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THE ESTATE OF THE BURGESSES

IN THE

SCOTS PARLIAMENT

AND ITS RELATION TO

THE CONVENTION OF ROYAL
BURGHESSES

BY

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AN INVENTORY OF THE MANUSCRIPT
RECORDS OF THE OLDER ROYAL BURGHS
OF SCOTLAND

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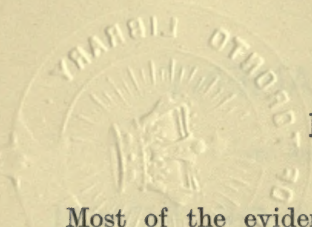
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NOTE.

Most of the evidence upon which this thesis is based has been collected by Mr. G. S. Pryde during his tenure of a Carnegie Research Scholarship, and he is mainly responsible, too, for the arrangement of the material. He and I desire to acknowledge the generosity of the Carnegie Trust which has made this investigation possible. How much we owe to the written works of Professor Rait, and Professor Hannay, and to information privately supplied by Professor Rait, will be obvious to every reader. Our thanks are due also to Mr. Angus, Curator of the Historical Department of the Register House, who has put at our disposal his paleographical skill and his knowledge of the Records, and to the Clerk to the Convention of Royal Burghs, who permitted us to examine the manuscripts under his custody.

J. D. M.

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INTRODUCTION.

The object of this paper is to trace the connection between the "Estate" of the burgesses, and the Convention of Royal Burghs. The use of the name "Estate" throughout is perhaps scarcely warranted, but the term may serve to designate collectively the burgh members who attended Parliaments and Conventions of Estates during the period of our survey (1552-1707). No attempt has been made to discuss the origin and functions of the Convention of Royal Burghs; its origin has recently been under dispute, but by the year 1552, its composition and functions are, for our purpose, clear enough. But the whole position of the burghs in Parliament has necessarily been brought under review. Who formed the burghess body in Parliament in the year 1552? How was its composition altered in subsequent years? Who was responsible for the alterations? Questions of this kind presented themselves for settlement as the investigation proceeded. In settling these side-issues, however, we have found no reason to depart from the established views, and from our main line of investigation, nothing surprising has emerged. On first principles, it was not to be expected that two bodies, similarly composed, and fulfilling much the same function, could coexist without some sort of fusion or confusion; and the result of our examination is to show that the relation which developed was very intimate indeed. But the matter, in print at least, has received very little attention, and our conclusions, if not startling, are in some sense new.

J. D. M.

G. S. P.

I. *Estate and Convention.*

It is well at the outset to lay stress on the fundamental distinction which existed between the Parliaments of England and Scotland in the matter of the "Third Estate." In both assemblies, lay and spiritual "Lords" were an essential element, but the development of the English "Commons" has no parallel north of the Tweed. In England, country-gentleman and merchant quickly learnt to sit together and express the views of the middle classes as a whole. In Scotland, on the other hand, proper representation of the freeholders of the shire followed long after that of the royal burghs; the two classes needed some great common and national impulse, such as religion, to bind them together, and in spite of the English borrowings of James I., combined action was never attained before the crisis of the Reformation, and seldom after that. Feudal loyalty led the lesser barons to associate themselves with the nobility, while the burgesses, despite the amount of attention¹ bestowed by Parliament on their commerce and mode of life, generally pursued a lone path, interested in economics to the exclusion of politics, and struggling for their own welfare and profit. It is characteristic of their separatist spirit, that they had developed an assembly of their own, the Convention of Royal Burghs, which, arising

"Separatism"
of the Scottish
burghs.

¹The amount of legislation which touches upon the burghs directly or indirectly is astonishing.

from a law-court, or according to more recent ideas, from a common economic programme,¹ had come to be almost a parliament for the burghs.

The Crown sometimes deals directly with the burghs, but the real fusion of central and local authority is made in Parliament.

The Crown, which depended on the burghs for a certain part of its income, naturally refused to countenance this tendency to separatism, but it had no particular interest in encouraging joint action by the shires and towns; on the contrary it sometimes attempted to deal with the burghs directly by summoning a purely burghal assembly. Sir James Marwick noted four occasions, in 1529, 1530-31, 1539 and 1556, on which the burghs plainly met "in obedience to royal letters . . . requiring them to send commissioners to a particular place, at a specified time, to treat of the several matters enumerated in the letters."² In December 1555, for example, the Aberdeen Town Council is found appointing three commissioners to meet with those of other burghs at Edinburgh, "conforme to ane writting of our Souerane Lady Marie Quene Deowirar off Scotland and Regent of the same, directit and send to the prouest baillies and communitie for the said burght,"³ and the evidence in the other cases is just as clear. In the next reign we learn of a Convention in February, 1590, "appoyntet be lettres direct from the Secreitt Counsale," and of another in December, 1592, "appoyntet be the kings maistie."⁴ This method of summons, had it been continued and developed, might have come to be much the same as that for a Convention of Estates,—by letters close under the signet,⁵—and the effect would have been to place the assembly of the burghs directly under the control of the Crown. But instances of a royal summons to

¹S.H.R., x., 250, 384. E.H.R., xxviii., 454, 678.

