde, it does not seem unwarranted to associate Oswiu's attack on the Britons in the early 640s with a Northumbrian seizure of the region of Manaw of the Gododdin and the vitally strategic centre of Stirling. It certainly seems unlikely that Oswiu could have been in any position to achieve such a military success between the death of Oswald in 643 and the battle of *Winwaed* in 656.

When Oswald fell in battle against the Welsh and Mercians, Oswiu succeeded in Bernicia but he was unable to prevent the accession in Deira of Oswine, a kinsman of Edwin, and he was exposed to the attacks of Penda, king of Mercia. Though Oswine was assassinated in 652, Æthelwald, son of Oswald, who came to power in Deira, emerged as a Mercian ally. Oswiu's son, Alchfrith, married a daughter of Penda and Oswiu was involved in friendly exchanges with the East Saxons and with Peada, ruler of the Middle Angles and son of Penda, in the course of which the ruler of the East Saxons and Peada received baptism and Peada married a daughter of Oswiu. All these activities were of diplomatic significance, designed to safeguard Oswiu while his position remained vulnerable. Up to a point they were profitable, for Penda is not known to have attacked him, but the campaign which led up to the battle of *Winwaed* in 656 nevertheless represented an attempt by a mighty coalition to crush the power of Bernicia. Bede describes the alliance of Penda, king of Mercia, Æthelwald of Deira, and Æthelhere of East Anglia, though he does not mention the presence of Cadafael, king of Gwynedd.⁶⁴ When battle was joined, the withdrawal of Cadafael and Æthelwald seriously weakened the Mercians and East Angles, and Oswiu and Alchfrith won a great victory. Both Penda and Æthelhere perished, together with many British warriors, and the fate of Æthelwald is unrecorded.⁶⁵ The defeat of this Anglo-Welsh coalition gives some indication of Bernician striking power by the mid-seventh century. Oswiu's victory not only established him for a time as ruler of Mercia, which he governed through his own officials, but as *bretwalda*, and it brought political isolation to Wales.⁶⁶ Now that Oswiu was free from Welsh and Mercian pressures, he was in a position to follow up the Northumbrian capture of Stirling and to develop his own policies of expansion. His Celtic upbringing pulled him northwards, as Edwin's had taken Edwin into North Wales, and it was against the Picts that Oswiu was to direct the military might of a reunited Northumbria.

The intervention of Cadwallon, king of Gwynedd, in Northumbrian affairs is certainly explained by the treachery of Edwin — 'of the great deceit' as the bardic eulogy of Cadwallon described him⁶⁷ — in attacking Gwynedd when Cadwallon's father, Cadfan, had previously given him shelter there. It has even been thought that Edwin and Cadwallon were rivals for the supreme position of

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'imperator' in Britain.⁶⁸ One factor in Cadwallon's animosity which has not been stressed, however, is his kinship with the rulers of the Votadini. The Votadini were directly on the receiving end of Northumbrian violence, and the movement of the Northumbrians north towards Edinburgh and Stirling must have been rapidly gaining momentum under Edwin. Cadwallon was a descendant of Cunedda,⁶⁹ founder of the kingdom of Gwynedd. At some point in the late fourth or early fifth century, Cunedda is said to have migrated to Gwynedd from Manaw of the Gododdin with his eight sons and one grandson, apparently leaving behind one son, Typiaun, the eldest.⁷⁰ The wording is ambiguous and Typiaun could have died before Cunedda departed. On the other hand, it is possible that Typiaun remained behind in Manaw of the Gododdin and kept the line alive there and in power. Certainly it is probable, even if Typiaun were already dead, that Cunedda represented in himself but one scion of the ruling family of Manaw of the Gododdin. Any idea that his departure from Manaw must have created a military vacuum is founded on the assumption that there were no collaterals. For all that we know to the contrary, Cunedda could have had eight brothers. He is virtually certain to have had some. That there was preserved a kinship tie, therefore, between the descendants of Cunedda in Gwynedd and adjacent territories, and the rulers of Manaw of the Gododdin, if not of the whole Votadini territory, is more than pure conjecture. Mynyddog Mynvawr was probably related to Cadfan of Gwynedd. It would add another dimension of meaning to Edwin's attack on Gwynedd and to the retaliation of Cadwallon if Edwin saw Cadwallon as a powerful king likely to offer substantial military aid to the Votadini whose territory the Northumbrians were determined to annex. Vengeance for *Catraeth* would demand the blood that Cadwallon shed among the Northumbrians.⁷¹ But Cadwallon's offensive ended in disaster, in defeat and death near Hexham, and by the time that Cadafael, king of Gwynedd, was presented with the opportunity to intervene at the battle of *Winwaed* in 656 the Votadini had been conquered. No wonder Cadafael withdrew by night from the battle-field. There was little to be gained now by persevering. It cannot be without significance that the great and renowned heroism of the warband of the Gododdin expedition to *Catraeth* — remembered as one of the Three Noble Retinues of the Island of Britain⁷² — was recalled and proclaimed in the bardic composition in honour of Cadwallon, ruler of Gwynedd:

'the sadness of *Catraeth* of great honour'⁷³

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- AU *Annals of Ulster*, vol. I, ed. W. M. Hennessy (Rolls series, Dublin, 1887).
- ES *Early Sources of Scottish History*, by A. O. Anderson, vol. I (Edinburgh, 1922).
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- Rev. Celt. *Revue Celtique*.
1. HE IV, 12. For my account of the general Anglo-Saxon background, see D. P. Kirby, *The Making of Early England* (London, 1967).
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 3. AU s.a., 638: AT (Rev. Celt., xvii, 184). In the AU the epact and ferial figures for each successive year are correct but, owing to a scribal error, the Years of the Incarnation have been placed one year too low for the period 486-1012: see ES 1, xxxi, and in particular P. Walsh, 'The Dating of the Irish Annals', *Irish Historical Studies* II (1941), 355-75. In this and all following footnotes the epact and ferial figures have been taken as the guide and the Year of the Incarnation cited is therefore the correct year and not the incorrect year which appears in the manuscript and in the printed edition.
 4. K. H. Jackson, 'Edinburgh and the Anglian Occupation of Lothian', *The Anglo-Saxons: Studies Presented to Bruce Dickins*, ed. P. Clemoes (Cambridge, 1959), 35-42.
 5. HB c. 56.
 6. The precise geographical extent of Rheged is not known, but the court of Urbgen or Urien at *Llwyfenydd* may have been by Lyvennet beck in the Eden valley in Westmorland (A. H. A. Hogg, 'Llwyfenydd', *Antiquity* 20 (1946), 210-11: I. Williams, *Canu Taliesin* (Caerdydd, 1960), xxix, and cf. the English version, *The Poems of Taliesin*, by J. E. Caerwyn Williams (Dublin Institute for Advanced Studies, 1968), xliv-xlv), and the general impression of the evidence as a whole suggests that the lands bordering the Solway were the heartland of the kingdom: cf. K. H. Jackson, 'The Britons in Southern Scotland', *Antiquity* 29 (1955), 77-88 (p.82). J. MacQueen, *St. Nynia* (Edinburgh, 1961), 55-64, prefers to locate Rheged on the east coast but his arguments are unconvincing. The date of Oswiu's marriage to Riemmelth is only approximate. K. H. Jackson, 'On the Northern British Section in Nennius', *Celt and Saxon*, ed. N. K. Chadwick (Cambridge, 1963), 20-62 (p.42), suggests 635. This could be rather early, for Oswald was not established in Northumbria until 635. Oswiu had a son, Alchfrith, old enough to fight at *Winwaed* in the mid-650s (HE III, 24). There is no suggestion that he was illegitimate. The probable date of his birth, c. 640 or so, suggests that he might have been a son of Riemmelth, and this may indicate a marriage c. 638. On the other hand, the marriage might have taken place before 635 and have been intended to strengthen the exiled Bernician family by an alliance with Rheged: but Oswald himself did not marry until c. 636-37.
 7. For this date and for a number of early Northumbrian dates, see D. P. Kirby, 'Bede and Northumbrian Chronology', *English Historical Review* LXXVIII (1963), 514-27.
 8. The earlier history of the Votadini lies outside the scope of this paper and requires separate consideration. I. A. Richmond, *Roman and Native in North Britain* (London, 1958), 64, 139, 153 defined their territory. On the Votadini in general see A. H. A. Hogg, 'The Votadini', *Aspects of Archaeology in Britain and Beyond: Essays Presented to O. G. S. Crawford* (London, 1951), 200-20, and I. A. Richmond, *op.cit.*, 76-9, 101, 110-11. The treasure from Traprain Law reveals that the Votadini were favourably treated by the Romans (A. S. Robertson, 'The Roman Frontier', *Who Are The Scots?*, ed. C. Menzies (1971), 35-50 (p.36)), but the site of Traprain, obviously at one time an important centre, was abandoned by the mid-fifth century: L. Alcock, *Arthur's Britain* (Cardiff, 1971), 181. For a recent paper by R. W. Feachem on Traprain, see the *Transactions* of this Society. Vol XII 1970, 1-4. According to HB c. 38, Oetha, son of Hengest, and Ebissa, Oetha's cousin, settled beyond Hadrian's Wall and near the borders of Pictland to aid the Britons against the Picts. Oetha, however, was the grandson, not the son of Hengest (see D. P. Kirby, 'Vortigern', *Bulletin of the Board of Celtic Studies* 23 (1968), 37-59 (pp.46-48)), but it is not impossible that he went north to join an existing colony. Of any such

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- colony there appears to have been no trace by c. 558. In *The Age of Arthur* (London, 1973) Dr J. Morris comments on the Votadini in the context of Britain generally but I have not found his observations in any way acceptable and an extended critique of his volume as a whole will appear shortly in a forthcoming issue of *Studia Celtica* (University of Wales Press).
9. D. P. Kirby, *op.cit.*, 527. K. H. Jackson, *The Oldest Scottish Poem: The Gododdin* (Edinburgh, 1969), 11 note 1) suggests that this Æthelric may alternatively have been a Deiran prince, which was a solution offered by P. Hunter Blair, 'The Moore Memoranda on Northumbrian History', *Early Cultures of North-West Europe: H. M. Chadwick Memorial Essays*, ed. Sir Cyril Fox and B. Dickins (Cambridge, 1950), 243-59, who argued for two Æthelrics, a Bernican one and a Deiran one. In my view, this is unnecessary: *op.cit.*, 523-27.
 10. *HB* c. 63. For the chronology, see D. P. Kirby, 'Bede and Northumbrian Chronology', 523 ff., and K. H. Jackson, *The Gododdin*, 9-10.
 11. *Canu Taliesin*, poem X, line 11, which can mean either that Owain slew Flamdwyn ("the Flamebearer") or that Flamdwyn slew Owain. Flamdwyn is very probably to be identified with Theodric, and it is natural to take this line as signifying rather that Owain had slain him, for it occurs in the context of a reference to the slaying of Angles (the men of Lloegr) and it would be natural in a deathsong to Owain to single out his main achievement.
 12. On Rhiwallawn see R. Bromwich, *Trioedd Ynys Prydein* (Cardiff, 1961), 167: on Æthelfrith, *HE* I, 34.
 13. The British Kingdom of Goddeu is generally placed in the area of Selkirkshire: *Canu Taliesin*, xxviii (English version, xliii-xliv); but really we do not possess adequate evidence to locate Goddeu so precisely.
 14. See in particular, P. Hunter Blair, 'The Origins of Northumbria', *Archaeologia Aeliana* XXV (1947), 1-51. K. H. Jackson, 'The Britons in Southern Scotland', 80, sounds a note of caution.
 15. *Canu Taliesin*, poem II, line 6 and p.27 (English version, 31).
 16. *Canu Taliesin*, poem II, line 21: this line requires considerable emendation to make sense, and only if Sir Ifor Williams' suggestion of *Idon* for *don* (p.33) is accepted can the words be construed as referring to the Eden (English version, 37-38).
 17. K. H. Jackson, *The Gododdin*, 100-01.
 18. H. M. Chadwick, *Early Scotland* (Cambridge, 1949), 125 (note 3): K. H. Jackson, 'On the Northern British Section in Nennius', 27-28. Too much was almost certainly made by W. J. Watson, *The Celtic Place-Names of Scotland* (Edinburgh 1926) of Scottish expansion from Dál Riata into Pictland under Aedán. A comment of Professor Jackson's on earlier Irish settlement should be emphasised: "The supposed evidence sometimes quoted that such colonies had been entering Scotland for centuries before rests on very slight foundations, and is probably worthless", *Royal Commission of the Ancient and Historical Monuments of Scotland: An Inventory of the Ancient and Historical Monuments of Stirlingshire* (Edinburgh, 1963), I, 5.
 19. *HE* I, 34: *AT* (*Rev. Celt.*, xvii, 163). Muirchertach reigned for a time as king of Tara before he was slain in 536 and Baetán similarly before he perished in 572. The site of *Degsastan* cannot now be identified: P. Hunter Blair, 'The Bernicians and their Northern Frontier', *Studies in Early British History*, ed. N. K. Chadwick (Cambridge, 1959), 137-72 (p.157 (note 2)).
 20. H. M. Chadwick, *Early Scotland*, 151-52.
 21. W. J. Watson, *The Celtic Place-Names of Scotland*, 206.
 22. K. H. Jackson, 'The Sources for the Life of St Kentigern', *Studies in the Early British Church*, ed. N. K. Chadwick (Cambridge, 1958), 273-357 (pp.305, 307-09).
 23. On the tradition of hostility between Rhydderch and Aedán, see R. Bromwich, *Trioedd Ynys Prydein*, 147-49, 264, 505.
 24. *AU s.a.*, 642: *AT* (*Rev. Celt.*, xvii, 186).
 25. This is the translation given by K. H. Jackson, *The Gododdin*, 147.
 26. *Ibid.*, 98-99.
 27. *Canu Taliesin*, poem XII, line 21: cf. *Trioedd Ynys Prydein*, 308, 375. K. H. Jackson, however, *The Gododdin*, 24 (note 3) remains unconvinced.
 28. *Canu Taliesin*, poem XI, lines 41-42.
 29. Ed. I. Williams, *Canu Aneirin* (Cardiff, 1938); now, with a new introduction, translated in part by K. H. Jackson, *The Oldest Scottish Poem: and The Gododdin* (Edinburgh, 1969). It should be emphasised that the whole question of the dating of the earliest Welsh verse is again wide open. We cannot be sure yet how far a sixth or seventh century nucleus has been added to in the following centuries: see, for example, on this issue, D. Greene, 'Linguistic Consideration in the Dating

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- of Early Welsh Verse', *Studia Celtica* VI (1971), 1-11, but now also Professor Jackson's reply, 'Some Questions in Dispute about Early Welsh Literature and Language', *Studia Celtica* viii/ix (1973-74) 1-32.
30. K. H. Jackson, *The Gododdin*, 99, 103, 108.
 31. *Ibid.*, 130-31.
 32. D. P. Kirby, 'Bede and Northumbrian Chronology', 527: cf., however, P. Hunter Blair, 'The Bernicians and their Northern Frontier', *Studies in Early British History*, 156.
 33. This is, for example, the view endorsed by Professor Jackson, *The Gododdin*, II.
 34. As Professor Jackson himself points out, it could have numbered up to three thousand or more (*The Gododdin*, 15). Leslie Alcock, *Arthur's Britain*, 336, however, refuses to accept that a number of British warriors substantially larger than 300 or so was involved at *Catraeth*. But Professor Alcock is nevertheless prepared to credit Arthur with an army (or perhaps Cadbury with a garrison) of 1000 men (*op.cit.*, 359). Both Professor Jackson (*op.cit.*, 28ff) and Professor Alcock (*op.cit.*, 344) comment variously on the evidence of Aneirin's poem for battle conditions in this period.
 35. K. H. Jackson, *The Gododdin*, 12 suggests the possibility that the Gododdin attack was launched c. 588-90, when the Bernician prince, Æthelric, was establishing himself in Deira and when, for a time, Bernician strength might have been diminished. It seems more probable that it was Urien who took advantage of this moment to attack Theodric in Bernicia, and if so this could give us the approximate date of the death of Urien. But this suggestion is speculation, as Professor Jackson admits his is, and we must resist, of course, any desire to force our fragmentary jigsaw pieces into too neat a pattern.
 36. *HE* III, 1. 6: *Baedae Opera Historica* II, 124, 161, 236.
 37. *HE* III, 25.
 38. *Breviarum Aberdonense* (facsimile edition: Bannatyne Club, 1854: 2 vols.), I, sub Augustus, fo. lxxvii.
 39. *HE* II, 9.
 40. K. H. Jackson, *Language and History in Early Britain* (Edinburgh, 1953), 214 (note 2).
 41. *Two Lives of Cuthbert*, 313, 323.
 42. *History of the Church of York*, ed. J. Raine, vol.2. (Rolls series, London, 1879). 352.
 43. *Wilhelmā Malmesbiriensis monachi De Gestis Regum Anglorum*, ed. W. Stubbs, vol.I (Rolls series, London, 1887), 49.
 44. *HE* II, 19.
 45. J. E. Lloyd, *A History of Wales* (London, 1939 ed.), I, 183.
 46. *HB* c. 63.
 47. *HE* II, 9.
 48. J. E. Lloyd, *A History of Wales*, I, 184-85.
 49. I would place the missionary activities of Rhun, son of Urbgen (Urien) (*HB* c. 63) in the Cheviots and associate him rather than Paulinus with the mass baptisms at Yeavering in the reign of Edwin (*HE* II, 14).
 50. *HE* III, 3. On the evidence for the subsequent significant cultural influence of Iona on Northumbria in the literary field, see D. A. Bullough, 'Columba, Adomnan and the Achievement of Iona', I and II, *Scottish Historical Review* 43 (1964), 111-30, and 44 (1965), 17-33.
 51. It is interesting that the Irish annals record a coming together of Saxons against Oswald in 639 (*AU* s.a., 639: *At* (Rev. Celt., xvii, 183)). This is not from Bede, and must represent a Saxon reaction against Oswald's imperium which is otherwise unrecorded.
 52. *HE* II, 5.
 53. *HE* III, 6.
 54. P. Hunter Blair, 'The Bernicians and their Northern Frontier', 161: F. T. Wainwright, 'The Picts and the Problem', *The Problem of the Picts*, ed. F. T. Wainwright (Edinburgh and London, 1955), 1-53 (p.7). I. Henderson, however, adopted a cautious approach, *The Picts* (Ancient Peoples and Places 54, 1967), 52: cf. D. P. Kirby, *The Making of Early England*, 58-59.
 55. For examples of this kind of rival dynastic propaganda, see D. P. Kirby, 'Bede's Native Sources for the *Historia Ecclesiastica*', *Bulletin of the John Rylands Library* 48 (1966), 341-71 (p.351).
 56. *HE* III, 9: *Symeon of Durham: Opera Omnia*, ed. T. Arnold, vol.1 (Rolls series, London, 1882), 350, 352: I. Williams, 'Notes on Nennius', *Bulletin of the Board of Celtic Studies* VII (1933-35), 380-89.
 57. *Adomnan's Life of Columba*, ed. A. O. and M. O. Anderson (London and Edinburgh, 1961), I, 1.