²Rees. Conv. of Royal Burghs (R.C.B.), i, Introd., vii.

³R.C.B., i., App. 520, 521 ⁴R.C.B., ii., App., 521, 525-26.

⁵Hannay, S.H.R., xx., 104, *et seq.*

the burghs alone are rare, and when the procedure does appear it is in most cases to be traced to special circumstances.¹ There never arose in Scotland an assembly of burghs parallel to but outside the ordinary convention of the nobles. Certainly convenience suggested that the burghs' private assembly, the Convention, should be somehow brought into touch with the central authority, but the connection was made, not by an act of power from above, but by a natural development in Parliament.

For in the Scots Parliament, as in the medieval assemblies, the burghs had *volentes volentes* already found a place. It is probable, that, at first burgesses were only summoned when money matters were to be discussed and not even always then, and it is not till after 1455 that the records show burgesses as present in every Parliament.² Only two lists survive for the Fourteenth Century, from which we learn that burgesses from Edinburgh, Aberdeen, Dundee and Perth attended the Great Council meeting at Perth, in January 1357, while these four burghs and in addition Montrose, Haddington and Linlithgow were represented on the first "Committee for holding Parliament," in 1367.³ Between that date and the death of James II. the only names we can add to these are Inverness in 1439, Stirling in 1449 and St. Andrews and Cupar in 1456.⁴ The reign of James III. saw an appreciable development; the average attendance of burgesses was sixteen, rising to twenty-two in 1469, to twenty-three in May 1471, and on three other occasions touching twenty;⁵ by the end of this reign

Place of the
burghs in
Parliament.

¹*e.g.* Mary's difficulties in committing the nobles to war with England in 1556: the supply of ships for James' return from Denmark in 1590.

²Rait, *Scottish Parliament*, 29, 30.

³A.P.S., i., 515, 501.

⁴A.P.S., ii., 55, 61, 46.

⁵A.P.S., ii., 93, 98, 115, 136, 142.

the total number of burghs which had been represented in Parliament from time to time was thirty-three. Between 1488 and 1552, only two new names appear—Forres, in 1488, and Glasgow, in 1546.¹ Representation under James IV. varied from six in 1505, to sixteen in 1488, and under his successor, from four in 1525, to thirteen in 1526, the average being nine or ten over both reigns.² In the surviving lists for the early Parliaments of Queen Mary, the burghs vary from six in 1546, to ten in 1543.³ Thus, the promise of better representation afforded by the reign of James III. was not fulfilled during the succeeding generations. Though no fewer than thirty-five burghs can be described in 1552 as “parliamentary royal burghs,”⁴ the general practice was to summon a mere handful of the wealthier communities, and as the sederunts at first recorded the names, not of the commissioners, but of the burghs they represented, a comparison between the personnel of the burghs in Parliament and that of the Convention of Royal Burghs does not become possible till the reign of Mary or useful till that of her son.

But while the burghs had thus a recognised place in Parliament, that place rested on practice rather than on law. Theoretically, it was the royal burghs, which as tenants-in-chief, attended; but the real reason for their summons was probably financial, and as the Crown had little interest in the poorer burghs, several small towns which undoubtedly possessed royal charters⁵ were probably never called to Parlia-

¹ib., ii., 200, 471. ²ib., 200, 263, 288, 300. ³ib., ii., 410, 471.

⁴Including the three ‘episcopal’ burghs—St. Andrews, Brechin and Glasgow—treated in fact as royal burghs.

⁵Throughout this paper, by ‘royal burghs’ are understood those which had royal charters (*plus* the five important burghs of regality and barony), were represented in Parliament, enrolled by Convention, and cessed for national stents. In addition there were

ment. At all events several did not come, and even those who attended preferred to settle the details of their finance in their own convention. It was there that the tax was apportioned out among the various towns, and it is to be noted that not only were certain royal burghs included on its stent-roll before they had received a summons to Parliament, but that the roll came to include as a matter of course, three wealthy towns, St. Andrews, Glasgow and Brechin, whose status was by charter not royal but episcopal. This arrangement seems to have been made by the burghs themselves, and since, for these cities, a seat in Convention proved to be the passport to a seat in Parliament, it might be argued that, in an indirect way, the burghs themselves controlled their attendance in Parliament. This is going too far ; but at all events it is quite certain that for the burghs attendance in Parliament was governed by empiric fact rather than by exact theory.

As regards electoral machinery the same empiricism appears. There is an almost complete lack of legislation, and this is all the more striking in view of the numerous measures dealing with the shires. The position of barons and free-holders was regulated by a whole series of acts¹ which laid down the qualification of electors and elected, the extent of constitu-

several "royal" burghs which for various reasons, fall outside this category—Berwick, taken by the English, and Roxburgh, destroyed by them ; Auchtermuchty, an ancient royal burgh, which decayed at an early period ; Hamilton, during part of the XVI. century royal, but thereafter, having resigned its privileges, the chief burgh of regality on the Hamilton estates ; and four small Fife burghs—Falkland, Auchtermuchty, Earlsferry and Newburgh—which were never stented, enrolled by Convention, or represented in Parliament.