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58. *AU s.a.*, 642: *AT* (*Rev. Celt.*, xvii, 186). A. O. Anderson was disposed to identify this conflict with the battle of the *Winwaed* (*ES* I, 173 (note 2)), but the annals distinguish clearly between the two, this one against the Britons and *Winwaed* (*AU s.a.*, 656: *AT* (*Rev. Celt.*, xvii, 194)). There seems every reason to regard the war of Oswiu against the Britons as a separate event from the campaign which led up to *Winwaed*, another otherwise unrecorded episode in Northumbrian history. Similarly, the reference to a battle between Oswiu and Penda (*AU s.a.*, 650: *AT* (*Rev. Celt.*, xvii, 190)), may well be a record of a conflict between the two rulers not otherwise recorded and not a duplication of *Winwaed* (even though it came to be regarded as such by the compiler of *AT*). Bede (*HE* III, 16) provides incidental confirmation that Oswiu and Penda were at war c. 650.
59. A. Graham, 'Giudi', *Antiquity* 33 (1959), 63-65: cf. K. H. Jackson, 'On the Northern British Section in Nennius', 35-37, and *The Gododdin*, 6.
60. *Royal Commission of Ancient and Historical Monuments of Scotland: An Inventory of the Ancient and Historical Monuments of Stirlingshire*, I, 4.
61. *HB* c. 64, 65.
62. For a recent discussion of Manaw of the Gododdin, see K. H. Jackson, *The Gododdin*, 69-75.
63. K. H. Jackson describes the region as "the central cross-roads of Scotland": *An Inventory of the Ancient and Historical Monuments of Stirlingshire* I, 6.
64. *HE* III, 24: *HB* c. 65.
65. For an analysis of dynastic politics in Northumbria at this time, see D. P. Kirby, 'Northumbria in the Time of Wilfred', *St Wilfried at Hexam*, ed. D. P. Kirby (Newcastle, 1974), 1-34.
66. J. E. Lloyd, *A History of Wales* I, 191.
67. G. C. G. Thomas, 'Dryll o Hen Lyfr Ysgrifen', *Bulletin of the Board of Celtic Studies* XXIII (1970), 309ff., line 25: cf. I. Ll. Foster, 'The Emergence of Wales', *Prehistoric and Early Wales*, ed. I. Ll. Foster and G. Daniel (London, 1965), 213-35 (p.231). This poem, in honour of Cadwallon, is usually regarded as being strictly contemporary until his attack on Northumbria, but possibly a degree of caution is necessary here. It was first edited by Sir Ifor Williams in the *Bulletin of the Board of Celtic Studies* VII (1933), 23-35, 29-32. The meaning is at times very obscure and the poem extremely difficult to translate. It certainly merits further study.
68. This theory has a long history: J. Rhys, *Celtic Britain* (London, 1884), 136: D. A. MacKenzie, *Scotland, The Ancient Kingdom* (London and Glasgow, 1930), 141: and N. K. Chadwick, 'Bretwalda, Gwledig, Vortigern', *Bulletin of the Board of Celtic Studies* XIX (1960-62), 225-30. Not only, however, was *Vortigern* not a title but a personal name (cf. D. P. Kirby, 'Vortigern', 40 (note 4)), but *gwledig* simply meant *lord*, not *overlord* (Mrs Chadwick admits (p.228) that it could be applied to any ruler) and so does not necessarily correspond to Old English *bretwalda* (ruler of Britain). It could have acquired a pseudo-significance in the ninth and tenth centuries.
69. *Early Welsh Genealogical Tracts*, ed. P. C. Bartram (Cardiff, 1966), 9.
70. *HB* c. 62: *Early Welsh Genealogical Tracts*, 13. The date is quite uncertain and has been variously estimated: L. Alcock, *Arthur's Britain*, 126-29 provides a recent review of the evidence.
71. *HE* III, 1.
72. *Trioedd Ynys Prydein*, 65.
73. G. C. G. Thomas, 'Dryll o Hen Lyfr Ysgrifen', 313, line 31.

A PARISH AND ITS POOR

Yester in the second half of the seventeenth century

By ROSALIND MITCHISON

Social welfare, which in the historic past means the poor law, is important because it is the way society aids and controls those who need help. It reflects social philosophy, and can be the means of enabling people to survive. In a country with a weak central government, such as Scotland in the seventeenth century, the reality of the poor law is not found in the documentation of the central government, but in the localities, in particular in the records of the kirk sessions. Not much has been done to exploit these for this purpose. There is a valuable little book by J. McPherson, *The Kirk's care of the Poor*,¹ which studies the local church records for northern parishes. Otherwise the subject has been neglected. It is difficult to avoid the impression that the main use made of session books has been to examine the session's role in discipline, particularly sexual discipline: a sort of historical voyeurism.

Yester is valuable as a parish because it has an unusually good run of Kirk Session registers in the seventeenth century. They are not absolutely continuous, but full and legible, and of special interest because twice in this period it was found necessary to raise poor relief by assessment: in 1650 and in 1698.² The Scottish Poor Law of 1579³ and later enactments made it perfectly clear that parishes were to assess themselves, but in practice there had not been adequate central authority in the country before the middle of the seventeenth century to enforce this. The approach of Scottish parishes to the poor law was selective: they obeyed parts of the law, ignored others and directly contravened some parts. Theoretically the law insisted on parishes listing their own poor, raising a "stent" or rate for the support of these, branding and imprisoning wandering beggars and compulsorily apprenticing their children. I have not yet found a rural parish that obeyed the parts of the law about beggars and their children, and it was rare for a parish to raise a rate in the first part of the seventeenth century. But this ignoring of the law about rating was made possible by the use of other funds. Most parishes raised the money for their poor by church collections, "penalties on the Scandalous", i.e. fines on moral offenders, legacies

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("mortifications") and mortcloth dues, and these enabled them to cope with at least the most obvious cases of destitution. In 1649, with the Whiggamore party dominant in church and state, a further Act was passed reminding parishes about the law, reaffirming it, and for the first time, accepting that in practice most poor law money came from these voluntary sources and not from assessment.⁴ It stated that where necessary assessment was to be used to supplement voluntary contributions. It also ordered that none of the slothful were to receive aid, but it does not seem that this meant no unemployed were to be helped, for it laid down that work was to be provided for beggars "in their own parishes". By this time, with the Scottish nobility politically as well as militarily defeated, and the dictatorship of the godly established, there was much more likelihood of obedience than there had been under the slipshod and patchwork royal government of the past. There was also a real need for relief. The political and economic disturbance of the 1640s had been tremendous. There had been the burden of four wars, one of them a civil war, and even though the bill for three of these had been passed to others, financial burdens had lain on the country. There had been the plague of 1646, which had struck hard at the burghs and the rural areas near to them. From 1649-51 the price of grain was very high, and though this seems to have been more the result of disorder than of dearth,⁵ it is a reminder of the tremendous burden that disorder placed on the economy and how hard it made life for all those who worked for wages.

Yester is a fairly big parish geographically, stretching up to the hills from the river. We have no seventeenth century figure for its population, and only know that in 1755 Webster put it at 1091.⁶ The activity in the Kirk Session records and the numbers of names given make it unlikely that it ranged much if at all below this in the earlier century. It had three main landowners, Lord Yester (from 1646 the Earl of Tweeddale) who owned about half of the parish, and the baronies of Newhall and Newton. There were also four very minor heritors.

The nobility might have sustained a political defeat, but the lesser landowners of Yester do not seem to have been particularly ready to obey the commands of Parliament, even though reinforced by those of the synod. On December 4th 1649 the register⁷ records that "Intimation was made that all the heretours and session shall compear upon tuesday next after sermon to take some course anent ye poore conforme to act of Parliament", but ten days later it adds "None compeared for my Lord — dilayed any provision for ye poor till ye next meeting". The minister read out the Act and gave new warnings to the heritors, pointing out that "any considerable number of the heretors and elders" were empowered to do as seemed best to them: in other words that mere non-attendance would not be allowed indefinitely to hold things up. The elders were ordered to make up a list of the poor, and had it ready a week later. There were,

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they claimed, ten poor people within Yester barony, five in Newton and two individuals and a family of three orphan children in Newhall, making 20 in all, a suspiciously equal allotment between the major units of land. The meeting of heritors and sessions was now fixed for 15th January 1650. This time it was called off because of bad weather, but as a new date was not fixed, there may have been other reasons. In February the session was dealing briskly with some reported cases of people in Yester and Newton housing vagabond beggars, and the speed with which it brought the offenders to heel makes it likely that they were small folk. The elders were keeping an eye on the cases of poverty in their own areas. On March 7th the minister told the session that he would tackle the heritors privately about provision for the poor, and the elders and deacons were "to speak to the comones . . . to see what they will doe." A fortnight later the session noted "the barony of Newhall promitted to take care of their own, The barony of Yester has provyded for theirs, only the barony of Newton remayned to be doone". But this was over optimistic. During April efforts to hold a meeting were still being made, and there were clearly grounds for doubt that the baronies had done what they promised. Only Yester seems to have done what was agreed, and this may be explained by the activities behind the scenes which led in May to Lord Yester, the son and heir to the Earl of Tweeddale, publicly apologising for adherence to the Engagement. This barony had set a stent on every ploughland for the poor, and Lord Tweeddale was also paying himself: it looks as if the barony was feeling its way towards the division of burdens between owner and occupier which was to become the normal form of rating in Scotland for education and poor relief, but which had not yet been laid down in Act of Parliament. The other two baronies were less compliant, and on June 25th the session noted that "nothing was done be the barony of Newhall and Newton but fair promises". The minister was empowered to speak to Lady Newhall and hold a meeting for her tenants. Clearly the kirk session had not managed to discipline the landowners in the first half of 1650, though it had tried.

For obvious reasons a kirk session register from an East Lothian parish cannot be expected to be very regularly kept in the later summer of 1650. That of Yester records in August 1651 "No session was kept in our church betwixt the 22 of July 1650 and the 3 of August 1651 because of our troubles and absence of our minister". In the interlude the parish had suffered plundering by one or other of the armies that fought at Dunbar, and had its minister in prison for some time. During his absence the session carried on as well as it could and distributed the funds that it had in the Poor Box to those most in need, but could not function properly without the minister. Enemy occupation did not affect it as much as his imprisonment. As soon as it could meet in proper fashion with the minister it fixed a date for a review of the accounts of the poor fund,

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called for a new roll of the poor, collected money for a special appeal to aid the parish of Kelso, and allotted the interest from a legacy from the laird of Newhall "to the schoolmaster for learning the poor, because formerly he never got any therefor". In December it was making a special distribution of oatmeal, and this was followed by granting out to some eleven needy households a returned loan of twenty pounds Scots. In February 1652 things were still bad and "because of the state of our poor householders" a "voluntary contribution" was proposed. "Voluntary" was a much misused word at this time, and it looks as if this was intended to be compulsory. At the last minute it was called off. But some sort of assessment was put on, because in October there is a referēce to getting in and distributing the contribution to the poor and in November 1652 and in January 1653 the minister held talks with Lord Yester about "the poor folks meall". It looks as if the assessment was in kind, but it may not have extended to the whole of the parish, and of course, once made, would be fairly inelastic, and landowners would object to having new names entered on the lists of poor.

What is interesting in all this is the long time it took to get the heritors to co-operate — if they all ever did — and the fact that for practical purposes the unit that mattered was still the barony, not the parish. There was no suggestion of making a landowner pay for the poor who were on someone else's land. In October 1654 the session was trying to have another meeting with the heritors about the handling of a legacy which the late minister had left to the school. Even here, where delay can have been of no particular advantage, the heritors could not be got hold of, and whether they ever met is not known for the register stops in November for nine years. In general one is not impressed with the power shown by the church at the height of its domination over the landowners.

When the register reopens in 1663⁸ the special crisis of poverty was over. In the comparative calm of the next thirty years we can learn a lot about the normal workings of the Scottish Poor Law. The first point that we note, in no way peculiar to this parish, was the indifference of the parish to changes in the statute law. In 1663 and 1672 an elaborate code for dealing with beggars was spelled out by Parliament.⁹ The heritors were to send them off to correction houses in the main burgh of the county, from where they were to be assigned to work in manufactories for eleven years without pay. The owner of the manufactory was to supply them with food and clothes, but for the first four years of their labour he was to be recompensed by the parish to which they belonged. This was to be on a three years' settlement basis. The parish was to raise the compensation money by assessment and it was fixed at 2 shillings Scots a day for the first year and after that one shilling.¹⁰ If a heritor of the parish found he could usefully employ these beggars he could retain them instead of sending them off. No kirk session register that I have read pays even passing attention

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to this structure of law, designed to solve the problems of vagabondage and economic backwardness at a single stroke, and the burghs did not build the correction houses.

Instead Yester, like other parishes, continued to give out small payments to beggars as they came round, particularly to those who hung around at the communion service, and rather bigger payments to those beggars who were furnished with a recommendation from the presbytery or synod. Beggars seem to have been on the road at all seasons of the year. A typical set of entries come in April and May 1667 —

to a cripple man four shillings
to two poor supplicants six shillings
to a distracted woman recommended twelve shillings

In 1666 we find a gift of L4.4 shillings to "one recommended", whose name was deliberately concealed. The session was sensitive to rank, and there is abundant evidence from seventeenth century session registers to show that those with some sort of rank or style felt embarrassed at being known to receive poor relief. In April 1673 we find that most beggars get a shilling or two but "a poor gentlewoman" (and her name was given) got six shillings.

The only year of conspicuously poor harvest in this period was 1674, and this crop failure is reflected in the sharp rise in the number of beggars in 1675. The number was well over 50 in the whole year, at least 46 coming round as individuals, and six or more as groups. The total is over twice the number relieved before the bad harvest, in 1673 for instance. Professor Smout attributes this to the "thirteen drift days" of the year before.¹¹

Besides beggars there were special collections for good causes recommended by lay or ecclesiastical authorities. One is frequently struck by the generosity of seventeenth century parishes in these matters. In the 1650s some of this generosity may be regarded as political in aim. In September 1651, for instance, despite the hardships of recent invasion, Yester paid 65 pounds nine shillings "to the prisoners at Edinburgh" when a normal weekly church collection would have amounted to about a pound, and in October of 1652 200 merks were put up for Glasgow, of which Lord Tweeddale paid 50 pounds. In less political matters the session wisely took to taking a percentage for its own poor off these collections, which was fair enough because the collection usually supplanted the normal weekly one. A collection in August 1684 for those whose houses had been destroyed by a great fire at Kelso shows the level of generosity on a non-political issue. The minister made a special tour of the parish to get in money, and the session register records the amounts paid by the different farms and big households.

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The sums subscribed were as follows —

	pounds	shillings	pence
Carnhaugh and the servants theirto belonging	3	8	4
Newtonhall, the mains, Newtown town and myln	7	18	10
Kidla and Akesyde	4	8	6
Leighhouses, Caldsheill and servants there	4	4	6
In the Lordship of Newhall	5	19	4
Castlemains, walstreeshot park and park shank	6	17	—
Quarelford myln	2	19	4
The town and townend of Yester	9	13	—
Redshall	2	2	—
Skedsbush	9	1	4
Gamilston	1	7	—
Carselwood and Miscovea	1	5	2
The minister and other families at Yester Kirk	6	—	—
The servants of Lord Tweeddale	33	19	—
My Lord Tweeddale	120	—	—
My Lord Yester	66	13	4

The minister made the total 285 pounds 2 shillings. It is not necessarily that his arithmetic was poor. The ink of the entry has faded so much that I am aware there may be faults in transcription. Errors would not, however, alter significantly the relationship between the payments. The relative meanness of the lesser baronies of the parish stand out and so does the generosity of some areas, such as Yester town, where we have no reason to believe there were people of substance.

A similar, but less seriously undertaken, collection in August 1677 for a fire in Seton netted 21 pounds two shillings, of which the session retained three pounds five, and in 1675 for a fire at Newbattle it kept three pounds one shilling out of thirty one pounds one shilling. That there were people in the parish with surprisingly large reserves of cash is shown by occasional windfalls. In May 1677 "one who desired his name be concealed" gave twenty eight pounds to the poor, in 1686 there was a donation of 8 pounds and in 1688 another anonymous donation was for a hundred pounds. The session decided to use this last one to supply catechisms for all who could read.

In these relatively secure years the session was able both to build up a reserve of funds and pursue a fairly generous policy towards its own poor. We get glimpses only of this reserve, for the accounting methods dealt only with immediate incomings and outgoings. In October 1664 three hundred merks were lent to a Haddington apothecary and a year later the total out on loan was at

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least 450 merks. In 1683 we find that Lady Newton had in the past borrowed a thousand merks from the parish on the security of a cautioner who had now disappeared or died. The session would not renew the loan without a cautioner "considering the hazard their poor's money was in upon good and undoubted circumstances well known to them". Irrespective of the personal reliability of Lady Newton, the session was quite right. Many registers, including this one, contain evidence of the difficulty of getting back money lent: landowners were no more likely to be good investments than other people and were far more difficult to bring to heel.

The problem about what to do with accumulated funds was a difficult one to which there was no ready answer. Obviously it was unwise to lend it to people who could not give security. The parish of Penninghame (Newton Stewart) discovered in 1734 that its treasurer had been lending out its money for many years without the authority of the session, and a lot of his loans were to small craftsmen and farmers and were never returned.¹² Time and again we find kirk sessions letting debtors off the interest due in the hope of getting back the principal at least. Sprouston and some other border parishes lent out a big mortification to the burgh of Edinburgh, in the hope that at least the capital city would not default and Sprouston was annoyed when Edinburgh lowered the rate of interest in 1695.¹³ If money was lent out it ought to be earning, to make more for the poor in an emergency. But in emergencies even wellfounded and guaranteed debtors might not be able to make repayment promptly. Yester's policy was to lend out much of its reserve but as events will show this was neither profitable nor wise. It is impossible to trace all the loans because the entries about them are fragmentary, but we get plentiful evidence of the problems they entailed. In 1692 the session was obliged to accept the offer of a kinsman of a debtor that if the session would drop all claim to eight years' interest on 50 merks he would guarantee the main sum. In July 1693 a small debt had to be totally abandoned and in May 1695 James Staig in Newton owed a hundred merks and was in such a distressed condition that the session and his landowner had both to offer to forego a quarter of the money owing. The session was aware that if it pressed him too hard he might well become a supplicant for poor relief, and the poor's funds would certainly not be a gainer by that. The references to bad debts go on year after year through the register.

The basic problem of poor relief in a society of small peasants living always fairly near the edge of starvation was that any of a multitude of small accidents could amount to a disaster that would send people over the edge. A parish could have a fairly standard problem of those in need from old age and infirmity. Yester made a pension list for these and put some of them into almshouses at Duncanlaw, but it had to meet other cases as they came.

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It is necessary to point out that there is no trace in the seventeenth century working of the poor law in any parish that I have examined of the nineteenth century qualifications about the cases eligible for relief, or the amount to be given them. In the nineteenth century there was accepted the dogma that only the disabled, as well as the destitute, were eligible, and that the amount given should not be enough to live on. There was a lot of talk about maintaining people's independence, and encouraging the ordinary working man to save enough for the ordinary hazards of working life. This sort of language was simply not applicable to the earlier period. The hazards of life could be easily "extraordinary" as well as ordinary, and of course in a famine it makes no difference whether someone is able-bodied or not, if they need food. For most cases of need the sessions made a small grant and hoped that the poor would get more by begging, but some needs were exceptional and needed big payments. So we find a wide range of need and scale of payments acknowledged. "John Watsone . . . that through death of his beasts he is disabled to work for his livelihood . . . L7. 6s." (July 1663); William Stagg "maintained by the session from infancy, for his bread at the schole of Saltpreston . . . L1. 4s a month as long as the necessities of the poor allow" (September 1666); a special collection of L20. 5/10 for Patrick Waddell in Baro who had his malt burnt, March 1697; nine pounds a quarter for a wet nurse for a sickly infant, 1694; "for the maintenance of two exposed children in the paroch of Tranent, L1. 3" (May 1674). Exposed children did not necessarily come from the parish where they were found, so it was only fair to spread the burden. In November 1668 there had been a flurry about such a foundling at Aberlady and the Laird of Newhall had taken great trouble to get a testimonial from the session that his lady had been seen in good health just before.

The scale and nature of the entries give one a strong impression of need being really met. The parish was prepared to give monetary assistance even while pursuing an offender for moral offences. In the summer of 1650 it was paying four shillings a week to "James Raeburn adulterer", while he was still "making satisfaction for his offence". In August Janet Orrocks, mother of an illegitimate child by a man who had gone abroad, was granted twelve shillings a week "considering her privat necessitie and the Misery she had reduced herself and her poor child to". She was made to promise on oath that she would get the father to pay it back when he returned. Perhaps the prospect was too much for her, for in September it was reported that she had run away.

Kirk sessions were always particularly generous to lunatics and imbeciles, people who not only could not work for their living but who could not even be trusted to beg for part of it. Yester had one such, William Hay "an edeot". He had been supported by his mother until October 1692 when she died, leaving

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him at the age of 28 on the hands of the session. The minister spoke to the landowner of his holding, Lord Tweeddale, who said "God forbid that ever he should withdraw his Charitie from such an object", (a reply carefully filed in the register in case what God forbade should show signs of actually coming to pass) and he was left in possession of his land. A woman was found to keep house for the idiot, a pension was paid, and stepped up when, in ensuing years of shortage, the price of food rose sharply; clothes and blankets were made for him when he needed them, and in June 1694 a milk cow was bought for him. Year after year the cost and details of his care were fully met. The session took an inventory of his possessions, so as to claim them on his death, but this refund would amount to only a small fraction of the money he received.

A modern touch in the register is to find the session disagreeing over the problem of fraudulent claims to relief. For January 1677 there is an entry, presumably by one of the elders "Cheated of the treasurer at command of the Minister by a woman who said she had a child dead at Yester which was a ly 3 pounds". This has been crossed out, and over it is written "Given to a poor woman for burying of her dead child". Clearly minister and treasurer did not see eye to eye over this case.

Generosity by the parish became more than ever necessary towards the end of the 1680s, for though this was not a period of crisis it seems to have been one of considerable poverty and distress. Some of this may have been the inevitable result of economic development. As Scotland's linen industry developed households can be found supported entirely by it. A sudden recession would throw them out of work. This may be the explanation of some of the beggars on the roads, who should be regarded as unemployed in search of a livelihood. Beggars become more frequent in the session register, and there are entries which show that they may have been expensive. In 1690 there is the entry "to buy a coat and shoes to Catherine Dickson a poor orphan stranger, 18 shillings" followed by another 18 shillings for a sark for her, and this instance is not alone. There are gloomy entries about the allotment of coffins to strangers, showing that some people had roamed until they died, and in July 1689 the register recorded a decision that coffins for the poor, to be paid for by poor funds, were to be made only by those it should appoint. In other words this was too valuable a source of work to be handed out to those not in need. The parish employed one Adam Samson as a coffin maker. He was in his fifties and in poor health. Throughout the troubles of the 1690s he can be found either making coffins at three pounds a time or receiving direct relief when business was slack.

The pressure of beggars comes to a head in 1692. In the first eight months of that year over a hundred were relieved, and then the Privy Council struck

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with a proclamation (an Act) about beggars.¹⁴ The laws of 1663 and 1672 were to be enforced. Beggars were to be imprisoned and forced to work. Heritors failing to act in this way were to be fined twenty pounds and lesser folk two merks. Parishes that did not list their own poor and assess themselves to support them risked a fine of two hundred pounds. By this time Lord Tweeddale had become Lord Chancellor. It was therefore not open to the parish of his principal residence to ignore such an order. Meetings were held. What was to be the definition of a beggar? This was a real problem because the habit of support by the Kirk Session presupposed that those able to do so would add by begging to what was given them as poor relief. The assumption of the law was that there was a distinction between beggars and poor, which was not true in fact. The assumption of most kirk sessions was that there was a distinction between beggars from outside the parish and the local poor who also happened to beg, which came nearer the truth. But we should also bear in mind that the law's punitive approach to beggars was based on the assumption that they were people who had deliberately chosen this way of idle living. It is certain that many people on the roads were there without having freely chosen this life. They might be tenants thrown out after a bad year and failure to pay their rents. They might be unemployed workers in Scotland's incipient industries.

Faced with the difficult problem of definition the Kirk session resolved that a beggar was to be defined as "such who Seekes from door to door". This, it was felt would distinguish outsiders from the parish's own poor. The poor were listed, and neighbouring parishes also listed theirs. It was discovered, to the dismay of Yester parish, that one Christian Fludyer in Garvald and one James Crow in Bolton claimed to have been born in Yester. If these claims were proved, Yester would have to pay for their support. Though the parish had plenty of savings out on loan it clearly felt that the ordinary supply of money from charitable giving was for the poor of the parish, not for people whom no-one knew and who were regarded as strangers. It was agreed that if necessary an assessment would be made, to supply fourteen pence sterling a week each to these claimants and the laird of Newhall promised to ask the sheriff clerk for a valuation list on which to base the assessment.

This issue does not recur again. It looks as if the claims were not substantiated. The only change in long term considerations that the proclamation produced here was to clear the roads of beggars for the rest of 1692. They remained fairly clear for the next two years, too. Then in 1695 we see real signs of strain. Beggars again become frequent, and the debtors of the parish are in difficulty. The harvest was distinctly poor, and a lack of food would mean the drying up of demand for textiles and other goods, so that industries would be severely affected. Yester by now had a paper mill. This is one industry unlikely to close

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down in a recession, since its main market was the demand of the legal profession and therefore steady, but these early mills did not use much labour and their main demand for unskilled labour was in the casual work of collecting rags.¹⁵ It cannot have made much difference to employment. The long war with France was coming to an end, so that the strain produced by the war itself merged with the unemployment produced by its ending. The lists of those needing help get longer. By July 13th 1696 the parish recognised that it faced a real emergency. "This day ordered to be taken out of the Session Box what money is there in for the present necessitie of the poor, which is found to be 20 pounds, nine shillings and sixpence, of which ten pounds four shillings is clipped." By this date it seems clear that the coming harvest was to be a failure. By the end of July Yester had disposed of its reserves, the clipped money going for less than half its nominal value, and faced what we today would call a simple crisis of liquidity. It needed cash at once. "Urgent necessity" was the phrase in the register. There was money out on loan, plenty of it, but it could not be got in quickly to tide the parish over till harvest, and the crisis did not look like ending with harvest.

The solution to this crisis came from a visit of the minister to the next door parish, Bolton. Bolton had not been in the habit of lending its reserves, but had kept them in a second poor box.¹⁶ Bolton agreed to lend a hundred merks for half a year at the standard rate of interest on recognition that the security of Yester was good. The money was ready within a week. Forty-three pounds was distributed at once to twenty-three families and a stranger, and the rest, with what came in from collections and mortcloth dues, was dribbled out through the autumn. An epidemic had struck, which kept up the mortcloth receipts. Fifteen people paid mortcloth fees and five received parish funerals.

In the spring of 1697 the parish was still struggling with death and the risk of starvation. 26 more mortcloth fees and seven parish funerals are recorded in the register for this year. Enough of the money out on loan had been regained to repay Bolton, principal and interest, and the harvest of 1697 was good. It looked as if the worst was over. In August Lord Tweeddale died and left a legacy to the poor on his estate. His son and successor, Lord Treasurer of Scotland and sheriff of the county, was concerned to work the poor law as the Privy Council conceived it.

In the summer of 1698 fears of starvation again came forward. There was a long drought and the corn was not growing. The Privy Council produced a further proclamation about listing the poor and supporting them by assessment,¹⁷ and as a law-abiding parish Yester settled down to make up its list and decide how much had to be raised.

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This time there was less trouble getting the heritors to attend. One was absent, James Congleton of Skedsbush, who promised to agree to whatever was decided. The other lesser landowners toed the line. Twenty-eight families asked for support. The Privy Council proclamation had fixed settlement at seven years, but Yester decided to support its incomers, at least until it saw how neighbouring parishes behaved. 21 of the claims were accepted, which meant that there were 81 people on relief. A further four claims were put in a week later, for a further 13 individuals.

The parish decided to raise funds by assessment for the 21 families, who were given small weekly allowances of between three and ten shillings. Of the seven whose claims were not accepted, one woman was ordered to leave the parish within a fortnight and not given a testimonial: clearly the session was uneasy about her morals, and felt it had no obligation here. I cannot find out what happened to the others. The four late applicants were told they could not be pensioned that quarter, but two of them received money with fair regularity from the church collections. By the end of October two of the pensioned people had died, and four claimants were given their allowances, divided up. It seems that having carried through the difficult process of assessment the parish was unwilling to vary the amount collected.

What did the allowances mean in practice? When we find Margaret Brotherston aged 52 with two children of 11 and 6 getting ten shillings a week, or Margaret Mylls in Mureborn, aged 40, with an infirm husband and children of 10, 5 and 2 getting the same, we should not think that this sum would support the household. The kirk session is clearly assuming that some other source of support exists, work, a kail yard or begging. The allowances are sometimes supplemented further from the collections. It seems clear that the money raised by assessment is only to bridge the gap between existing sources of supply and survival, no more. The crucial question for appreciation of the adequacy of the poor law is, did it bridge this gap? How did these pensioners manage in the famine that lasted through 1698 and 1699 and the epidemic that struck in the early spring of 1699?

This is not an easy question to answer because we have no surviving register of deaths for this period. Some deaths are recorded in the kirk session register, those helped by the parish funds to a coffin or a grave are noted, and usually by name. The other indication of death, mortcloth receipts, does not precisely indicate whether the name recorded is that of the corpse or of the person organising the funeral. From pauper funerals we can see that two women died very soon, as I have mentioned, one of whom was over 70. A man died in January 1699, and a married couple, both old, died in June. One family appears to have left the parish. All the other heads of household named were still receiving

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relief in the spring of 1699, though in one household a child had died. If other children died it seems probable that their families could afford to bury them and should not therefore be regarded as totally destitute. In the spring three families came off the roll, perhaps by departure, perhaps because things took a turn for the better for them, and one other in the autumn of 1699. Tracing of families is not entirely straight forward because the register is not consistent in its adherence to the concept of a male head for each household if there was a father, and because wives did not take the surname of their husband. Families therefore may be entered under the mother's surname, and later under the father's, but with persistence the linkage can be made and the household identified. Finally one arrives at the conclusion that of the 25 households accepted for regular relief, 21 can be found still getting occasional aid after the 1699 harvest under the same name, and therefore some at least of the household must have weathered the most severe period of the ill years of King William's reign. The parish had to provide for two poor law funerals in 1698 and thirty in 1699, so there was plenty of death. Some of these funerals were for wandering beggars. It does not seem that people in Yester died simply because they were poor. By contrast, if you turn to another parish in this county, Spott, where the deaths in this famine are the highest in any Scottish parish, one cannot avoid thinking it was because the parish was not properly working the poor law.¹⁸

The method of pensioning, which was to hand over the support by assessment to the landowners concerned, means that the names of the pensioners are withdrawn from the register except for any further relief. It also means that we do not know for how long the assessment continued, though it certainly went on till after the harvest of 1699. This harvest was greeted by the government with relief,¹⁹ and called by the Privy Council in September 1699 "seasonable and plentiful". In November a day of thanksgiving was ordered, but in February 1700 the General Assembly was complaining of "continued, pinching dearth" and "great and unusual sickness and mortality".²⁰ Something must have gone wrong with the expected plenty. Prices were still at famine level. Perhaps the Privy Council took its account from an untypical area, or perhaps the dislocation of the whole economy from the past shortages was so great that, added to an impending balance of payments crisis, recovery was difficult. It seems to me unlikely that Yester would have stopped its assessed poor relief in a winter which was going so badly as that of 1699-1700, but it probably stopped it with the harvest of 1700 in sight.

The pensioners in this crisis were only part of the total of people receiving aid, though the part in most severe need. In all the period of the ill years, that is from 1695-1700, 121 names appear in the register as getting relief, usually on more than one occasion. In many cases it is clear that this is for a whole family.

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Sometimes there is duplication, for the help might be given in the name of either father or mother, and though some instances of this can be located, not all can. Even so the total helped must have been very large. We do not know the population of Yester in the 1690s, but even if it was then larger than in Webster's day we must allow that a large percentage of the population at one time or another were helped by the parish. The community, with aid of its neighbour Bolton, mustered its resources and carried most of its ordinary folk through the crisis of four years of famine. When in the winter of 1699-1700 the Privy Council instituted an inquiry into which parishes had not carried out the duties of the poorlaw during the famine,²¹ Yester at least could feel secure.

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THE BELL INN AND THE FAIRBAIRNS OF HADDINGTON

By MARGARET ELLIOT

In the days when Haddington was known to horse-drawn travellers as the first staging point on the East coast route from Edinburgh to London there were two coaching inns in the town, *The George* and *The Bell*. *The George* had the monopoly of the service to the mail coaches, and it still does business as an inn, but *The Bell* has disappeared. Once known as the Old Post House of Haddington, it stood five storeys high on the South side of the High Street at no. 46, with stable yard, coach house, doocot and garden behind. It was rebuilt in the nineteenth century and is now used as offices, and only remnants of the buildings behind it are now visible.

In the latter part of the eighteenth century *The Bell Inn* was owned by a family of Fairbairns, James and Sarah and their son Thomas. Some account books and note books relating to the period between 1770 and 1800 have been preserved and are now in the Edinburgh Central Public Library.¹ The day to day picture of the inn's business which they give has some interest as a record of the life of the community of Haddington and the traffic of the post road through it.

James Fairbairn, Innkeeper, was admitted a burgher and guild brother of Haddington in 1759. He was tenant of *The Bell*, or as he himself called it, *The Blue Bell*, from 1764, and in 1774 he bought the property. He was a man of substance in the town, a crony of the local merchants and town officials, and he had his son Thomas educated as a lawyer. Besides *The Blue Bell* he rented the farm of Blackshiels near Humbie, on what is now the A68, and managed the inn there, thus providing a service to travellers on two of the main routes from Edinburgh to the South. He died in 1785, by which time Thomas was the local procurator-fiscal, and his widow kept the inn until 1806 when she and her son sold it to William Ferme. Thomas, who was remembered by John Martine as 'one of the old respectable natives of Haddington',² became sheriff-substitute

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in 1803 and 'filled the office with credit during troublous times' till 1827, living unmarried in a self contained house in Lodge Street, near the old *Bell* on the South side of the High Street.

The business of *The Blue Bell* consisted largely, of course, in supplying food and drink. James Fairbairn's book of receipts for the payments he made between 1774 and 1776 illustrates this well, although no accounts appear in detail; there are regular and substantial payments for bread, meat, ale, wine and spirits. The other important side of the business was horse and chaise hire and stabling facilities, and the receipts cover hay, oats, rent of grass pastures, farriery and chaise repairs. The fabric of the inn had to be maintained by employing builders, tilers, joiners and painters from time to time, and tax had to be paid on 33 windows. This receipt book throws some light not only on James Fairbairn's business but also on his family life. John Begbie's bill for shoe repairs indicates that besides his son Thomas he had two daughters, Nelly and Betty. He dressed appropriately for a prosperous man: he bought a hat together with lengths of "very best stout double millie drab" and "cordurill" from James Torry, the high class draper and clothier in Edinburgh; and he took five pairs of gloves at one time from a supplier who wrote "I hope the gloves will fitt as they are good." He took a Weekly Magazine, a Monthly Magazine, and a Review, whose names are unfortunately not specified, and he bought *Bertram's Observations*. Then he had the Monthly Magazine and the Review bound, and *Paradise Regained* rebound. The bookseller also supplied him with a golf club with a hickory handle, for the sum of 1s 8d. When the family needed a doctor they called in Mr Somner, the principal surgeon of the town, who often used the *Bell Inn's* stables and sometimes spent a jovial evening there with the landlord and other friends. James Fairbairn made a note of one such occasion:

"At Haddington 30 Jan. 1771 in company
Bailie Burton When Ja. Fairbairn
Mr Crow laid bottles apiece
Mr Wm.son of wine that there
Mr Ainslie would be a war
Mr Davidson before that day 12
Mr Forest month J.F.
Mr Somner
Mr Rughead J.F. win but not
Mr Tait paid yett."
Mr Carfrae

Bailie Burton was a general merchant in the town, Mr Crow was a local agent, and Mr Williamson a wine merchant, as was Mr Tait. Mr Ainslie farmed

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at Begbie, Mr Forrest was a saddler, and Messrs Roughead and Carfrae became respectively provost and treasurer of Haddington.