¹Acts of 1428, 1458, 1504, 1585, 1587 dealt with Shire representation, and the series is continued by the statutes of 1661, 1669, 1681 and 1690. During the whole period covered by these Acts there was virtually no regulation of burgh elections if we except the doubtful Act of 1469.

uencies, and the number of representatives ; but the conduct of parliamentary elections inside the burghs formed the subject of no statute.

One may perhaps cite an act of 1469, which substituted for free elections the co-option of the new Town Council by the old, and gave to this combined body the right to appoint " officers " amongst whom the commissioner to Parliament may have been reckoned. But the Act certainly speaks of appointments made " zeir by zeir," whereas the commissioner was almost certainly appointed *ad hoc*,¹ and it is doubtful if parliamentary election was in any way affected, save by the change in the composition of the Town Council. Apart from this doubtful case the question of burgh representation seems never to have arisen in Parliament till the debates of the 1690 session. The obvious explanation is that the burghs themselves understood the principle of representation and could be left to settle any problem which might arise.

Failing Statute
Law did
Convention
regulate? Did
it fix the
number of
representatives?

That problems must have arisen is obvious. Where were they settled? In the Convention of Royal Burghs? According to Cosmo Innes, one question of the first importance, that of the number of representatives, was, in fact, so settled. In his introduction to the Acts of Parliament he states categorically that, in 1619, " by an order of the Convention of Burghs," Parliamentary representation was limited to one member for each burgh, except Edinburgh, which was allowed two. But he gives no authority for this statement, and it cannot be supported, either

¹Professor Terry supposes an annual election. Scottish Parliament, 27, 28. Professor Rait holds elections were *ad hoc*, and in all cases noted by the writers this is so. See *e.g.*, Rees. Conv. R.B., ii., App., 526, 528, 529. In 1650 commissions were declared valid for one session only, unless specially continued for another. A.P.S., vi., ii., 608.

from the printed records of the Convention, or from its MS records, preserved in the City Chambers of Edinburgh.¹ Indeed it appears to be an inference made from the Sederunts of Parliament, which show that the principle he describes was adopted in the year 1621, whereas, in 1617, no fewer than eighteen burghs sent two members apiece. In the *Scottish Historical Review*, X., 263, was printed a document which seemed to bring the adoption of the rule, "Edinburgh two, the rest one," as far back as the Union of the Crowns, and the editors suggested that the change was really made in 1578, when the composition, not of Parliament, but of the Convention of Royal Burghs was established along these lines by statute. Their inferences² were based upon the Sederunts of Parliament between 1578 and 1619, but Professor Rait has kindly given the writers a fresh set of statistics based on the official "Return of the names of Members of Parliament,"³ which shows that important burghs did send up two members in years when the parliamentary roll records the presence of only one. This new information clearly weakens the argument based on the Sederunt figures; but the discrepancy may, after all, represent nothing more than a struggle between the burghs and Parliament,⁴

¹These have been consulted by the writers for this purpose.

²S.H.R., x., 259.

³This is a blue-book issued in 1878. The statistics for England and the United Parliament are based mainly on the actual returns to writs, and must be taken as reliable. But for Scotland, almost no writs have survived prior to 1600, and it is only from the Restoration period on, that it is possible to compile a complete return from the writs themselves. How Dr. Thomas Dickson compiled the lists which appeared in the blue-book is not clear. He used the evidence of some of the extant writs, though not of all. But for none of the years which we are discussing, could even an approximate return have been made from the writs.

⁴Mr. Angus tells us he has found several cases (after 1617) where writs were made out to more than one burghess; but in each case there is a marking on the commission showing that it was presented by one of them only.

for it is certain that in their own Conventions the burgesses did not limit their attendance as prescribed by the act. On the other hand, a fresh piece of evidence may be adduced in favour of the view that, whatever the practice, the new rule was supposed to be established in 1578. This is the act of the Glasgow Convention of Royal Burghs of 1625.¹ In ordaining that no burgh should send more than one member to either Parliament or Convention of Estates, save only Edinburgh, this act is plainly executing the decision of the Linlithgow Convention of 1624, that all burghs were to send commissioners sufficiently instructed "for keeping the act of parliament maid anent the sending of commissioners to parliament."² To what act does this refer? Working backwards from this time, we can find no legislation whatever relating to burgh commissioners until we arrive back at 1578, and the act for regulating burghal conventions. No other act, order or decree of any kind, prior to 1625 establishes the principle of "Edinburgh two, other burghs one," and despite the irregularities noted this seems to us conclusive. If our argument be sound. Cosmo Innes' *dictum*, though wrong in date, is correct in principle. The position of the burgesses in Parliament was regulated not by Parliament but by their own Convention. Here we have the germ of a vital truth. The relation between the Convention of Royal Burghs and the Estate of Burgesses in Parliament must have been so intimate that the bodies were constantly confused by the constituent members themselves. And this brings us to the central problem of our investigation.

¹R.C.B., iii., 195

²R.C.B., iii., 167.