The local gentry who used the inn's services often demanded credit, and the large ledger which was kept from 1772 till 1799 survives with the details of their accounts. Sir John Sinclair of Stevenston was a very regular customer, both for the inn's chaise when he went to Edinburgh and for stabling his own horses. He seems to have bought the dung from the stables for his fields, and the inn bought fish for him, took in his parcels, and acted as his agent in other small ways. Captain John Nisbet of Pencaitland would stay overnight together with his hounds on a hunting day. Robert Hay of Spott paid a bill partly for chaise hire and stabling and partly for several large joints of veal by selling a second-hand chaise to the Fairbairns for £15. Among other families who kept regular accounts with the *Bell Inn* were the Kinlochs of Gilmerton, the Bairds of Newbyth, the Hopes of Waughtonhouse, Colonel and Miss Maitland of Maitlandfield in Haddington, and Francis Charteris, later Lord Wemyss. Bills often ran on for a long time, years rather than months, but seldom for large amounts. Sir Robert Sinclair's rate of spending after 1789 when his father Sir John died and he married the daughter of the Duke of Gordon was exceptional; the bill for Lady Madelina's visits in the neighbourhood amounted after two years to £94 of which he paid £50 by a bill payable three months later, but promptly borrowed £10 in cash, and only finally cleared the account in 1792. There is one dramatic page covering the dates in 1795 when Sir David Kinloch died and was succeeded by his son Francis, who was then murdered by his brother Archibald Kinloch Gordon. Servants were sent out "searching"; lawyers were summoned; express letters were despatched in every direction. Most of the ledger's pages, however, document the routine of life: the visits exchanged between the county families, their trips to Edinburgh, the meals they or their servants took at the inn, and the other small services it rendered them.

The business of hiring chaises and horses was complicated after 1779 by the introduction of a duty on post-horses at the rate of 1d. per mile for each horse hired; this was later increased to 1½d. A complete record of all hirings of chaises and horses was kept at the inn, and the weekly accounts were made up and settled with the customs officer at intervals of about six weeks. There are four thin foolscap day-books containing neatly-written lists of hirings between 1791 and 1800, with charges and duty payments inserted faithfully at first but sporadically later: for the purposes of the collector of the duty such details were probably not necessary. There was a system of issuing "tickets" as tax receipts to people hiring post-horses, and by this means the officials could check the sums due to them by the innkeeper.

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The cost of travelling during the period which the ledger and day-books cover, 1772-1799, would have remained static if it had not been for the imposition of duty. The charge per mile for a chaise and pair was 9d., and the added duty made it up first to 11d. and then to 1s. Thus it cost 12s. to go by chaise to Edinburgh in 1770, and 16s. in 1790; the charge for the return journey varied from 4s. to 6s., perhaps according to how long the horses were kept waiting, and if it was overnight the extra charge was 12s. or 16s. The charge for post horses and saddle horses to Edinburgh was usually 4s. each.

Poorer people could go by the Fly or by the Dilligence; both put in at the *Blue Bell* for hay and corn for the horses. The Fly was owned till 1780 by John Tod, who charged 3s.6d. for a seat from Haddington to Edinburgh, and 6d. for carrying a salmon to Haddington for Sir John Sinclair. After 1780 the cost of a seat went up to 4s., and the Fly seems to have been managed by Francis Sharp of Edinburgh in association with Duncan McFarlane. This was the landlord of the *White Hart* Inn in the Pleasance, Edinburgh, who in 1780 started running a new daily Dilligence to London via Haddington and Berwick-on-Tweed. A seat in the Dilligence between Haddington and Edinburgh cost 5s.4d., and it must have been rather faster than the Fly since it covered the distance between Edinburgh and Berwick in a day, whereas John Martine records that the Fly occupied the best part of a day in travelling between Haddington and Edinburgh. Until 1804, he says, the Fly started from the *Blue Bell* to Edinburgh; it went as far as Birsley Brae where it was met by a coach from Edinburgh and exchanged passengers from Haddington.

The clientele for the horses and chaises available for hire at the *Bell Inn* consisted partly of the local people; partly of visitors with local business, such as lawyers; and partly of long-distance travellers on the high road between Edinburgh, Berwick-on-Tweed and the South. Sometimes a large party had to be supplied, as when the Duchess of Buccleuch was travelling with two coaches and needed eight horses as well as three saddle horses, or the Duke of Argyle who required twelve horses altogether. On average the inn made rather more than two hirings per day, but the pattern was far from regular. Probably the Fairbairns had to keep twelve or more horses available at any one time, although when their resources were strained extra horses were sometimes hired from a neighbour, Mr Roughead or Mr Clark. An analysis of the journeys recorded in the day-books shows that more than half of them were along the main road between Edinburgh and Dunbar, the next posting-station after Haddington; and of these a greater proportion were in the direction of Edinburgh, and made by local people who would hire horses in Edinburgh for the return journey. Thus Haddington's horse-hiring business, while it depended on the

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town's position on the main road, was not dominated by travellers from or to the South, but served chiefly the needs of the neighbourhood for transport to Edinburgh and for local visits. The pattern of local travel was fairly consistent throughout the year, but there is a noticeable increase in the number of trips to Edinburgh in the summer months.

One group of customers for the inn's services was the army. In 1778 Captain Kinloch Gordon was recruiting locally, and expenses for advertising and for food, beer and transport for recruits and the sergeant appear on his bill. The officers of the regiments quartered nearby hired chaises or coaches for official journeys or social visits, and their presence was important enough for a note to be made in the day-book on March 22nd, 1791: "The First Dragoons marched for Manchester," and on 13th April: "The Scots Grays came in." Before the Dragoons left their officers paid a round of visits; Colonel Hassard and the Corps drove to Pencaitland and Stevenston, Colonel Campbell went to Newbyth and Seacliffe, and their junior officers visited other country houses. In December 1790 Francis Kinloch presented "Two doz. of claret to the Officers of the Royal Dragoons — £4 16s.," and the next March, before they rode away, Sir Robert Sinclair sent "8 bottles Claret to the Corps of the 1st Dragoons, £1 12s." The East Lothian Yeomanry were also a feature of the town's life, and in August 1798 and again in September the next year we find Colonel Maitland hiring a chaise to drive out to their Review.

Haddington and East Lothian society used to meet from time to time at the Haddington Assembly. The *Bell Inn's* account customers often had their shares of the cost put on their bills at the inn, and James Fairbairn's little note-book has an entry in the form of a draft advertisement for the newspapers which adds to the picture. It was a subscription assembly, held sometimes four times a year in the Town Hall of Haddington, beginning at 5.0 p.m. Strangers had to be introduced by the Gentlemen of the County. Entry was 2s.6d. for a lady or a gentleman; the "proportion of the Assembly" which each subscriber paid afterwards varied between 11s.6d. and £1 10s., the usual cost being about a guinea. Sometimes a gentleman who needed new gloves for dancing would buy a pair from the innkeeper for 1s.6d. In October 1778 the Caledonian Hunt dinner and ball was held in Haddington, and this cost the subscribers over £2 each. The addition of the new Assembly Room to the Town Hall in 1788 clearly filled a need. Another social event was the dinner of the Beltonford Club, held in the *Bell Inn* at 3.0 p.m. on Mondays. In September 1779 Sir John Sinclair dined with "the Officers" at one such meeting, and paid a bill of £1 7s. This club also entertained its ladies on occasion, as an advertisement in the *Edinburgh Evening Courant* for Wednesday 8th October 1777 informs us:

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“The Members of the Beltonford Club propose giving a Ball to the ladies of the county on Thursday the 16th of October; when it is expected all the Members will attend, and bring their families and friends with them.

“The ball to begin at the Town-house of Haddington, at six o'clock in the evening.”

The cost of this ball to the hosts, including William Nisbet, Francis Charteris and Francis Kinloch, was £2 16s. each.

After 1806 when Thomas Fairbairn and his mother sold the *Blue Bell Inn* to William Ferme it continued to flourish. John Martine says it “was long known as a first class commercial hotel and posting house having extensive and excellent stabling. The ‘North Briton’ and afterwards the ‘Union’ four-horse coaches from Edinburgh to Newcastle changed horses at the *Bell*, while the old fashioned two-horse coach ‘The Good Intent’, owned by Mr Blackwell, started from and arrived at the *Bell*. It took about three hours and more sometimes to perform the journey to and from Edinburgh with the same pair of horses.”³ William Ferme rebuilt the inn, and the tradition of club dinners continued in a way — “a farming club was for long held in the *Bell* on Fridays (market day) patronised by many of the first farmers in the county.” Latterly the restaurant or tea room was run separately from the stabling side; it was a popular place for post-funeral dinners at 3.0 p.m. The business of carriage hire was carried on at least up to the First World War, and the old stable yard and some of the old tiled buildings are now suitably occupied by a garage firm.

A transcript is appended of the first two pages of the surviving day-books, to indicate the sort of detail that can be seen in these documents. They show the local community going about its business and pleasure; moderately self-sufficient, but affected by the pull of the capital; and meeting in the stable yard of the *Blue Bell* a cross-section of the travellers to and from London, from the Dukes of Argyle and Montrose, through Sir James Hall and Sir William Forbes, to the anonymous persons who simply take “chaise to Edinburgh.”

TRANSCRIPT OF FIRST PAGE OF DAYBOOKS

1791

				Hyre	Duty
Janry	1	Chaise to Edinr	pd	16	4
		Chaise to Gulane Messrs Gibson, Halyburton & Johnston	}	7	
	2	Sunday — None			
	3	Four Horses to Dunbar	{	19	3
		1 Saddle Horse to Do.	{	4	1½
		Chaise to Dunbar	pd	11	2
		Ch. to Edr		16	4

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4	Ch. to Do. & s.h. Miss Hume	pd	1	2	
	Col. Hassard, & the Corps Coach & two 2h. tickets	pd	}	12	
	4 Horses to Pencaitland				
	Mr Crow & Mr Scott Ch. to Salton	pd		6	
5	Ch. to Edinr	pd		16	
	Ch. to Lieth	pd		16	
6	Ch. to Newhails from Hermanston	pd		10	2 6
	Ch. to Dunbar	pd		11	
	Ch. to Do.	pd		11	
7	Ch. from Captainhead Mrs Sherriff	pd		3	
	Revd. Mr Hamilton Ch. from Elvingston to Bolton & back to Gladsmuir	pd	}		
	Miss Maitland Ch. airing 1 mile	pd			
8	Lady Margt. Hope 3 Hs. to Edr.	pd	1	2	
	Ch. to Edinr — Miss Hall	pd		16	
	Ch. & s.h. from Stenston to Edinr	}	pd	1	4 6
	Mr Wm. Tait — 18 miles				

TRANSCRIPT OF SECOND PAGE OF DAYBOOKS

1791

Sunday

Janry	9	Ch: to Edinr	}	Mr Hume	pd	16
		Ch: to Do:				
		Miss Maitland Ch. airing			pd	
	10	Col Hassard Ch: & s:h: to Inveresk			pd	
	11	Ch: to Dunbar			pd	11
		Sr: Robt Sinclair pr from Stenston to Gilmerton & back	}		pd	
		Miss Maitland Ch: airing				pd
	12	Mrs Johnston Coach to Sr. Jas Baird's & back	}			
	13	Ch: to Edinr (Mr Stirling Glorat)				pd
	14	Ladies Hope's pr. Horses from Waughtonhouse to Edinr 22 miles	}		pd	1 2
		Do. pair from Do to Do				pd
		Do: s:h: from Haddn. to Edinr			pd	6
		Sir Robt: Sinclair pr. from Stenston to Gilmerton, Newbyth & back	}		pd	
		Horses & Driver 2/4				pd
		Miss Maitland Ch: airing			pd	
		Revd Mr Hamilton Ch: from Gladsmuir to Bolton & back — hyred from Mr Clark	}		pd	
	15	Ch: to Edinr (Mrs Hay Dunse Castle)				pd
		Sr: Robt: Sinclair pr. from Stenston to Makmerry & back	}		pd	
		Do. s:h: from Haddington to Do. & Stenston				pd
		Capt Deans Ch: to Huntington (with Mrs Dods)	}		pd	
Sunday	16	Mr Vetch Ch: to Pencaitld & back				pd
	17	Mr Hay, Hopes, Ch: to Yester house			pd	

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3. Martine p.18.

THE TRANENT MILITIA RIOT OF 1797¹

By *KENNETH J. LOGUE*

In August and September 1797 large parts of Scotland, from Dumfries in the South to Aboyne in the North, and from Eccles in Berwickshire in the East to New Kilpatrick in Dunbartonshire in the West, were subjected to a series of riots. The cause of these disturbances was the decision of the Government to introduce a militia system, a form of compulsory military service, into Scotland; the occasion was the holding of meetings at which the process of selecting militia men was begun. It is somewhat ironical that one of the most serious of these disturbances should have occurred in East Lothian, home of one of the earliest exponents of a militia, Andrew Fletcher of Saltoun.² The riot at Tranent was typical of the other disturbances as an expression of popular opposition to the unpopular legislation and in the general pattern of that expression. It was unique for the violence of the crowd's hostility to the Militia Act, for the ruthless behaviour of the magistrates and troops and for the numerous fatalities which occurred during and after the riot.

The outbreak of hostilities with France in 1793 presented the Government with new problems of home defence. In the first place the success of French armies presented a purely military possibility of invasion because the naval defences of Britain were stretched as a result of French control of the Dutch coastline. Secondly the new revolutionary spirit abroad in Europe meant that not only did internal unrest and possibly revolution seem likely but also that the French incentive to invade was increased by the possibility of popular support. Thus the Government had to consider both external defence and internal peace.

The Government's policy as regards external defence was to rely, in England, on three types of military organisation, the Fencibles, the Volunteers and the Militia. The Fencible Regiments were units raised by individuals, usually large landowners, for service limited at least to the British Isles and sometimes to a specific area like Scotland. This kind of force had the advantage of being permanently embodied and ready for action, but the disadvantage of having to be paid on that basis. The Volunteers were civilian part-time soldiers whom

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the Government supplied with arms and who generally drilled twice a week. They normally supplied their own uniforms, those of the ordinary soldiers often being supplied by subscription. The Volunteer units were of various types, artillery companies in the coastal towns, infantry in the inland towns and cavalry or 'yeomanry' in the rural counties. The advantage of these types of force were their cheapness but they had the disadvantage of being slow to mobilise and of being restricted in service usually to their immediate area, often to the towns which raised them, both of which made swift and flexible reaction to an emergency impossible. The third type of force, the Militia, had many of the advantages and few of the disadvantages of the other two forces. The Militia was a compulsory levy of men, by the state on the counties, approaching conscription. A ballot was held of those liable for service in each district and if a man was chosen he had to serve or provide a substitute, or pay a fine to hire a substitute. The advantage for the Government was that here was a force which, when necessary, could be embodied and put on active service very quickly, which could be used in any part of Great Britain but which did not have to be paid for all the time, while it had the added advantage of being administered largely by the counties themselves. As far as the Government was concerned it had one disadvantage: it was not very popular with those who were expected to serve in it.³

As regards internal police, however, both the Fencibles and the Militia had the disadvantage of being drawn mostly from the lower classes of people, the people most likely to be involved in any revolutionary activity. For police therefore the Government depended on the Volunteer corps, most particularly on the mounted county yeomanry units which were made up of county gentry and their tenants. These units could be relied on to be loyal to the constitution and Government and consisted furthermore of cavalry which was regarded as particularly effective in insurrectionary situations.

In Scotland the Government had to rely on the Fencible Regiments and on Volunteer corps because there was no system of Scottish Militia. When the English militia had been reorganised in 1757 pressure in Scotland had been strong in support of a similar system there.⁴ It was widely believed in Scotland, probably quite correctly, that the refusal of the Government to sanction a Scottish militia was based on a fear that this move would simply be arming the Jacobites. This was regarded by many Scots as an insult to their loyalty and the issue was pressed very hard, as far as Parliament.⁵ On 15th April, 1760, however, despite the support of all but two of the usually compliant Scots M.P.s the proposal for a Scottish militia was defeated in the House of Commons.⁶ When war broke out in 1793 the Government thought again about a militia for Scotland and in fact published a Militia Bill.⁷ The authorities in Scotland however were not at all en-

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thusiastic, fearing that a militia would simply mean putting arms in the hands of the enemies of the Government, the Society of the Friends of the People, and the lower classes generally.⁸ It is certainly true that the Friends of the People themselves were quite enthusiastic about a militia.⁹ The Government in London took heed of the warnings and the matter was dropped.

Several factors combined to make the 1797 Scottish Militia Act possible. The first, and possibly most important, was a change, or rather development, in Government policy. By 1797 the Government had decided that its reliance on the tripartite system of defences described above needed to be altered in order to put more power into the Government's hands to deploy troops as and when the situation required. The disadvantages in terms of flexibility of Volunteer corps, especially of infantry units, were becoming more apparent and whereas in England the militia could be augmented to compensate, in Scotland there was nothing to fall back on except the Fencible Regiments. In the ordinary run of events this might have been sufficient but the Fencibles themselves had become less attractive to Government. In 1794 there had been several mutinies among the Scottish Fencible regiments occasioned by the request for the regiments to volunteer for service in England because of the fear of invasion. The Highlanders who made up most of the regiments feared that acquiescence to this request would result in their sharing the fate of previous generations of Fencible men who had volunteered for service in Great Britain only but had been shipped off to the East or West Indies to die of tropical fevers or to be disbanded there and abandoned far from home. At the same time the Highland area was physically less able to provide the manpower required,¹⁰ a situation no doubt exacerbated by the factors which led to the mutinies.

While the Government was moving its policy in the direction of a militia for Scotland, two other factors made this more readily acceptable to the Scottish country gentlemen who would be expected to operate the system. On the one hand the use of Fencibles as a home defence force had accustomed that section of the community to the idea of a military force organised on a more permanent basis than the Volunteers, appearing to operate just like regular regiments of the line and being deployed for defensive purposes where the Government wished.¹¹ The country gentlemen preferred to express their loyalty to the Crown and Constitution by raising local Volunteer corps over which they had some control, but by 1797 most of them were prepared to go along with the Government's preferred militia. On the other hand another factor made it easier for the Government to implement a militia system and for the country gentlemen to accept it and enforce it. In 1794 the Government had decided to appoint Lords Lieutenant and Deputy Lieutenants for the Scottish counties.¹² This move had been primarily designed to establish a framework for the collection of intelli-

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gence of all sorts, especially about seditious activities. In 1797, however, it was ideally suited to emulate the system already existing in England. Furthermore, the country gentlemen who were to operate the system were already appointed as Deputy Lieutenants. When the riots began most of these men at least tried to execute the Act and it seems clear that if more had not been prepared to risk popular obloquy in executing the Act, the Government's policy could well have been in ruins. When it became known that the Government were going to introduce a militia system, there were still some who, as in 1793, feared arming the urban lower classes¹³ and others feared the reaction of the ordinary people,¹⁴ but by and large the measure was acceptable, at least to the Scottish upper class.

The Scottish Militia Act which was passed into law in June 1797¹⁵ provided for a militia force of six thousand men who were to serve for the duration of the war and then one month, service being restricted to Scotland. The basic unit of the militia was the county which was divided into districts responsible to the Deputy Lieutenants. The schoolmasters were responsible in each parish for drawing up lists of those liable to serve, that is, those men between the ages of eighteen and twenty-three, with the exception of married men with two or more children, sailors, apprentices and articled clerks. These lists were to be forwarded to a District meeting at which they were reviewed, objections to inclusion heard and amendments made. The District meeting then established a quota to be provided by each parish and a ballot to be held later to select the required number. Those balloted in this way had to serve as militia men, provide a substitute or pay a £10 fine which would be used to hire a substitute.¹⁶ Basically it was the same Act as was in force in England with one major exception in relation to the age group which in England was between eighteen and forty-five.

The narrower age group included in the Scottish Act was intended to sweeten the pill, but on the contrary, it was regarded as a serious grievance and may have contributed to the amount of opposition to the Act. While the provision meant that a small group of men was liable for service, those within that group were more likely to be balloted. The Government underestimated the extent to which the ordinary people were prepared to make common cause with those who were going to have to serve. Even without this grievance opposition to the Act was made more likely by the refusal of the Government, in the months prior to the Act's implementation, to accept offers for localities to raise Volunteer corps. People were naturally suspicious of the motives of the authorities in this; on the one hand they felt that something involving more than the service normal in the Volunteer corps must be expected of them; and on the other they were ready to believe any rumours or misrepresentation about the nature of the Act. It was not until widespread rioting had already occurred that any thoughts were given to explaining the Act to the people.¹⁷ Militia Acts and compulsory military

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service had often proved unpopular in England in the past. The 1757 Militia Act, the terms of which were broadly similar to the 1797 Scottish Act, had produced widespread rioting, especially in the Humber area. There were riots in Kent sporadically from 1757 to 1759, at Gateshead, Morpeth and Hexham in 1761, these latter being, ironically, suppressed by militia units, in Buckinghamshire in 1769, in Sussex in 1778 and in Merionethshire in 1779. As recently as 1796 there had been rioting in England when a Supplementary Militia Act was passed to increase the size of the English force.¹⁸ In London in 1794 there had been widespread rioting against the reorganisation of the militia there and against the dubious activities of professional recruiting agents, operating from 'Crimp-houses'.¹⁹ It is perhaps not surprising then that the ordinary inhabitants of East Lothian should take such a violent dislike to the Scottish Militia Act.

On Monday 28 August 1797, the day before the District meeting at which the lists of those liable to serve in the militia were to be checked and appeals against inclusion were to be heard, Mr John Caddell of Cockenzie, one of the East Lothian gentry, a coal-owner and Deputy Lieutenant, was riding along past some shearers in a field when one of them, a woman, called out to him, 'You are riding today, but you will not be riding that way tomorrow'.²⁰ At Tranent a dragoon on his way from Musselburgh to Yester House was, according to one account, intercepted by a crowd on the main street, assaulted and driven back the way he had come.²¹ Another account states that the dragoon rode at a small group of people talking at their front doorsteps and was chased off by women and boys pelting him with stones.²² Whatever actually happened, feelings were evidently quite high that day. Rumours were circulating in the area around Tranent that the people were being stirred up to oppose the Act. Messages were believed to be passing from parish to parish and from colliery to colliery, 'summoning the people to appear at Tranent'. In the evening a crowd of two or three hundred was reported to be parading up and down the streets of Tranent headed by someone beating the town drum, which had been 'borrowed' for the occasion, and accompanied by others using kettles as drums.²³

In other Militia riots in Scotland earlier in August the schoolmasters who made up the militia lists for the parishes had often been threatened and compelled to give up the lists to crowds, the people hoping in this way to stop the execution of the Act for the time being at least, possibly with the longer term aim of stopping the raising of a militia altogether. Mr Paisley, the schoolteacher at Tranent, was aware of this phenomenon and left town before the crowd came to his house demanding the list.²⁴ His wife, however, stayed behind and, when the crowd did arrive demanding the parish list,²⁵ she gave them an old book, claiming to them that it was the list. Her husband took the real list to St Germain's House the home of another of the Deputy Lieutenants, Mr Anderson, and

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reported what he had seen in Tranent. The crowd marched off through the villages of Meadowmill, Seton, Cockenzie and Prestonpans, calling out as they went, 'No Militia! No Militia!' and encouraging all who would listen to come to Tranent the next day to oppose the Act and prevent its execution. When this news reached St Germain's, Mr Anderson and Mr Caddell who had joined him wrote one of the senior officers at Haddington, Captain David Finlay of Drummore, an officer at Haddington, asking for military assistance.²⁶

On the morning of 29th August 1797 two very different meetings took place not far from Tranent. At St Germain's, the forces of authority were gathering. At about three or four a.m. Captain Finlay and a troop of twenty-two of the Cinque Ports Light Dragoons had arrived at the house in response to Anderson and Caddell's letter. Anderson had also had orders to call out the county Yeomanry, the local Volunteer regiment, and twenty-two of them had collected there by morning. Major Andrew Wright and Mr Andrew Gray the other Deputy Lieutenants for the area, had joined the group which included Mr Paisley, the schoolmaster, and Lord Adam Gordon, Commander-in-Chief for Scotland, who appears to have been at Haddington and to have accompanied Captain Finlay to St Germain's, before setting off again for Edinburgh.²⁷ The cavalry commander, Lord Hawksley, later Earl of Liverpool and Prime Minister, remained at Haddington, believing that the situation was not serious enough to warrant his presence.²⁸ It was decided that in view of the situation reinforcements were required and a message was sent to Musselburgh where two troops of Pembrokeshire Cavalry were ordered to Tranent, which they reached about noon that day. Meanwhile the Deputies, escorted by the Yeomanry and the Cinque Ports cavalry, had left St Germain's for Tranent.²⁹

At Prestonpans another group of people met to discuss their reaction to the Militia Act. Their point of view was somewhat different and they decided that it should be expressed in writing for presentation to the "Honourable Gentlemen assembled at Tranent for the purpose of raising Six Thousand Militia Men in Scotland". A letter was therefore drawn up in the following terms:—

"Gentlemen,

The following are the Declarations and Resolutions to which the undersigned do unanimously agree.

1st We declare that we unanimously disapprove of the late act of Parliament for raising Six Thousand Militia-men in Scotland.

2ndly That we will assist each other in endeavouring to repeal the said act.

3dly that we are peaceably disposed, and should you in endeavouring to execute the said Act urge us to adopt coercive measures we must look upon you to be the aggressors, and as responsible to the Nation for all the consequences that may follow.

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4thly That although we may be overpowered in effecting the said Resolutions, (sic) and dragg'd from our Parents, friends and employments to be made soldiers or you may infer from this what trust can be reposed in us if ever we are called upon to disperse our fellow Country men, or to oppose a foreign foe.

(signed) J.F."

To it were added the names of thirty men, written in a circle so that none should appear at the head.³⁰ As an expression of the mixed emotions of the people when faced by the Militia Act, this letter, combining reasonableness, the threat of violence, and the more subtle threat to render the Act ineffective probably reflects the feelings of many who went to Tranent that morning. Some others may have gone out of curiosity, some to appeal against their own inclusion on the lists, while some went to see what mischief they could perpetrate. The dominant feeling, however, was opposition to the real or imagined evils of the Act. Along with many others, then, the thirty men from Prestonpans, having set out their feelings, made their way to Tranent.

By the time the Deputies arrived with their military escort there were a great many people on the main street of Tranent.³¹ The Deputies went straight to John Glen's public house where the meeting was to be held. They instructed the military to remain in a body at the east end of the street as they wished the constables, who had been specially appointed for the purpose, to guard the door and to try and keep the peace without recourse to military assistance which they knew would be most unpopular.³² On their way to the house the Deputies were jostled by the crowd, which they noted at this point consisted mainly of women, and threatened that they would not leave the town alive.³³ While making his way towards the house Caddell, it was alleged, struck out at the crowd with his stick, calling out, "Knock them down" and actually pursued a boy who had been beating a drum.³⁴ Once inside the Deputies quickly began their business, dealing first with the parish of Saltoun, going on to Ormiston and Prestonpans. While this was going on the crowd continued to press hard towards the door and the constables reported that they needed military assistance. A platoon of six men and a Sergeant were sent in support. Shouts of "No Militia" punctuated the general hubbub, a few stones were thrown and the soldiers were jostled and insulted. At one point Major Wright ventured out into the street where a man shouted that the people had a proposition to make, that if Deputies "would consent that there should be no Militia, that then there would be an agreement". The Major replied that this offer would not be listened to, which brought the rejoinder that "there must be no Militia, that none had ever been in Scotland". Someone else added that "a Militia was against the Union".³⁵

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At this point John Caddell's behaviour did nothing to calm the tempers of those crowding round the public house. Several people claimed that he actually threw stones at the crowd.³⁶ Margaret Smith saw Caddell refuse to allow Thomas Farmer to present a certificate of his age to the meeting, pushing him back from the door and telling him his name would not be taken out of the list that day or any other.³⁷ Farmer himself claimed Caddell had grabbed his stick and struck him around the head with it. Shortly after, however, Farmer managed to show his certificate to Mr Gray who was satisfied with it and struck him off the list.³⁸ Another man, John Davidson, saw several other people with certificates or petitions denied access to the meeting by Caddell.³⁹ One of those who succeeded in getting into the meeting was Nicholas Outerside who was one of those who had signed the Prestonpans letter to the Deputies. When the meeting began to deal with the parish of Prestonpans Outerside presented the letter. Regarding it as highly seditious, the Deputies rejected it out of hand and continued with their other business. It was just after this incident that the Deputies later reported they noticed the women had disappeared from the street outside and that the crowd was now made up of men, "who had large bludgeons in their hands."⁴⁰ This observation implies that a concerted plan had been worked out among the crowd to attack with more vigour should the Prestonpans letter be rejected. We shall see, however, that all the women did not leave the street⁴¹ and it seems possible that the crowd's increased activity was due more to anger at the way the letter was rejected and the general attitude of the Deputies, than to premeditation.

At about the same time, at the other end of the street, Captain Finlay, having sent the relief platoon to Glen's, warned the crowd of the consequences if the military were forced to act. "As for your soldiers, we fear them not, and will soon do for them," they retorted. Captain Finlay, seeing one man, David Duncan, throw a stone at him "drew his sword and shook it at him, and he in return held up an immense Bludgeon which he shook" back at him.⁴² For this open act of defiance, epitomising as it did the general attitude of much of the crowd, Duncan was one of the few who were later charged with mobbing and rioting. Outside Glen's the guard were under such severe pressure from the crowd that eventually they were forced to abandon the door amid a shower of stones and blows. John Battam of the Cinque Ports Cavalry, one of the guard, reported that the crowd had "damned them for a parcel of English Buggars" and taunted them, saying "they were ready for them".⁴³ Now the crowd was in complete command of the street around John Glen's public house with the Deputies isolated inside under siege, looking out, when they dared risk the volleys of stones which greeted an appearance at a window, on a sea of hostile faces.

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Not only were the crowd in command of the street, they were also in command of the surrounding rooftops. The troops discovered this when Captain Finlay ordered them to try to clear the streets around Glen's. Several attempts were made by the Cavalry to advance down the street clearing the crowd as they went, but the people simply retreated up the many alleys or left a path before them. All the time troops were exposed to large numbers of stones thrown from the streets, from the stairheads and from the rooftops where some men were going to the length of dismantling the chimneys to hurl down on the soldiers. Finlay himself was nearly unhorsed in the general melee and one of the troop sergeants was badly wounded in the head.⁴⁴ The cavalry rode down the street three or four abreast,⁴⁵ but still had no effect on the crowd which appeared to make no attempt to disperse, rather the attacks on Glen's redoubled. Earlier, Mr Caddell had attempted to read the Riot Act before the guard had been forced to retreat, but this had been by no means a success; his voice being drowned by the general din.⁴⁶ Now, during a lull, he managed somehow to get outside to intimate that the Riot Act had been read, but was greeted by yet another volley of stones from a group at the head of an alley opposite. After he had retreated inside, one of the women in the crowd then saw him "looking over an upper window in John Glen's house and holding a paper in his hands which he said 'would do for them' ". He used very abusive language towards the women in the crowd, "damning them for bitches" and is said to have added that if he had it in his power he would have them all hanged.⁴⁷ Caddell's continuing intemperate and provocative behaviour towards the crowd can have done nothing to cool the people's temper. Shortly after this the soldiers began to fire.

The question who gave the order to fire remains open. On behalf of the Deputies, Major Wright said that he had shouted "There, There", meaning to indicate to the troops the group who had just thrown stones at the retreating Caddell.⁴⁸ Captain Finlay reported that he had heard Caddell shout "Fire, why don't you fire?",⁴⁹ while the Deputies claimed that they had shouted out together from inside the public house "Why don't they fire?".⁵⁰ In a situation like this, even though the Riot Act had been read, it was generally accepted that soldiers could not fire on a crowd on their own initiative but required an order from the civil magistrate. This account of events however clouds the issue, neither the military nor the magistrates stating clearly from whom the order came. It seems possible that this ambiguity was deliberately engineered, in order to avoid putting the responsibility for the subsequent events on anyone in particular. On the other hand, some of the crowd stated that Finlay had applied to Caddell specifically for directions and Caddell had ordered the military to "Fire at them with sharp shots, ride four or five miles around the country and fire on or kill every person they saw".⁵¹ This recollection seems to be too precise and too much

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imbued with the benefit of hindsight to be taken literally, but it further complicates the question and the doubts remain. What is certain is that Captain Finlay did order his troops to open fire.

The first targets were the men occupying the rooftops and the Pembrokeshires were ordered to fire at them with their pistols, an exercise which seems to have had little or no effect. One of those inside Glen's heard some of the crowd call out "Stand firm", and "Keep close together they will soon be out of powder now".⁵² Those on the ground seemed to be unaware that the shots were being aimed over their heads, while the men on the roofs seemed to be ignoring the firing completely. Seeing this, Captain Price, the officer in charge of the Pembrokeshire Cavalry, took a party of the Cinque Ports round to the back of the houses on the north side of the street. There they could use their more powerful carbines, "which brought them down from the tops of the houses and enabled the military to get the better of them".⁵³ One of the men was seen to fall backwards from the roof, evidently shot.⁵⁴ This was probably William Hunter.⁵⁵ It was at this time that George Elder and Joan Crookston were shot in the street, and Isabel Roger, a servant of Mr William Neilson, stocking maker in Tranent, was shot "within a door of a house in the town" where she had been pursued by a dragoon.⁵⁶ The firing appears to have continued for about half an hour from the first shot,⁵⁷ during which time the crowd began to disperse from the street. Eventually a way was cleared through the crowd for Mr Anderson to make his escape, although the other Deputies decided to stay in the public house.⁵⁸

The initiative was now with the military and it seems that, having been in the receiving end of a great deal of verbal and physical abuse for over an hour, they, or at least a proportion of them, ran amok, venting their frustrations on the dispersing crowd which was now at their mercy. In the process they transformed this dispersal into a bloody rout and massacre. On 2 September Hugh Cunninghame the minister of Tranent reported to the Marquis of Tweeddale that eleven people had been killed on 29 August: Isabel Roger, William Smith, William Hunter and George Elder, all of Tranent; Stephen Brotherstone, William Laidlaw, James Moffat, D. Kemp and a woman, Joan Crookston, all of Pencaitland; Peter Ness from Ormiston parish and a man, John Adam from Macmerry in Gladsmuir parish.⁵⁹ Another man, Peter Lawson, later died from his wounds, bringing the total to twelve. The authorities, while they accepted that seven of these people met their deaths outside the town, would only admit that Lawson and Adam "appear to have been entirely innocent and to have lost their lives most unjustifiably". The others "either were actually engaged in the Mob, or on their way to join it".⁶⁰ That the Lord Advocate, Robert Dundas, did

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however have some doubts seems to be indicated by the fact that he sought a further legal opinion which cast some doubt on the strict legality of the soldiers' actions but advised that no further steps be taken because of the provocation offered.⁶¹ The Lord Advocate's own opinion was that "after the treatment they had received it is not surprising that some of these Soldiers once let loose upon such a dangerous Mob, as deserved more properly the name of an insurrection, should go beyond the strict line of duty, and do more than what in a cooler moment they or their Officers would have deemed necessary for quelling such tumult and dispersing the Rioters."⁶² One could be forgiven for thinking that the Lord Advocate was commending them for some act of heroism.

Whereas the streets of the town had been most unfavourable ground for the cavalry to operate on, the open countryside was their element. As one commentator reported, the movement of the crowd into the fields and roads once they began to disperse, "delivered them completely into the power of the cavalry, who could now charge them into a compact body, without being annoyed on every side."⁶³ The Yeoman Cavalry, who had been kept in reserve at the east end of the town, when they saw some of the crowd heading away from Tranent down the Ormiston road, shouted and pointed them out to a group of regular soldiers,⁶⁴ who then headed off in pursuit, apparently without orders and in some disorder. Some troops also pursued other rioters among the corn to the north of the town,⁶⁵ while others tried to pick up rioters in the lanes and fields to the south. The dragoons who went off down the Ormiston road split up to follow individuals or groups into the fields at the side of the road, mainly to the east. There seems to have been some idea of a sweep through the country side east and south-east of the town since one girl was warned by troops to keep to the west side of Tranent.⁶⁶ Captain Finlay denied having set this pursuit in motion, claiming that, as soon as he was able, he ordered the men to cease fire and return to Tranent. Robert Forsyth, however, one of the crowd, "heard Mr Caddell after the mob was driven out of the streets of Tranent tell the Soldiers to race about the Country for two miles around."⁶⁷ Another witness, we have seen, claimed to have overheard a similar instruction.⁶⁸ One of the Cinque Ports Cavalry trumpeters supported his Captain's claim. He said he had sounded the cease-fire "at least a dozen times." He then sounded a Retreat and the Cinque Ports Light Dragoons were very shortly drawn up in the High Street. The Pembroke-shires, on the other hand paid little attention. Two of them explained to the trumpeter that they "did not believe that their men would understand these Signals as there were no Bugle Horn duty made use of in that Regiment."⁶⁹ It is perhaps significant that none of the Pembroke-shire Cavalry was available to give evidence when enquiries began into the killings which followed the riot.