II. *Confusion of Estate and Convention.*

That Convention and Estate should have been thus identified is at first sight rather odd, for there are obvious differences between the two bodies. The Estate was part of a national court competent to deal with any matter of legislation, justice, or even administration; the Convention was a self-sufficing and distinct assembly, whose scope of business was, however, strictly limited to affairs municipal, commercial and industrial. Again, Parliament was summoned, on forty days' notice, by precept out of Chancery, under the quarter seal;¹ but the burghs adopted and elaborated a system of their own, whereby their Conventions were either fixed some time beforehand, or were summoned at the discretion of Edinburgh, of certain larger burghs, or of the provost of the burgh which was to be the meeting place.

Confusion quite natural.

But the confusion is not really surprising. One obvious explanation lies in the desire to save money. Burgh elections themselves "may have developed in order to avoid the expense of sending to Parliament more burgesses than were likely to find anything to do there";² and it is but natural that the burgesses should strive to effect further economies in this way, when their own Convention might assemble twice or three times annually, while there were few years in which Parliament or Convention of Estates did not meet. For commissioners' expenses were no small item to be met out of the burghs' income. In 1579 the two Glasgow members of Parliament received £20³ "for ryding to Stirlyng and remanyng thair" during the session.⁴ In 1594, the member for Aber-

¹Hannay, S.H.R., xx., 112. ²Rait, S.H.R., xiii., 314.

³All these sums are of course in Scots currency.

⁴Glasgow Records (Burgh Recs. Socy. Pubs.), 1573-1642, p. 469.

deen received 80 marks for attending a Convention of Estates in Edinburgh, while the two commissioners for the same burgh got no less than £100 for their expenses at another Convention, this time no further away than Perth.¹ Again, from the MS Accounts of the Treasurers of St. Andrews, preserved in the municipal archives, we find that in 1612 the Commissioner received £30, in 1621, £40, on each occasion for attending the Parliament at Edinburgh. There can be no question that such expenditure was sufficiently regular and heavy to supply the burghs with a very powerful motive for economy, as far as was consistent with their interests; still more must this apply to the burghs of the far north, such as Elgin, Forres and Banff, whose "Common Good," in 1692, amounted to but £460, £240, and £356 respectively, beyond which expenses had to be met by "stenting" the inhabitants. All three, however, were represented in Parliament as early as the Fifteenth Century.² Finance apart, it is easy to see how the two bodies were inevitably drawn together simply because they were dealing with the same affairs. History shows that it is almost impossible for two separate assemblies to co-exist under these circumstances. In England the lower clergy withdrew from Parliament altogether, because their presence there prejudiced their action in Convocation, and though in Scotland both Convention and Estate continued, their independent existence could hardly be maintained.

Method of
investigation :
available data.

But whilst the confusion is certain, its process is hard to determine. The only sound method of enquiry is to compare the Sederunts of Parliament,

¹Extracts from Aberdeen Accounts, Spalding Miscellany, V., 57, 121.

²Miscellany of Burgh Recs. Soc., 124, 132, 140; Rait, Scottish Parliament, App., 119.

Convention of Estates and Convention of Burghs, and hence our research must concern itself almost exclusively with the period from 1552, the year when the Burgh Convention records commence, to 1707, when the Scots Parliament came to "the end o' the auld sang." The Convention records become comparatively regular and annual about the year 1578, though there is a lacuna for the important period, 1631-1649, which is in reality more regrettable than the total absence of the older minutes, since the Parliamentary lists for this early period are neither complete nor, from our point of view, instructive. Summing up the available evidence, we find that, between 1552 and 1707, Parliament met—excluding "continued" sessions when no business was transacted—eighty times, while over the same period there were at least fifty-nine authentically recorded Conventions of Estates. The first of these latter at which the burghs were represented, was that of 1566, and the last at which they were *not* present that of 1621, while between these two dates they are recorded as having sent Commissioners to thirty-two out of fifty-one Conventions. At the more formal Parliaments, of course, the burghs were always present. These numbers include several meetings, for which the records of the Privy Council and Convention of Burghs, and the ecclesiastical historians supplement the information or supply the silence of the parliamentary records.¹

From the time its recorded Minutes commence, till the Union of the Parliaments, the Convention of Royal Burghs met 315 times, exclusive of the blank years, 1631-1649. Thus the burghs met rather more frequently than twice a year over the

¹Cald., iii., 488, 762; Spott., ii., 295; R.P.C., vi., 69, 100*n*, 121*n*. R.C.B., ii., 490, 528-29.

whole period. The average for Parliament is rather more than one every two years, and there are some two Conventions of Estates for every five years, though, if we take the reign of James VI. alone, the Convention becomes almost an annual institution.

III. *The Period of Confusion, 1552-1600.*

Mary's reign.
First instance of
synchronisation
of Convention of
Royal Burghs
and Parliament.