Peter Ness and John Guild were sawing wood for the Vitriol Company in

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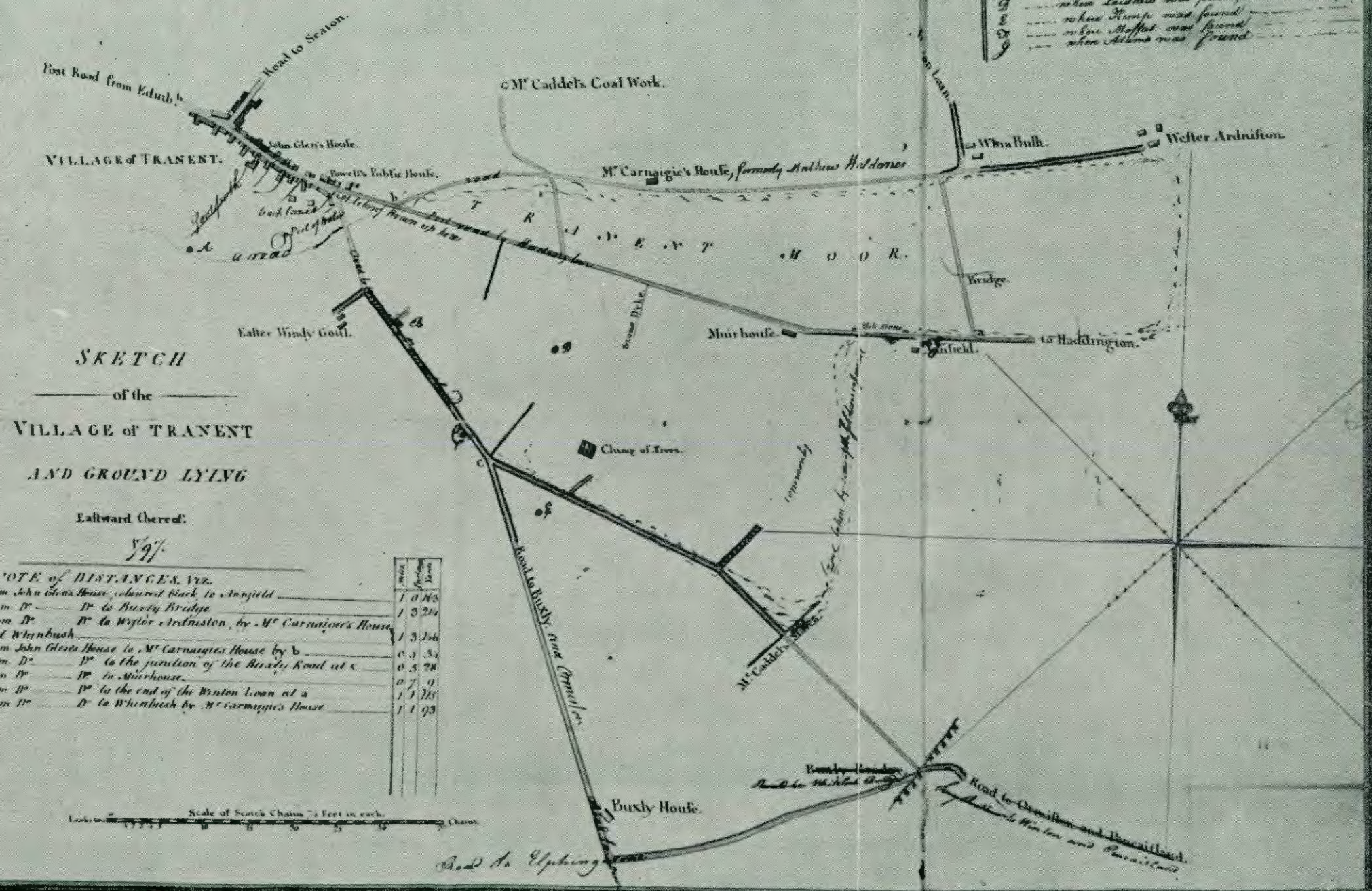
Prestonpans on the morning of 29 August and before noon they went to Tranent to get some wages owed to Ness by James Thin,⁷⁰ forester. When they arrived there, John Glen's house was already under some pressure from the crowd so that it was with difficulty that they got to see Thin who told them he would settle up later. Unfortunately for Ness there was to be no settlement and within half an hour he was dead. John Guild denied that either of them took any active part in the riot. He claimed that they went to the house of Thomas Hunter to wait for it to end. Whether this is true or not, they at some point took shelter in this house and after a short time Peter Ness said to Guild, "Let us go out at the back door and go to our work — otherwise we will be taken prisoners too." Guild tried to stop him, telling him that it was better to be taken prisoner than to be shot, but Ness insisted that the soldiers would not shoot when they saw them going away from the mob. With that he slipped out of the back door, jumped the dyke and turned west towards Prestonpans. About this time, Janet Guthrie, a servant of Major Wright, having been in the town on an errand, was trying to get back home avoiding the trouble on the main street. She saw a young man, later identified as Peter Ness, running through the standing corn, pursued by five or six dragoons. Ness fell before they caught up with him, but as one of the dragoons rode up, he was shot where he lay. He was shot again by another dragoon before they rode off down the Ormiston road.⁷¹

Up the same road, in the opposite direction, came Stephen Brotherstone and his wife Margaret Thomson. They were looking for their sons, who, their mother claimed, had been forced by a crowd to go from Pencaitland to Tranent that morning. When they were about a quarter of a mile from the town they saw a group of cavalry riding towards them and immediately took cover behind a hedge, only to find that the soldiers shot through it at them as they passed, injuring Stephen Brotherstone. One of the soldiers dismounted and coming through the hedge began to attack an old man, James Crichton, with his sword, striking him several times around the head. Then he turned on Stephen Brotherstone, cutting him across the stomach and legs; ignoring his wife's pleas but damning her soul before he rode off. She had difficulty getting a cart to carry her mortally wounded husband home, because most people were afraid of the troops. Eventually Mr Brown of Carlaverock gave her one of his and accompanied her home to protect both her and the driver. Her husband, however, died half an hour after she got him home.⁷²

Further down the road, Peter Lawson, a wright on his way innocently to Tranent with a cartload of wood, met two soldiers, one of whom, "a stout lusty man pitted with the smallpox and a remarkable Scar upon one of his cheeks," drew his pistol and, despite his plea that he had not been near Tranent since that morning shot him "upon his right side. a very little above his Foot Rule" as he

Scots Reference No. 1797

A Place where 1876 was shot
 B Place where 1876 was shot 28 paces east of A
 C where Lawson was wounded
 D where Lawson was found, called the millstone
 E where Frank was found
 F where Staff was found
 G where Adams was found



SKETCH
 of the
 VILLAGE of TRANENT
 AND GROUND LYING
 Eastward thereof.

1797

NOTE of DISTANCES, viz.

From	To	Miles	Furlongs	Yards
From John Glen's House, coloured black	to Infield	1	0	43
From D ^o	D ^o to Buxly Bridge	1	3	24
From D ^o	D ^o to Wexler Ardinston, by M. Carnegie's House and Whinbush	1	3	16
From John Glen's House	to M. Carnegie's House by b	0	3	34
From D ^o	D ^o to the junction of the Buxly Road at c	0	5	28
From D ^o	D ^o to Muirhouse	0	7	9
From D ^o	D ^o to the end of the Winton Loan at a	1	1	25
From D ^o	D ^o to Whinbush by M. Carnegie's House	1	1	93

Scale of Scotch Chains - 2 Feet in each Chain.

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put it himself before he died. As he lay on the ground the other soldier "snapped his Pistol three times at his head" which Lawson thought was an even crueller action than the first. He died later that week.⁷³ William Laidlaw and Alexander Robertson, farm servants from Winton, left the Tranent road when they saw the cavalry approaching hoping to get away across the fields. As soon as the soldiers caught up with him Robertson cried out for mercy, but received in answer a stroke from a sword on his hand outstretched in defence. This was followed by the flat of another sword on his head knocking him unconscious and possibly saving him from a worse fate. He recovered to find himself alone and covered in blood. Laidlaw was less fortunate, being found dead in the fields south of the Haddington road.⁷⁴ James Moffat, a brewer's servant from Pencaitland, was shot in a field near the Pencaitland road. A dragoon rode up to him, fired his pistol at him, missed and stopped to re-load. Another dragoon pursued Moffat but, when his helmet fell off, he called to him that he would not harm him if he picked it up for him. Moffat did so and was turning away when the dragoon shot him.⁷⁵ He was found later by Margaret Thomson.⁷⁶

William Kemp, a young boy of eleven from Pencaitland, went with his brother who was thirteen or fourteen "to see the Mob as he thought it was a diversion." They stood on a stairhead watching the action until the troops drew their swords and began to attempt to clear the streets. Judging that it had become more than a diversion, they decided to leave and made their way homewards, without much urgency, until they heard cavalry galloping up behind them and bullets whizzing past their heads. William took the Ormiston road, while his brother went off through the fields towards the Winton and Pencaitland road. The younger boy kept on running until, near Buxley House, a hatless dragoon on a black horse rode him down, roared "Damn your soul!" and, with a stroke of his sword, cut the top off a switch the boy was carrying. Fortunately his horse would not stop but went galloping on. There was no such lucky escape for his brother whom he did not see again until later that day, when he was brought home dead, stabbed in the chest and "the upper part of his head . . . nearly cut off from temple to temple."⁷⁷

William Tait, a young journeyman tailor in Penston,⁷⁸ was heading towards Tranent when, seeing another boy being pursued by soldiers through the corn north of the town, he decided to turn back and took the Winton road fearing that there would be soldiers on the Haddington road. He had not gone very far when he saw that soldiers were in fact coming down the Winton road as well, and decided to cut back northwards to the Haddington road which he eventually joined near the first milestone from Tranent. There he met Adam Blair, who was the boy he had earlier seen being pursued by the soldiers in the corn. Blair, a schoolboy, had gone to Mr Paisley's school in Tranent early to see him but by

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the time the boy arrived Mr Paisley had left town.⁷⁹ When the crowds became riotous later Blair left as well. Outside the town he met two other boys and while they were discussing which would be the best route home they heard bullets whistling past their ears. They separated and fled. A party of soldiers chased Blair, rode him down, cut him at the elbow and then rode off in the direction of the Winton road. Blair himself then headed along the Haddington road until he met Tait. They both continued eastwards and met John Adam, a collier from Macmerry, on his way to Tranent.⁸⁰

John Adam had not left his work at St Germain's Colliery that day until twelve noon and could not therefore have taken any part in the riot. Moreover, one of the boys noticed that he did not seem to know anything about the disturbance or the military. The boys dissuaded him from continuing and all three set off in the direction of Macmerry. They had not gone very far when they noticed about twenty soldiers join the road at Muirhouse, hold a short discussion and then ride eastwards towards them. Tait heard one of the soldiers shout "Don't fire," but another called out to fire at them and fire they did, as they galloped past the small group. The three threw themselves, or were thrown by the impact of the horses, into a ditch, Tait just managed to scramble through the hedge to hide under a cart. One or two of the soldiers stayed behind apparently deliberately to finish what they had begun, while the others rode off. One of the soldiers, recognising Blair from the earlier incident, told his accomplice that he was the one he had stabbed before in the corn, before he slashed at him, ignoring his cry that he had not been in the mob. Blair was then left for dead. From his hiding place Tait heard John Adam plead for mercy saying that he had not been near Tranent that day and that he would go with them wherever they pleased. A soldier was heard to say "There's your mercy," and a shot rang out. John Adam groaned in pain at which another soldier taunted him, "Damn you, . . . what are you groaning at there." Shortly after, once the soldiers had ridden off, Blair felt it was safe enough to stir and without waiting to examine John Adam who was face down in the ditch got away as quickly as possible. Adam Blair survived to become a minister at Ferryport-on-Craig and an author. Much later, he wrote "I shall never, while I retain my senses, forget the bloody work at Tranent."⁸¹ A few minutes later Tait emerged from his hiding place to find Adam dead and covered in blood. All this had happened about one in the afternoon and had been seen from higher ground a quarter of a mile north of Wester Adniston by a fellow collier of Adam's, James Hood, who was present half an hour later when the body was put on a cart and taken back to Macmerry. There were two bullet holes in Adam's chest as well as several sword wounds on his chest, arms, hands and stomach.⁸²

James Hood had also noticed that the soldiers, who had shot his fellow collier, had gone on to Adniston after joining up with another group of cavalry

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at Whinbush. At Adniston some of the farmworkers had just finished eating their dinner when this group rode up. John Miller, William Hay and Miller's brother immediately dashed back inside the house and locked the door, fearing the worst since they had just seen and heard the shooting on the road below. Nevertheless the soldiers came to the door and hammered on it and Miller's wife opened up. When Miller himself asked what they wanted he was answered by a shot from one of the soldiers which grazed the top of the lintel. Miller immediately rushed through the house and out at the back, followed by the other two men. All three, however, were quickly caught. They were not further harmed but taken back prisoners to Tranent, where they were handed over to the Deputies.⁸³ Others also escaped death at the hands of the cavalry in various ways. Robert Ross, when about to be shot by one member of a group of soldiers managed to put himself under the protection of someone whom he took to be an officer by his clothes, successfully appealing to his sense of responsibility.⁸⁴ George King, another farm labourer, was busy, he claimed, spreading lime in a field when some soldiers rode up, "damned him for a Scots buggar" and were about to blow his brains out when an officer appeared, ordering them to desist.⁸⁵

While all this had been going on in the countryside east of Tranent, in the town itself law and order quickly reasserted itself. When it was safe to do so the remaining Deputies and the constables came down from Glen's to begin making arrests. Mr Caddell's temper does not seem to have cooled any. A coal bearer, Janet Hogg reported that she was siezed by him as she left one of the houses and that he "struck and kicked her and dragged her across the Street to John Glen's house, and on her refusing to go upstairs dashed her head against the door." When he got her up the stair he told the other Deputies to "Hold the bitch until I get at her." This violence seems to have been occasioned by her refusal to give him her name.⁸⁶ While this may seem to have been unlikely behaviour on the part of a responsible Deputy Lieutenant and J.P., in the court case in which this evidence appears Caddell made no attempt to deny the facts, but tried to justify them.⁸⁷ Another man to catch the eye of the Deputies was Nicholas Outerside who had presented the Prestonpans address earlier. He was chased down an alley by two of the Deputies into a backyard, where he turned round and struck one of them. He was then hit over the head by the other and arrested along with three or four of his companions.⁸⁸ Others were caught by the Deputies, constables and soldiers in alley ways, in backyards and in some of the houses. As many as nine were found in the house of Francis Wilson, who was later one of those charged with mobbing and rioting.⁸⁹ The soldiers in Tranent were formed into a large circle to receive the prisoners,⁹⁰ about thirty-six of whom were taken in and around the town.⁹¹ From the evidence of those later put on trial many of this total seem to have been discovered in houses and else-

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where in the town. What we have seen of the military activities in the countryside might allow us reasonably to conclude that few were arrested outside Tranent. Wherever they were arrested, they were all very quickly marched off to Haddington where they remained in the Tolbooth until precognitions were taken. Of the thirty-six, six were subsequently charged with mobbing and rioting outside John Glen's public house: namely David Duncan, Elizabeth or Elly Duncan, John Nicolson, Francis Wilson, Robert Mitchell and Neil Reidpath. Having successfully overcome the efforts of a crowd estimated at between two and five thousand strong to stop their meeting, the Deputy Lieutenants returned to Glen's, completed the revision of the lists and "heard many appeals from parties who thought themselves aggrieved, and granted redress." ⁹²

The trial of the rioters took place at the High Court of Justiciary in Edinburgh on 10 October. David Duncan who had been positively identified by Captain Finlay as the one who had shaken his stick at him, who had later been active throwing stones and who had snatched Captain Finlay's sword away when his horse nearly threw him, failed to appear. A collier from Penston, he claimed in the declaration taken shortly after his arrest that he had gone to Tranent to get a last for shoes for his wife and stayed on when the riot began. He admitted, however, throwing stones at Glen's house while an attempt was being made to read the Riot Act. He said, in fact, that he was aiming for Mr Caddell, but missed. Further, he agreed that he had shaken his stick at Captain Finlay, that he picked up his sword and that he had struck Major Wright while trying to resist arrest.⁹³ John Nicolson, a farm servant from Windymains near Humble, also failed to appear. He had come to Tranent because, seeing his name on the list at Humble Kirk, he thought that he was required by it to attend. He did not, he claimed, take any active part in the riot, remaining in the house of James Irvine while the disturbance went on and only leaving when the firing stopped. About half a mile from Tranent, he was arrested.⁹⁴ A third man, Francis Wilson, also failed to appear and all three were outlawed. It would seem that certainly Duncan and possibly Nicolson were quite wise not to appear, since four rioters from Berwickshire were convicted earlier the same day on similar charges. These rioters had been accused of taking part in an other riot against the Militia Act, at Eccles on 17 August, 1797. A crowd several hundred strong, armed with sticks and clubs, having assembled to oppose the execution of the act had succeeded in forcing the two deputies and a Justice of the Peace to dissolve the meeting. Shortly afterwards they also forced all three to sign papers promising not to aid or assist in further carrying the act into execution. The jury in the Eccles trial found the four accused guilty but made a strong plea for mercy on their behalf, believing they had been misled "by some underhand and designing person."⁹⁵ The bench, however, after comparing their crime to that of sedition,⁹⁶ sentenced all four to transportation for fourteen years.