The evidence for the last fifteen years of Mary's reign is slender and negative, though we must remember that the parliamentary records are, in Thomas Thomson's own words, "remarkably defective," while the Convention Minutes do not become full until her son had been on the throne for about a decade. In all, nine Parliaments met during this period, but only three lists survive, which tell us that in 1558 ten burghs were represented, in 1560 twenty-two.¹ It is only in the case of the ninth of these meetings that the Convention Records throw any light on the subject under our consideration. Parliament sat at Edinburgh on April 14, 16, and 19, 1567, eight burghs being represented—Edinburgh, which alone had two members, Perth, Aberdeen, Dundee, Haddington, Stirling, Linlithgow, and Ayr.² The first six of these, with Glasgow and Jedburgh in addition, supplied sixteen commissioners to form a burgh Convention which met in the same town on April 17; and though the business then transacted was purely formal—the fixing of the next Convention—the burghs represented at both assemblies sent the same member to each.³ Of course, other business may have been effected in the separate assembly, and perhaps the burghal estate should be regarded as a small working committee of the Convention, though

¹A.P.S., ii., 503, 525. ²ib., ii., 546, 548. ³R.C.B., i., 15.

why Linlithgow and Ayr, having received Parliamentary writs, should not be represented at the Convention is hard to see. In any case, the need for economy is beginning to make its appeal to the burgesses.

The only other event to note under this reign is the first recorded appearance of burgesses at a Convention of Estates (shown by Professor Hannay to be a continuation of the old General Council) to which burgh members ought, by an Act of 1504, to be summoned, when a tax was contemplated.¹ The tendency, however, undoubtedly was for a "Convention" to be little more than an "afforded Privy Council," while assuming wide powers as representative of the "Estates"; such was the Convention of Estates of December, 1561, consisting of the normal Privy Council, *plus* sixteen earls and lords.² Eight burghs, however, were represented at the Convention of October, 1566; in the following year, burgesses were even summoned to three extended Privy Council meetings which had as much claim to usurp the authority of "the Estates" as many a "Convention" which did so; and in December, 1567, Parliament decreed that commissioners of burghs be summoned to all general conventions, "and in speciale for generale taxtis or extentis."³

The early years of James VI. may be characterised, from our point of view, as a period of irregularity and confusion, through which the burgesses, actuated by a motive of economy, slowly grope their way towards the effective application of a definite system. From the beginning of the reign till June, 1578, five Parlia-

First recorded appearance of burghs at Convention of Estates.

James' reign. Many Parliaments and Conventions of Estates at which burghs did not have separate meetings.

Hannay, S.H.R., xx., 101; A.P.S., ii., 252.

²A.P.S., ii., 606. Rait, S.H.R., xii., 256.

³A.P.S., ii., 607, iii., 42; R.P.C., i., 531, 535, 548.

ments and as many Conventions of Estates are recorded in the "Acts"; burgesses are included in the Sederunts of three of the latter, giving an average attendance of eight members, while for Parliament the figure is twenty-one; yet there is no mention in the Convention Minutes of the Third Estate holding separate meetings at any of these times. In the last two decades of the century, ten Parliaments met, the average attendance of burgesses—from the six surviving Sederunts—being twenty-three; but for five of these—in May and in August, 1584, in 1587, 1592 and 1594—there is no evidence of the burghs meeting apart, and it should be remembered that their records are now quite full.

As regards Conventions of Estates, this negative evidence is as strong, if not stronger. In March, 1578, and again, in August 1579, the Estates were convened without burgesses; while in June 1578, when they *were* summoned, they did not hold a separate meeting.¹ Professor Rait has noted the frequency, especially under Morton's régime, with which an "afforced Privy Council" called itself a Convention and assumed in this manner, an authority to which it had but little right. To this arbitrary dealing, however, the burghs would no longer submit, and in the closing months of 1578 we find them rebelling against the imposition of a tax in their absence. In October, 1578, the Secret Council at Stirling had ordered a warlike expedition of the lieges to the Border.² On November 14, a meeting held at Stirling Castle, composed of eight councillors, two lords (Somerville and Innermeath) and three bishops, concluded that "the Estaittis convenit hes willinglie grantit ane taxatioun of twelf thowsand pundis money of this realme" to defray military expenses, of which the burghs were to con-

¹A.P.S., ii., 115, 120, 187. ²R.P.C., iii., 38.

tribute £2177 15s 6 $\frac{2}{3}$ d.¹ The provost and council of Edinburgh, on behalf of their Estate, protested against this breach of the constitution, and, on December 18, petitioned for relief, since the law was that “fywe or sex of the principallis provest eldermen and bailleis of burrowis of this zour Hienes realm sall in all tymes to cum be wairnit to all conventionis ” for peace, war or a general taxation.¹ Their protest was not in vain, since the Council, on December 23, excusing itself by stressing the urgency of the case—“the present necessitie ”—declared that the method adopted would not be used as a precedent ;² and after 1580 it is the presence of burgess-members which usually distinguishes a Convention from a Council meeting. This period is the heyday of the use of the old Conventions of Estates, before the broadening influence of the Act of 1587 for Shire Representation and the XVII. Century impulses towards publicity transformed these meetings into real “little Parliaments ”;³ at this time, in the words of Dr. Masson, such Conventions “almost superseded regular Council meetings.”⁴ During these twenty years there were thirty-six Conventions of Estates, at twenty-two of which the burghs were represented, the average number of burghs being seven, and of burgesses nine ; to seven Conventions they sent no members ; while for the remaining seven, neither lists nor positive statement of absence or presence survive.

But while the burghs had thus fought their way into convention, there are, prior to the year 1600, only three cases where they may have made any special arrangements for convening apart. On December 7, 1583, the Estates met at Edinburgh, the Sederunt giving

¹ib., 45, 46. ²R.C.B., ii., 495, 498.

³R.P.C., iii., 56, 57 ; R.C.B., ii., 499, 500. Hannay, S.H.R., xx., 107, 108.

⁴R.P.C., v., 115n.

only officials and Lords, spiritual and temporal;¹ but Calderwood tells us that "the burrowes disassented" against a measure passed anent the coinage.² The Edinburgh Records mention a burgh Convention to be held there on December 15;³ is it possible that it was there that they "disassented?" If so, one might conjecture that the synchronisation is deliberate, and that the burghs had *expected* a summons for the 7th, or, alternatively, the names of burgesses may have been accidentally omitted from the Sederunt in the Council Register. Again, the Edinburgh records tell us of the appointment of two commissioners to a Burgh Convention on July 28, 1585, at St. Andrews, where, three days later, the Estates met, twelve burghs being represented, Edinburgh by the same two—Nisbet and Heriot—as held her commission for the earlier meeting.⁴ Again, in March, 1595, the same Town Council appointed commissioners to represent itself at two such consecutive meetings; this, in the absence of Parliamentary lists, being our only evidence of the presence of burgesses at this Convention of Estates.⁵ Beyond these three cases—one of them very uncertain—there is absolutely no evidence of the Convention of Royal Burghs attempting to adapt itself to the Convention of Estates.

Thus in the vast majority of really representative Conventions and in a great number of the Parliaments, during this period of the reign of James VI., the burghs received their missives or precepts, as the case might be, and sent, sometimes one, sometimes two of their citizens, who met, and sat with, bishops, abbots and commendators, earls, lords and lairds, transacted the business of the Estates, and

¹A.P.S., iii., 330.²Hist., iii., 762.³R.C.B., ii., 511-12.⁴A.P.S., iii., 423 R.C.B., ii., 515-516.⁵A.P.S., iv., 96; R.C.B., ii., 528-29.

returned home, without taking advantage of the opportunity of forming themselves into a separate probouleutic and legislative assembly for conducting the affairs of their fellow-burgesses. And this is rather surprising when one considers, on the one hand, the expense involved in journeys of some length and absences of some days, and, on the other, the number of distinct burghal meetings which were held during these years.

IV. *Legislative Efforts towards Synchronisation of Convention and Estate.*

None the less, even during these lean years there is evidence of a steady approximation of Convention of Royal Burghs to Estate of Burghs in Parliament—the development of a system which aimed at and achieved, not only economy of expenditure, but also the more efficient expression of the voice of the merchant community in the counsels of the nation. This system was in full operation in the central period of the XVII. Century, survived the Restoration, but, for rather obscure reasons, almost disappeared of sheer atrophy in the last period of the Scots Parliament. Its beginning may be traced in the deliberate and conscious arrangements made by the burghs beforehand to facilitate the interdependency of the two bodies, for the Convention Minutes tells of the burgesses' constant endeavours to ensure that they will have opportunities to prepare and decide their policy as an Estate. On November 17, 1564, the Town Council of Edinburgh ordained that missives be sent for convening the burgh commissioners “for ressonying vpon the effaris of merchanttis before the

“Particular
Conventions
held before
Parliament

nixt parliament.”¹ Fourteen years later, an Act of Convention decreed that when Parliament was due at any town the provost should summon a Convention, either by warning the burghs themselves or their commissioners—for “the commoun weill of thair estaitis.”² Again in 1579, another such meeting was arranged to precede the next Parliament by five days.³ In April, 1581, it was laid down that, provided the next Parliament was held within the ensuing twelve-month, the next Convention should be held at least six days before it and at the same town;⁴ while similar arrangements were made, in December, 1585, by the Lords of the Articles for the Burghs, to whom the duty had been delegated by their fellow-burgesses;⁵ and again on July 16, 1619, by a Convention at Edinburgh.⁶ The Cupar Convention of 1586 reaffirmed the principle of a burghal assembly—before “euery generall conuention of the nobilite or parliamentt”—setting the time limit as two days beforehand, providing for daily sessions during Parliament, and avowing as the reason the necessity for deliberation and unanimity on the affairs of the nation and the welfare of their Estate.⁷ Four years later we get a still closer view of the object of this machinery: the commissioners of burghs for the next Parliament are to convene three days beforehand in order to formulate a supplication for the redress of two grievances—a new impost and “forced” elections of unqualified persons as magistrates.⁸ The burghal system is now definitely dovetailed into the Parliamentary system. In January, 1600, an Edinburgh Convention, understanding that a Convention of Estates was due in March, instructed their clerk to

and during
Parliament

¹Edinburgh Accounts, cited R.C.B., ii., 489. ²ib., i., 70.

³ib., i., 78. ⁴ib., i., 120. ⁵ib., i., 205.