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The counsel for the remaining accused were John Clerk, H. D. Inglis, James L'amy and the young Walter Scott.⁹⁷ Scott, appearing for Reidpath, made his disapproval of the rioters very clear to the court, perhaps clearer than was in the interest of his client.⁹⁸ He had also appeared for two of the Eccles rioters, having been appointed by the court.⁹⁹ The defence in the Tranent case began by challenging the relevancy of the indictment against one of the accused, Elizabeth Duncan, on the grounds that her name was in fact Alison Duncan. She produced evidence to support this, the objection was sustained and she was dismissed from the bar. The case for the defence of the two remaining accused was that they had not been involved in the riot but had gone to Tranent on the legitimate business of getting their names struck off the Militia list for their parish because they were too old for service. Neil Reidpath, a farm servant of Mr Dickinson of Lempoch Wells, produced his birth registration, dated 16 April, 1774, while Robert Mitchell, a corn dealer's servant from Tranent, brought his also, dated 13 June 1772. Their presence in Tranent was therefore justified to some extent, since Mitchell was clearly over the age limit while Reidpath had passed his twenty-third birthday and may have believed himself exempt, although the Act stated that the age limit was between nineteen and twenty-three inclusive.¹⁰⁰ The evidence for the defence centred on this point and on the previous good character of the accused. Mitchell's master, Adam Blair, claimed that he had been advised to go and get his name erased because he was over the age limit, while Reidpath's master claimed he had been advised to do the same by the Reverend Mr Pyper, parish minister of Pencaitland. Other witnesses attested to their presence inside John Glen's house for that purpose and their non-involvement in any of the disturbances. On the other hand, the evidence for the Crown was more generally concerned with the events of 29 August which have already been discussed. As to particulars, David Duncan seems to have been the only person that anyone was prepared to identify positively, but he was not in court. Captain Finlay stated that he had been told that Francis Wilson had threatened to blow his brains out, but added that Wilson had denied it. He could identify Reidpath only as one of the prisoners delivered into his custody. Robert Mitchell was identified as one of the crowd by one of the Cinque Ports Cavalrymen who said he had been ten or fifteen yards away and recognised him from his face and clothes. Reidpath, according to the evidence of one soldier, was seen on the edge of the crowd in a blue coat, while another soldier testified that he had seen him on the rooftops wearing a green coat. This conflicting evidence may have proved crucial to the defence. Major Wright did not help the Crown case by failing to identify either of the accused present. The jury, partly because the evidence against the two remaining accused was somewhat patchy and partly, one is inclined to believe, because of the very severe sentences the same court had already passed in the

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similar Eccles case, returned a verdict of Not Proven. The accused were dismissed from the bar.¹⁰¹

Shortly after the trial had finished Francis Wilson, one of those who had earlier been outlawed, appeared in court, pleading that he had been taken ill on the journey and could not attend.¹⁰² It would appear that he hoped that the verdict in favour of the other accused would be extended to him and he may have been lying low in Edinburgh over the weekend of the trial to see what the outcome would be. He was, however, immediately committed to the Tolbooth where he remained until 24 October when the Lord Advocate answered his petition to be reponed from the sentence of outlawry. The Lord Advocate claimed that Wilson had appeared only after an acquittal seemed likely, but could not substantiate his claim and Wilson was released while 'Replies' were prepared to these 'Answers.' The case dragged on into January 1798 when, in view of the acquittal of the other two accused and possibly to avoid reviving public interest, the Lord Advocate decided not to pursue the matter any further.¹⁰³

Wilson's agent in this case was Alexander Ritchie, W.S., a former member of the Original Association branch of the Society of Friends of the People and a delegate to the Society's Convention held in Edinburgh in 1792.¹⁰⁴ Shortly after 29 August Ritchie and another man, William Neilson, a stocking-weaver from Tranent, whose servant, Isobel Rodger, was one of those killed, began to press on behalf of the relatives of those killed for action against those responsible. It is not clear whether this action was sought by the relatives, although the government maintained it was not. They also no doubt realized that this was a good opportunity to embarrass the government with as much adverse publicity about the events which followed the riot as possible. The government was aware of the dangers of too much bad publicity causing further unrest and in accounts of the riot played down the deaths involved. The printed "Narrative of the proceedings at Tranent" emphasised the violence of the riot and justified the deaths which followed by asserting that any innocent people who suffered should either have actively assisted the magistrates or kept out of the way completely.¹⁰⁵

Ritchie and Neilson seem to have toured the area round Tranent visiting the relatives of those who were killed and getting as much information as possible on their deaths. They visited Janet Kindly, widow of John Adam, and got her to authorise a petition against those who had killed her husband. At Ormiston they got a similar authorisation from Helen Leach, widow of William Ness, from William Leach her brother and from Ness's father Thomas. Later they went to Winton where they interviewed Margaret Thomson, hoping to get more positive identification of her husband's killer. James Laidlaw's widow, Jean Begbie, was also interviewed. On the basis of this information, John Morthland, who five years before had been a moderate member of the Society of Friends of the

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People,¹⁰⁶ wrote to the Lord Advocate stating that in his view the trial of the rioters should be delayed because of the likelihood of charges of murder being made against some of the soldiers who were listed as witnesses for the Crown and that investigations should be taken over by the public prosecutor, because of the expense incurred by them in the public interest.¹⁰⁷ The Lord Advocate chose to ignore this and, as we have seen, the trials went on. Petitions were therefore presented to the Sheriff and Justices of the Peace of Haddingtonshire in the names of Janet Kindly, Thomas Ness, and Helen and William Leach. Thereafter official precognitions were taken by the Sheriff Substitute at Haddington and these were presented to the Lord Advocate, for the purpose of establishing a charge of murder against some of the soldiers who had been at Tranent. The Lord Advocate was still not at all inclined to do anything against the soldiers, but he had made his own preparations for the champions of the relatives, Ritchie and Neilson.

About this time he must have received Mr Baldwin's opinion on the legality of the soldiers action ¹⁰⁸ and this may have encouraged him to take steps against Ritchie and Neilson. The Procurator-Fiscal at Haddington certainly began investigating their activities and a few days before Morthland's precognitions were received by the Lord Advocate, he received another set from the Procurator-Fiscal against Ritchie and Neilson. The latter precognitions claimed that these two misled the relatives of those killed, had misrepresented to them the nature of the action they were taking on their behalf, had actively solicited their authority for the petitions, and had induced them to give that authority by gifts of money. It was claimed that they had given Janet Kindly five shillings to give her authority, which she would not otherwise have done. They were accused of inducing Helen Leach to give her authority by bribing her with the same amount, while Margaret Thomson was supposed to have received five shillings and sixpence and a promise of more, and Jean Begbie, it was claimed, had been promised money. When the court delivered its opinion on the complaint of the Lord Advocate based on these precognitions against Ritchie and Neilson it dismissed it as incompetent in its present shape.¹⁰⁹ While it does not seem unlikely that Ritchie and Neilson might have given money to the widows to ease their financial plight, the Lord Advocate does not seem to have been able to prove the money was used as an inducement. At any rate he did not pursue the matter and Ritchie and Neilson, though they could not induce the authorities to investigate openly the events of 29 August, did have a minor success in warding off the Lord Advocate's attack.

For his part, Ritchie was not quite finished and, at the end of October 1797, he entered petition against the editors of the *Edinburgh Herald and Chronicle* for publishing a misleading account of the proceedings on 21 October when the

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Lord Advocate's petition against him and Neilson had been heard. Ritchie claimed that they had edited the text so that it read as an account of accepted facts rather than allegations which, at least by implication, were rejected by the court at a later date. Further, he claimed, that the editors were not solely responsible, since someone must have furnished them with a copy of the petition. "Some other Malicious person is at the bottom of this," he hinted darkly. Clearly Ritchie was attempting to get the editors to implicate someone in high office, if possible the Lord Advocate, in a further effort to discredit the government. The editors, however, claimed to have got the information in a perfectly legitimate way, after the petition had been read in court, and further denied any misrepresentation of the facts. They made a mistake in going to some trouble to deny that the Lord Advocate had any part in it, however, because Ritchie was quick to point out that they seemed very anxious to defend the public prosecutor and his assistants from a charge which he, Ritchie, had not made. Despite trying to bring in the editors of the *Glasgow Courier* and of the *Glasgow Adviser*, which newspapers had also printed the account which first appeared in the *Herald and Chronicle*. Ritchie's case, which was probably doomed from the start, given the prevailing political climate, was eventually dismissed in January 1798.¹¹⁰

On 1st September 1797 the *Scots Chronicle* published a letter from Archibald Rodger to his wife describing some of things which he had heard had happened in Tranent on 29 August.¹¹¹ The letter alleged that Mr Caddell had refused to receive petition or certificates, had said that the Act was to be enforced come what may and had pushed people from the door, thus precipitating the riot. Caddell, with the support of the other deputy lieutenants, raised an action in the Court of Session claiming £5000 as damages for defamation and £300 for expenses, against the printer, Mr John Johnstone and the alleged proprietor, Mr John Morthland, the advocate who had appeared for Ritchie, Neilson and the relatives of those killed. Morthland spent most of his time denying he was the proprietor of the *Scots Chronicle*, while Johnstone, having failed to have his pleas that the insertion was a mistake by his compositors nor that it was not in fact defamatory, tried to show that the statement was not only true but that Caddell's behaviour was even worse than the letter said. When the case eventually reached a decision in the Court of Session Johnstone was found liable to a fine of £300 but this decision was later reversed by the House of Lords.¹¹² This decision implies that there must have been some truth in the allegations about Caddell's behaviour before, during and after the riot. The *Scots Chronicle*, however was by this time ruined and Morthland himself had been persecuted for his part in the affair, an unsuccessful motion for his expulsion from the Faculty of Advocates being made by Charles Hope.¹¹³

During late August and early September the rest of Scotland was also dis-

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turbed by similar, though less violent or bloody, riots. Disturbances were reported from West Lothian, Fife, Stirling, Lanarkshire, Dunbartonshire, Kirkcudbright, Ayrshire, Perthshire and Aberdeenshire. The riots took a similar course to the one at Tranent, most focusing on the district meetings at which appeals against inclusion on the parish lists were heard, the lists corrected and then finalised. Attempts were often made to intimidate the schoolmasters in the parishes into surrendering the form which, as session clerks, they were responsible for compiling. The Deputy Lieutenants were then also very often threatened. In many cases they decided that discretion was indeed the better part of valour and agreed to sign bonds promising not to take an active part in the further execution of the Act. The crowds, more often than not, then dispersed quietly. Even if the deputies did not accede to demands of this kind, none of the meetings which were disrupted by angry crowds managed to finish their business — except at Tranent, where the price paid for the distinction was high.

Just why the riot at Tranent should have been so unique may be explained by several factors. In the first place the very presence of troops in such large numbers was unusual. That this was so was due to the early warning the deputies had of impending trouble and their readiness to call for troops even before trouble started. Other deputies, even where troops were available, seem to have preferred to face crowds at least initially without strong military backing rather than risk the sort of thing which happened at Tranent. Another factor was simply the topography of the main street of Tranent. The street then, as now, was quite narrow and curved slightly so that John Glen's public house which was almost halfway along its length could not be seen clearly by the troops at the east end of the street where they were drawn up and those soldiers posted outside the house were isolated from their commander and their fellows. The alleys which led off the street at frequent intervals provided members of the crowd with convenient escape routes down which mounted troops could not pursue them. While the crowd as a whole melted away before the troops who were assailed on all sides by missiles of various sorts from the rooftops and alleys, individuals who did come within range of the troops' weapons were all the more likely to suffer. On the other hand, that the pursuit turned into a massacre owes more to the undisciplined nature of the troops than to the situation, although what went before must have contributed largely to their behaviour. A tentative attempt can be made to describe a third factor. A large proportion of the crowd at Tranent seems to have been made up of both men and women coal-and salt-workers. Those in charge of the Meeting and responsible for the execution of the Act were themselves, or at least represented to the crowd, the proprietor section of the community. Where the opposition to the Act was expressed in other places it seems possible to argue that there were social pressures restrict-

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ing the way that opposition was expressed. At Tranent those social pressures were much less, the relationship between the colliers and salters on one side and the proprietors on the other being largely an economic one, and the crowd much less inhibited in consequence. If this is true of the crowd it might well also be true of the deputies and explain their readiness to sanction such ruthless actions by the troops. A slightly different social structure therefore may go some way to explain further the particular ferocity of both sides involved in the riot at Tranent.

At Tranent, as in the rest of the country, when the dust had settled the ordinary people found that their vociferous and violent opposition to the implementation of an act which they feared and distrusted had been for nothing. All the excitement and noise, all the stones and sticks, all the abuse and hate, all the energy they had put into expressing their opposition in the only way they knew how, in the only way open to them, evaporated into the late summer air. The central authorities, in London and Edinburgh, were adamant. Opposition to the Militia Act was to be suppressed, quickly if possible, ruthlessly if necessary. Vacillation in their own ranks was quickly stopped, the Dukes of Hamilton and of Atholl who seemed reluctant to force the issue against such evidently popular opposition were very speedily and forcefully told to implement the act in their areas forthwith.¹¹⁴ The government, naturally, suspected a Jacobin plot because the outbreaks seemed to form a pattern, but the general pattern was determined by the dates of the district meetings not by revolutionary intrigues, while the internal shape of the disturbances was dictated by the mechanics of the Act, not by a Jacobin mastermind. Nonetheless, the government was taking no chances and, though its military resources were almost overstretched, despite reinforcements from the north of England, its policy was a success. The Act was eventually implemented in most of Scotland; the exceptions being Orkney, which never returned lists, and a few inaccessible areas on the west coast.¹¹⁵ Due to the determination of the government and the general unity of the ruling class, from the local gentry upwards, the popular opposition to the Scottish Militia Act of 1797 was crushed. This determination of the authorities, their willingness to use troops ruthlessly against the crowd and the depth of popular opposition to the Act were all exemplified in the events which occurred at Tranent on that summer's day in 1797.

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25. *Scots Chronicle*, 1 September, 1797.
26. H. M. Advocate v. Duncan etc, *High Court Processes*, 1797, JC 26/292.
27. Anon. to Lord Adam Gordon, Commander in Chief in Scotland, 31 August, 1797. *Home Off. Corr.*, xv, f17 (From internal and other evidence probably from Capt. Finlay).
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29. *Account of Riot*, f106.
30. *ibid*, f113. For the complete list of signatories see Appendix.
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37. Deposition of Margaret Smith, *ibid*, 130.
38. Deposition of Thomas Farmer, *ibid*, 131-2.
39. Deposition of John Davidson, *ibid*, 132-3.
40. *Account of Riot*, f108.
41. see pp. 45, 46, 51.
42. Declaration of Capt. Finlay, *Home Off. Corr.*, xv, f274v.
43. Declaration of John Battam, *ibid*, f317.
44. Declaration of Capt. Finlay, *ibid* f276.
45. Declaration of William Aitchison, f307v.
46. *Account of Riot*, f108v.
47. Deposition of Margaret Smith, *Replies for J. Johnstone*, 141-2, confirmed by Peter Hogg, *ibid*, 143.
48. *Account of Riot*, f109v.
49. Declaration of Capt. Finlay, *Home Off. Corr.*, xv, f277.

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50. *Account of Riot*, f110.
51. Deposition of Margaret Smith, *Replies for J. Johnstone*, 152.
52. Declaration of Wm. Aitchison, *Home Off. Corr.*, xv, f277.
53. Anon to Lord Adam Gordon, *ibid*, f17, f18.
54. Declaration of Capt. Finlay, *ibid*, f277.
55. Millar, *Lamp of Lothian*, 150.
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58. *Account of Riot*, f110v.
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64. Declaration of Laurence Lee, *Home Off. Corr.*, xv, f311.
65. Declaration of W. Tait, *ibid*, f281.
66. First declaration of Janet Guthrie, *ibid*, f323v.
67. Deposition of Robert Hogg, *Replies for J. Johnstone*, 153.
68. See p.45.
69. Declaration of J. Rawlins, trumpeter in Cinque Port Cavalry, *Home Off. Corr.*, xv, f321.
70. Also given as 'Phin' or 'Fin'.
71. Declarations of Janet Guthrie (2nd), John Guild, and James Thin, *Home Off. Corr.*, xv, 331, f325, and f329 resp.
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73. Declaration of J. Cairns, *ibid*, f299.
74. Declaration of A. Robertson, *ibid*, f303
75. Millar, *Lamp of Lothian*, 150.
76. Declaration of R. Ross and M. Thomson, *Home Off. Corr.*, xv, f295 and f298.
77. Declaration of W. Kemp, *ibid*, f305.
78. His age is not given but he is described as 'a boy'.
79. McNeil, *Tranent and its Surroundings*, 140.
80. Declaration of William Tait and Adam Blair, *Home Off. Corr.*, xv, f281 and f285.
81. Adam Blair to James Millar, the author of *Lamp of Lothian*, 4 June, 1835, quoted in McNeil, *Tranent and its Surroundings*, 153.
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94. Declaration of John Nicolson, *ibid*.
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96. Account of the trial in the *Edinburgh Herald and Chronicle*, 14 October 1797.
97. Scott himself refers to this briefly in a letter to Miss Carpenter; in Grierson, *Letters of Sir Walter Scott*, i, 72-3. See also George Allan, *Life of Sir Walter Scott*. (1834), 145.
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100. 37 Geo. III, cap 103, section xvi.
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108. See note 61. The document itself is undated but appears under August and this is clearly too early since the riot did not occur until 29 August.
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111. *Scots Chronicle*, 167, 1 September, 1797, and also in McNeil, *Tranent and its Surroundings*, 148. See note 56.
112. Action for damages by John Caddell of Cockenzie against John Johnstone, printer of the *Scots Chronicle*, and John Morthland, advocate and alleged proprietor of it, in Court of Session Processes in Scottish Record Office (CS230/C10/12). Also in Millar, *Lamp of Lothian*, 152-4.
113. see Meikle, *Scotland and the French Revolution*, 183-4.
114. eg. Duke of Portland to Duke of Hamilton, 3 September, 1797, and same to Duke of Atholl, 27 September, 1797, in *Home Office (Scotland), Entry Books, Domestic*, ii, 300 and 329.
115. see Western, *Scottish Militia*, 14ff.

APPENDIX

The names of those who signed the Prestonpans letter to the Tranent meeting —

William Alpin	Hew Dougal	Thomas Hill
George Thomson, Jnr.	George Swan	Thomas Johnston
William Greig	Matthew McVey	James Brown
Andrew Darling	Thomas Haig	George Kerr
John Genlan	James Thomson	Matthew Smith
George Thomson	James Inglis	Robert Russell
David Ballent	Peter Bell	George Swan
Peter Thomson	John McTosh	Matthew Mint
James Welsh	John Young	Nicolas Outerside
Robert Allen	Richard Wright	John Gow

HADDINGTON BURGH SCHOOLS AND THE REV. WILLIAM WHYTE

By IRENE MacDONALD

The Burgh Schools of Haddington were established as early as the 14th century. There is record of payment in 1379 by the High Chamberlain to William of Travernent, Rector of the School of Haddington.¹ The schools were of high standing and repute but that things did not always go smoothly is evidenced by the fact that, in 1576, the school having fallen "into disorder and sklander" the Town Council persuaded the teacher to give up his office.² When, in the last century, the burgh schools again fell "into disorder and sklander" the Town Council had a long battle to remove the master which lasted almost from the time of his appointment in 1843 until a Court of Session case against him in 1874.

On 8th September 1843 Mr Maxwell Gunn, rector of the Town's schools, was elected one of the masters of the High School of Edinburgh and resigned. The Council advertised the vacancy in the *Edinburgh Advertiser*, the *Evening Courant*, *The Scotsman*, *The Glasgow Herald*, *The North British Advertiser* and *The Witness*, and a committee of magistrates drew up a report on the conditions of the appointment. The school establishment was to consist of a rector at £40 per year and half the fees and two undermasters at £20 per year and quarter of the fees each. In a similar report drawn up in 1837 before Mr Gunn's appointment the Committee set out, as part of the moral qualifications of rectorship, command of temper and mildness of manner. In October 1843 the Reverend William Whyte, Classical Master of George Watson's Hospital, was appointed rector.

His appointment was, for the Town's schools, disastrous.³ By July 1844 the Town Council had formed a committee of their members to look into allegations made by parents of his "inefficiency and his severity and cruelty in discipline," and by November of that year the parents had formed a committee

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to complain of "the present state of the schools." James Gibson, accountant at the Bank of Scotland, stated that his son Robert had come home from school with one hand and wrist cut and much inflamed by the "Taws" and that Mr Whyte had threatened and attempted "to strip, expose and abuse him." The boy had been removed from school. Anthony Carrick, son of the vet, was lashed on the head and bare bottom and dragged by his hair over the form. The son of George Speirs, ironmonger, was struck such a severe blow by Mr Whyte that he was confined to bed for two days. Robert Robertson, son of the gunmaster, was severely flogged "in as much as the blood was forced from the back of the hand." Shortly afterwards he was beaten about the head and thrown on the fire. The boy died later from "effusion in the Brain" and his father blamed the bad usage he had had at school. Master James Dean, son of James Dean the painter, stated that Mr Whyte had knocked him down with his fist on the head and had kicked him repeatedly when on the floor. He then took hold of him either by the hair of the head or by the ear and again struck him. Mr Ferme, banker, had a son so severely flogged as to cut and draw blood from the back of the hand. None of this was put in writing until later, the Committee hoping he would either resign or desist.