MS. Convention Records, v., 35. ⁷R.C.B., i., 209. ⁸ib., i., 339.

call together commissioners from all burghs, "with power to geve thair consultatioun and concurrence with sic number of burrowis as speciallic sall be wairnit be his maiestie to the said conventioun."¹ This passage reveals the relation between these separate burghal meetings and the official "Estate": the latter is a small select body, chosen from specially summoned burghs—the delimitation of which is a royal prerogative—but still amenable to the advice and control of the larger body, who confidently expect "concurrence." In November of the same year, the Convention of Royal Burghs warned the eight burghs on the Articles for the Parliament then sitting, *before their appointment*, to proceed, whenever possible, only with the guidance and advice of the whole body of burghs.²

The General Convention for 1604 had been fixed in the previous year, to be held at Cupar on July 3, but a Particular Convention meeting before it (in April-May) learning that Parliament was due to sit on that very date, July 3, and without even knowing whither it would be summoned, altered the place for holding the coming General Convention to the "brugh of Edinburgh, or ony vther brugh quhair the parliament sall sytt and be haldin"; both assemblies did actually meet on that day at Perth.³ It should be noted that, from 1590, about which time the *annual pre-arranged General Convention* (as distinct from the *frequent casual Particular Convention*) becomes a constant phenomenon, till 1656, when a period of confusion sets in, only two other cases occur of an alteration in the arrangements for this regular assembly. In the one, the Kinghorn meeting of 1600 was thrown forward

Even General Convention altered to coincide with Parliament.

¹ib., ii., 67. ²ib., ii., 94.

³R.C.B., ii., 166, 170, 171; A.P.S., iv., 162.

eleven days, "throw occasion of his Maiestes Conventioun of the Estaitis";¹ in the other, the place was altered, in 1614, for no declared reason, from Dumbarton to Kirkealdy.² The conclusion is, that in two of the cases, the change is made because of the strong conviction that Estate and Convention *ought to be* the same thing.

The high-water mark of legislative effort towards synchronisation was reached in 1630. On July 9, the General Convention at Jedburgh, knowing of "manie particularis" to be dealt with by the ensuing Convention of Estates "importing the publict of this kingdome" ordained a meeting for July 23, and thereafter; "and lyikwayes ordanis sutch burghis as ar not writtin vnto that with all diligence they procure ane commissioun frome thair burghis for meitting and conveining with the remanent of the estaittes at the said conventioun."³ It would seem that the habit of thinking of the two bodies as one and the same is now so well established that the burgesses can expound the rule that *all* royal burghs ought to attend Parliaments or Conventions, whereas it is clear that only those which had received writ or missive had that right. It was the central authority, through the medium of Chancellor or Secretary, which made the selection, and though the representation of the burgess estate was now improving, the summons was still occasionally limited to the larger and wealthier royal burghs, *plus* the five important Burghs of regality or barony.⁴ The *de facto* identity of Convention and Estate, in fact, has led the burgesses to advance a claim which is nothing less than a direct infringement of the prerogative of the Crown.

Burgh Con-
vention confounded
with Convention
of Estates.

¹R.C.B., ii., 59, 72; R.P.C., vi., 121n. ²R.C.B., ii., 419-20, 442.

³R.C.B., iii., 319. ⁴Rait, S.H.R., xii., 127-134.

V. *Personnel.*

Between 1564 and 1630, then, there had developed a theory that Estate and Convention were virtually the same thing; and that this misconception was only natural appears from a consideration of the Sederunts of the two assemblies from 1570 onwards. In 1570, a Convention of nine royal burghs—represented by fifteen commissioners—met at Edinburgh on October 21, “being conventit to the parliament, the xxij of this instant.”¹ The parliamentary records tell us nothing of this meeting, but probably it was held to confirm Lennox’s appointment to the Regency,² though this is dated October 10. The Regent “directit missives” — presumably supplementary to the formal precepts—to all of his party for “halding of the Parliament.”³ In 1578, parliament was “fenced” on July 15, and “ridden” on the following day—at Stirling. On the 17th, what was apparently a small informal meeting of some ten or more burgesses met at the Tolbooth to protest against their exclusion from Parliament, and were promised redress.⁴ No lists for this Parliament, which terminated on July 25, have survived;⁵ but Calderwood⁶ gives us the names of the Lords of the Articles, who included two Edinburgh commissioners and the provosts of Perth, Dundee, Aberdeen, Stirling, Glasgow and Ayr. A burgh convention met at Stirling on July 18, but again we are faced with defective records. No Sederunt is preserved, but the list of those who signed the minute shows that there were present at least five of the eight burgesses on the Articles—the two Edinburgh commissioners, the provosts of Ayr and Stirling, and Gilbert Menzies, the provost of

Early instances
of a common
personnel.

¹R.C.B., i., 16. ²R. Bannatyne, *Memoriales*, Bann. Club, 60-61.

³*Diurnal of Occurrents*, Bann. Club, 189.

⁴Calderwood, iii., 413-14. ⁵A.P.S., iii., 94. ⁶Calderwood, iii., 414.