Mr Ferme the banker, Mr Deans, painter, and others who had children taught by Mr Whyte combined to get a school opened in connection with the Scottish Episcopal Church which was just across the road. This school continued until 1848.

The schools, for in Haddington there were three schools, the English, the Mathematical and the Classical Schools though united since 1837 under a rector, had now fallen into such disrepute that by the end of 1845 the number of scholars had fallen from 200/300 to 17. It seems also to have been difficult to get undermasters to serve with Mr Whyte. In 1844 there was only one applicant for the post of master of arithmetic and writing who withdrew after making inquiries. In December 1845 Whyte appointed James Neilson as English master and interim teacher of writing and arithmetic. James Neilson was a boy of 14, son of the schoolmaster at Bolton. Letters from the Town Clerk protesting at his appointment remained unanswered until the Town Council refused to pay the Rector's salary.

In August 1846 the Town Council decided to take the opinion of the Lord Advocate as to whether Mr Whyte's appointment was for life or no; if for life whether the great reduction in numbers showed such inefficiency as warranted dismissal, and whether the Rector could appoint and retain Mr Neilson as teacher of English. The Lord Advocate's opinion was delivered to the Council

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"I cannot doubt upon the whole matter there is sufficient ground for dismissal." The Council seem not to have pursued this.

In December 1848 Mr Whyte, in the presence of John Keppie the undermaster, struck George Adam a severe blow on the head with his walking stick and several severe blows on his arms, thighs and back. He then struck James Richardson, John Gillespie, James Duguid and Margaret Richardson several severe blows on the arms. (George Adam was the nephew of George Dunlop the distiller, John Gillespie was the son of the mill master and James, Margaret and Andrew Richardson were the children of the procurator fiscal). Early next year, without any provocation he seized James Duguid and repeatedly "shaved" him, i.e. he forced back his head by seizing his hair and with his other hand squeezed his jaws violently. He then dragged him over the form by his hair. At this point Mr Keppie, the undermaster, unable to bear the youth's screams any longer, intervened and was immediately dismissed.

Mr Whyte's actions were reported to the Procurator Fiscal who thought it doubtful there were grounds for criminal proceedings. The Town Council again asked the opinion and advice of learned Counsel who gave as his opinion that although Mr Whyte's conduct fully justified dismissal the Court would be inclined to take the lenient view of the case if he, Mr Whyte, gave a positive assurance of amendment. The Town Clerk wrote to Mr Whyte about his conduct and the Council considered his answer evasive and unsatisfactory but decided not to proceed to the length of dismissing him at present.

A Committee of Enquiry in 1852 found the furniture in the Burgh Schools in a frail and rickety condition and seven broken panes of glass but left it to the Council to decide what should be done about it, there being almost no pupils. But things did improve. In July 1853 Mr Whyte wrote to the Provost suggesting a return to the public examination of the schools by the magistrates, "the present numbers of pupils being 40." The public examination and donation of prizes was resumed but in August 1856 both in the morning and in the afternoon examinations the Rector put to his pupils the question, "Who is the great idolater?" and appeared very satisfied with the answer "God." The pupils also, to the evident approbation of the Rector, made unseemly allusions in illustration of certain states of the Church, namely, "to the habit of Dogs carrying their whelps and Cats their kittens."

The Town Clerk wrote to Mr Whyte in September 1864 "to inquire whether you might feel disposed to entertain a Proposal for your relinquishing the Rectorship on receiving a retiring allowance." Mr Whyte replied, "If the Town Council is now disposed to make a handsome offer worthy the acceptance of

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a Preacher of the Gospel and a veteran classic (sic) I should be happy to embrace it, and once more transfer my favourite studies to a Metropolis." The Town offered Mr Whyte a retiral allowance of fifty pounds a year which he seems to have ignored.

In 1869 a letter from Mr Whyte to the Town Council complained that "a well sustained canvass has once more succeeded in reducing the Haddington Burgh Schools to ten pupils," and in June 1870 he took out a Summons against the Magistrates and Council in the Sheriff Small Debt Court for £11: —: 3½d. This had been deducted from his salary by the Treasurer, because, by the terms of his appointment he was bound to appoint each undermaster and pay him £20 a year out of his yearly salary of £45 and this he had not done. The decision went against the Town who paid the £11 —: 3½d. but asked Mr Whyte "to appoint forthwith a fit and efficient English master." Mr Whyte replied that a teacher could not be found under £60 a year and that "my own individual opinion is that a Burgh (especially such a Burgh) should be careful to let the Public know that its Retiring Rector enjoys a pension of at least one hundred pounds a year." In the Autumn of 1870 the attendance at the Burgh School altogether ceased.

In May 1873 the School Board of the Burgh of Haddington declared Mr Whyte to be "unfit and inefficient," and, under the 60th Section of the Education (Scotland) Act 1872 dismissed him. Mr Whyte was then requested to remove from the house he occupied above the school but he refused. In a Court of Session Case in July 1874 the judges decided he was not entitled against the will of the School Board to retain possession of the house of the schoolmaster. This was the end of the long fight against the Reverend William Whyte and the end of the Haddington Burgh Schools. The buildings were put on the market in April 1879.

REFERENCES

1. *The Exchequer Rolls of Scotland*. Ed. G. Burnett. vol. II 1878 p.602; James Grant. *History of the Burgh and Parish Schools of Scotland*, London, 1876, p.14.
2. *Haddington Burgh Council Minutes*. All material is drawn from this source.
3. cf. John Martine *Reminiscences of the Royal Burgh of Haddington*, p.187. "The long-continued celebrity and glory of the Haddington Burgh Schools departed after the unfortunate appointment of Rector Whyte in 1843".

AN EAST LOTHIAN TRAGEDY

A note by T. C. MARTINE

In November 1687, Sir James Stanfield of New Milns, MP for Haddingtonshire, died — he was murdered by his son, Philip. This gruesome affair attracted considerable attention at the time, and in later years details of the tragedy have been fully recorded (1) in *The Parricide* published by Geo. Tait, bookseller in Haddington in 1838; (2) in *Records of a Scottish Cloth Manufactory at New Milns, Haddingtonshire*, a Scottish History Society Publication edited by W. R. Scott in 1905; and (3) in the excellent article which appeared in the *Haddingtonshire Courier* of 7th April 1922 written by Louise A. Barbe, O.A. Since the Society has recently been successful in recovering the two major parts of Sir James's tombstone, it may be as well to record something about the man himself and the circumstances which led up to his death.

Sir James was a Yorkshire man who started up a Cloth Manufactory at the suggestion of, and under the patronage of Oliver Cromwell, after serving in the Parliamentary Army. After the Restoration, King Charles 11 extended his favour to what had been a successful enterprise. The Scottish Cloth Manufactory, built on land which was previously the property of the Cistercian Nunnery nearby, would today have stood on land better known to us as Amisfield (according to John Martine the building was adjacent to the cascade on the River Tyne). The mill itself continued to function until 1713 when it was closed down and the site sold to Colonel Charteris, who renamed it.

Despite the fact that this Mill seems to have prospered from the onset, its latter days were not so successful and, at the time of the tragedy, Sir James must have been in financial difficulties.

Be that as it may, he appears to have been beset by other troubles; domestic ones, especially with regard to his elder son Philip who was profligate in the extreme. There were constant reports of violent bickering between father and son on account of the latter's insobriety and other habits, and in the morning of the last Saturday on November 1687, Philip himself roused the household to report that he had found his father's body floating in the water near the mill.

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What followed immediately is not quite clear, but the body appears to have been removed somewhat secretly for interment in Morham Kirkyard. First reaction was that it was a simple case of suicide, but a rumour then started which soon reached Edinburgh, and Sir James, being an important personage, the Lord Advocate promptly despatched two surgeons to carry out an autopsy. These men arriving at Morham late in the evening, exhumation had to be carried out after dark and by light of lanterns, and one can only imagine the feeling of awe among those present in the quiet little churchyard.

Thereafter, whatever the result of the autopsy report, there occurred an incident which ultimately sealed the fate of the wretched Philip. As he was restoring the corpse to its coffin, it was seen that some wounds on the neck opened and bled, in those days regarded as clear evidence of murder. Today such an idea would be regarded as sheer nonsense or superstition — but this was in 1687. It is believed that this is the last recorded incident in Scotland where an accused was convicted by 'touch', but so it was, and the miserable Philip was duly sentenced "to be hanged by the neck at the Mercat Cross in Edinburgh, his tongue to be cut out and burnt upon a scaffold, his right hand to be cut off and affixed to the East Port of Haddington, and his body to be carried to the Gallowlee between Leith and Edinburgh to be hanged up in chains". Such was the barbarous penalty of the time.

The foregoing is merely given as background to recent activities. Some years ago a note written by the late Dr Wallace James was found by the writer which indicates that after exhumation at Morham, Sir James's body was taken to St Mary's Churchyard at Haddington for burial. This was on the west side of the cemetery and later, on a demolition of the wall there for extension, the tombstone appears to have been jettisoned and later rescued by a local antiquarian (Dr Wm. Martine 1826-1895) who had it built into a wall of his garden. His house today is the headquarters of the East Lothian Constabulary in Court Street and where, on enquiry by the writer and the late Dr James Richardson, the two main parts of the stone were eventually retrieved, but not without difficulty, since alterations to the wall into which they had been built had seen them throw away for the second time. Other carved fragments are also to be found over the doorway leading to the old stables (now Weston Nursery), but must now be considered lost.

The recovered stones, despite being of local sandstone and much weathered, still show carvings in a fair state of preservation, and in keeping with the records at the office of the Lord Lyon, which read:

"Rt Hon Sir James Stanfield of New Milnes — bears gules
three Goats passant argent attyred or unguled or above



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a shield and helmet befitting his degree. Mantled
gules double argent next in torso or wreath of his colours
for his crest and Goats head erased argent attyred
or within two laurel branches proper."

It is interesting to note that Sir James adopted the Goat of Haddington for his crest and now that they have been recovered it is planned to replace the stones with a suitable plaque at a place near to the site of so many years ago.

NB — The thanks of the Society are due to Mr William Merrilees, former Chief Constable of East Lothian for his interest and assistance.

EDINBURGH AND SOUTH-EAST SCOTLAND by J.N.G. and A.
Ritchie. Heinemann Regional Archaeology Series 1972.

A Review by IAN RALSTON

The writing of a popular regional archaeology hand-book is a difficult task — a time-span of considerable length and imprecision has to be covered, varied levels of technology taken into account, and differing types of evidence, and hence information, bound together. Partially as a result of the increase in types and quantity of information available for study and comparative purposes, and partially as the outcome of the application of an increasingly important battery of scientific (or nominally so) techniques, archaeology has been in considerable flux in recent years. The general syntheses, perhaps expected of a subject with a good half-century of academic existence, have in general not appeared, or have rapidly dated. Against a background such as this, the difficulties of popularisation, in its best sense, are magnified: general books, riddled with cautionary words and disclaimers, satisfy no-one: this is a problem which Drs. J. N. G. and A. Ritchie have tackled successfully in "Edinburgh and South-East Scotland" by producing a text which is authoritative on its own terms, readable and up-to-date.

Scotland's second "Regional Archaeology" in the series published by Heinemann (the first dealt with South-West Scotland), the book is a moderately-priced illustrated guide to the major currents of culture between the Border Counties and the Southern Highlands, coupled with a gazeteer of over 60 of the more instructive field monuments. The text, 76 pages long, is divided into five chapters, each devoted to a culture period of broad technological-chronological significance, beginning with the first inhabitants of our area after the end of the last Ice Age, and ending with an account of the Roman occupation. A sixth chapter deals with the urban archaeology of Edinburgh, thus providing an interesting contrast in approach. The book also contains a select bibliography of 37 books and articles and a list of museums, containing relevant material, within the area.

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The book's attractive lay-out, with ample and well-chosen photographs, plans and drawings, is somewhat marred by a few of the latter. The complex ritual site at Cairnpapple Hill, West Lothian, is adventurously illustrated by an isometric plan (Fig. 10 P. 21) but non-archaeologists I have asked have had some difficulty in interpreting it: the use of a two-colour scheme, advertised on the jacket but absent in this volume, might well have helped. Some of the drawings appear to be over-reduced; for instance, the flint arrowheads from Springwood (Roxburghshire) (Fig. 11, P. 23) illustrated at about 1:3 actual size, are too cramped for the workmanship involved to be readily appreciated. Poor lettering and inadequate scales, for example on Fig. 25 (P. 37) (2.76 ins. = 7cms.) do not help to inspire confidence. However, these are minor detractions, easily compensated for by the quality of reproduction of the photographs.

The subject-matter of the text consists of a solid frame of information on the material — the small objects and the sites from which we can envisage the settlement, economy and technology of the earliest inhabitants of the hills and coastal plains of Eastern Scotland. Problems to which text-free archaeology is much less capable of providing answers, such as the form of society and its rituals, of necessity, take a back seat, but are by no means ignored. The important site of Balbirnie (Fife) is put in context alongside Cairnpapple as a ceremonial site of considerable duration.

There is much here to interest an East Lothian readership: comprising, as our county does, areas of upland, heavy (now agricultural) land, and sandy shoreline, we have, within our immediate area, examples of all the major types of ecosystem exploited within the region. Although the Eastern part of the Lothians seems to be peripheral to the first industries to be found in Southern Scotland at the end of the last Glacial Period, the area was not unoccupied — as the finds from Hedderwick, Dunbar testify. Fieldwork here and west towards Gullane might yet produce further evidence for the activities of these small, scattered pre-agricultural bands.

Chapter Two deals with the introduction of the process, which still, some 5,000 years later, forms the mainstay of our economy — agriculture. A somewhat traditional view of the links between this radical economic change and the accompanying society is expounded by the authors to account for the time-consuming construction of elaborate burial monuments, the sole class of site of this period to be recognised within our area. Ideas such as that which maintains that food production (as opposed to hunting and the collection of wild plants) leads ipso facto to an increase of population and a surplus of labour have been challenged: a verdict of "not proven" is, perhaps pedantically, the most satisfactory.

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Amongst the more impressive of the monuments listed here is the Long Cairn at Longformacus, just south of the County border. Such monuments are normally considered to be the equivalent in stone of the earthen long barrows of Lowland Britain — and indeed monuments of this latter class may remain undetected within our area; one recently detected example near the Angus-Kincardineshire border has produced a radio-carbon date altogether compatible with the southern series (Piggott, 1973). As our knowledge stands at present, however, such evidence as we have for occupation suggests that this was principally effected in the coastal area, and into this picture the jet slider from Balgone fits satisfactorily. Other jet objects from the county include three jet buttons found with a cinerary urn at Keith Marischal (Shepherd, 1973).

Towards the end of the Neolithic Period, discussion of the material is centred in the first site within South-East Scotland to provide a sequence of usage; Cairnpapple in the Bathgate Hills. The authors use the changing face of this site successfully as a backdrop to the changing ritual and funerary practices of the earlier part of the Bronze Age, dovetailing in a concise account of their excavations at Balbirnie, Fife. The possibility of there having been a rectangular setting of stones at Cairnpapple, similar to that excavated at Balbirnie, is an attractive and plausible idea.

However, in view of the lack of evidence in this direction, the description of the site as a "ritual enclosure" (being archaeological jargon for "of uncertain-but-not-obviously-functional usage") is perhaps to be retained rather than the more imaginative but unproven "mortuary house" — a term of normally more restricted use — in the caption of Fig. 19 P. 31.

The only substantial monuments of broadly Bronze Age date are cairns and stone circles, the latter often more complex in their geometry than the name suggests; an example of this being the egg-shaped ring Borrowstoun Rig in Berwickshire, surveyed by Professor Thom (1967, 69: Fig. 16:15 on P. 74). Of those mentioned in East Lothian that on Kingside Hill, Mayshiel is the most visible, and none the worse for the sober description it here receives (c.f. Feachem, 1965, 95); that at Yadlee (or Zadlee) mentioned in the *Gazeteer* (P. 79) like its neighbour on Spartleton Edge (R.C.A.H.M.S., East Lothian, 1924, 113: no. 185) is difficult to identify on the ground without very accurate map-reading and minimal bracken.

Bronze Age small finds are well-represented, including the bronze dagger with a golden pommel from Skateraw, Innerwick (P. 24 Fig. 12) accompanying a burial in a cist within a cairn. Whether the "pieces of a substance resembling fragments of a blue glass bottle", recorded by Miss Henshall in her important discussion of these dagger graves (1968, 184) may have been faience is of interest

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in view of the discussion surrounding this substance in recent archaeological literature (literature in Renfrew, 1973, 222).

The background to the material presented here is to be found in the incursions of the Beaker people into Britain, a process long documented as a series of invasions, out of which arose a series of local developments, recently and monumentally charted by Dr. D. L. Clarke of Cambridge (Clarke, 1970). The interpretation developed by Clarke, and to some extent followed by our authors, perhaps overstates the "invasion factor" in the typology of British Beaker Pottery: at least, this is the opinion of Continental reviewers (Lanting and van der Waals, 1972).

These reviewers would prefer to envisage various "focus areas" each hypothetically at least capable of producing a more or less distinct line of development. One such "focus area" would involve the Lothians, the Eastern Border Counties of Scotland and Northumberland. As Lanting and van der Waals (1972, 29) point out, this would allow the attribution of Beakers such as those from a grave at Gullane to the same group — Clarke's computerised typology, admirable as it is in many respects, separates one of the four vessels involved solely on the grounds of decoration, and attributes it to a Southern tradition.

The reviewers' re-interpretation involves a typological sequence defined in a series of seven steps: steps one and two are comparatively poorly represented in the "focus area" defined (Lanting and van der Waals, Fig. 4). East Lothian Beakers however, appear represented in each of the succeeding steps, East Barns (3), Innerwick (4), Nunraw and Humbie (5), Longniddry (6) and Lennoxlove (7).

The succeeding categories of pottery — Food Vessels and Cinerary Urns — are fully dealt with by the authors, but the sequence may be less unilinear than suggested here. Sober accounts are given of standing stones, about which we are in fact able to say very little. Verse they have inspired (Lumsden, 1905), and many a varied archaeological interpretation; like the cup-and-ring decoration of stone slabs, they remain enigmatic; we can fall back on "ritual" as a useful, if imprecise, label for them. A concise survey of the later part of the Bronze Age, based largely on tool-types, in the absence of other evidence, follows. The conclusion of this chapter opens the story of the most important settlement site in Southern Scotland: Traprain Law. Settlement in the later part of the Bronze Age is poorly represented in our area — to that discussed (P. 37-38) we can perhaps now add the circular dry-stone hut on Kaimes Hill, Midlothian, which produced a radiocarbon date of 1191 (+ or - 90) b.c. (Gak — 1970: uncorrected; Simpson, 1969) — but Traprain, with evidence of bronze-working, remains the sole example to have produced any material suggesting industrial practices.