Aberdeen; as were also at least six of the eight "protesting" burghs named by Calderwood, Dunbar, Haddington, Jedburgh, Selkirk, St. Andrews and Aberdeen.¹ It is possible that, though the minute mentions only one day's sitting, those "protesting" burghs really protested at an earlier meeting of the same convention, of which they formed a part. In October, 1579, thirty burghs were in Parliament, only Edinburgh having two members;² twenty of these, along with three outside burghs, sent commissioners, one, two or three in number—to form their own Convention; and of these twenty, Dundee was alone in sending a different commissioner to each meeting.³ It is interesting to note the protest of the Dundee burghess against the informality of this assembly, since most of its members held commissions for Parliament only; it would seem that opinion and practice were against him, and members of Parliament continued more and more to hold Particular Conventions, though by an Act of 1594, they were required to produce formally sealed and signed commissions.⁴ These parallel meetings may be considered from two points of view, that of composition, and of time.

Convention
insists on Atten-
dance.

First, then, as to the question of personnel. The figures for 1581 are at first sight rather unfavourable. Of the fifteen burghs which were represented in the Parliament of that year, no fewer than seven, including such towns as Dundee, Aberdeen, Stirling, Glasgow and St. Andrews, do not appear on the Sederunt of the Convention of Royal Burghs. If the commissioners for these towns thought their duty discharged by attend-

¹R.C.B., i., 53, 54; Littlejohn, Sheriff Court Records of Aberdeen, i., 453.

²Though the Return of Names shows that Ayr, Dundee, Elgin, Jedburgh, and Perth, in addition to Edinburgh, appointed two commissioners to represent them. Pt. II, p. 537.

³A.P.S., iii., 128; R.C.B., i., 80.

⁴R.C.B., i., 429.

ance in Parliament alone, their fellow-burgesses thought otherwise, for Dundee, Stirling, Glasgow, St Andrews and others all found themselves unlauded for "their contumacie and absence fra this present convention";¹ and the Perth Convention in the following June, passed stringent legislation on the subject, enforcing attendance from first to last, unless with special licence of exemption.² Thus, though the system is still confused and not properly understood, the legal point is clear; they *ought* to have been at both assemblies. At Linlithgow, in December, 1585, eighteen burghs were in Parliament, Edinburgh being the only "double seat"; but of these only nine, *plus* four others, sent members to the burghal convention.³ Incidentally it should be noted that the rule for burgh representation, laid down by the Act of Parliament of 1578, is being applied to Parliament more frequently, than to the Conventions for which it was framed. In 1587, we find a somewhat different procedure. Forty-five burgesses—from thirty-five burghs—convened at Dundee, July 3-6, and drew up a list of Articles to be presented by their Estate at the Parliament due at Edinburgh on the 8th.⁴ This "Estate"—thirty-one members from thirty burghs—shows considerable differences in personnel from the Dundee Convention, especially as regards the Lothian, Fife and Forfar towns, though most of the commissioners from the far north (*e.g.* Inverness, Forres, Elgin and Banff), the west (Lanark, Ayr, Dumbarton, Rutherglen) and the south (Dumfries, Wigtown, Jedburgh) are identical for the two assemblies.⁵

¹A.P.S., iii., 193; R.C.B., i., 123. ²R.C.B., i., 136.

³A.P.S., iii., 374; R.C.B., i., 200-201. Stirling, however, according to the Return of Names, also appointed two Commissioners.

⁴R.C.B., i., 229-43.

⁵A.P.S., iii., 428. Again the Return of Names shows Montrose as sending two members.

And distant Burghs send the same member to Convention and Parliament.

We ought to remember that the *General* Convention was becoming something of a fixed annual institution, not to be altered if it could be avoided; on this occasion no effort was made to identify the two meetings, and yet the fact that the more distant towns *did* send the same member to both reveals one of the motives for such identification—economy, while the business transacted at Dundee gives us the key to the other—corporate preparedness as an Estate.

Other Burghs follow suit.

In July, 1593, thirty-six burghs were represented in Parliament, five—Edinburgh, Perth, Aberdeen, St. Andrews and Glasgow—by two members;¹ twenty-eight of these, *plus* Forfar and Dysart, sent members to the parallel Convention, all but two—Linlithgow and Haddington—giving both commissions to the same delegate. Since only Edinburgh and Perth had both their members at the burghal Convention, twenty-eight out of thirty-two there present were sitting members of Parliament.² In 1601, under date February 14, the Convention Minutes give us the following entry:—“The quhilk day the Commissioneris of the Burrowis vnderwrittin, quha wer conuenit to this present Conuentioun of the Estaites” Ten burgesses (from nine burghs) are named, and the Minute contains a reference to an “act of the estaites the xiiij day of Februar.”³ Parliamentary Records contain no reference to the Convention, though a space is left for it in the Privy Council’s Book of Sederunts,⁴ while a letter at this time from George Nicolson to Cecil mentions that “the Convention holds.”⁵ There can be little doubt that the Convention of Estates met, and its burgess-members converted themselves into a complete Con-

¹A.P.S., iv., 6. ²R.C.B., i., 423. ³ib., ii., 97, 98.

⁴R.P.C., vi, 205n.

⁵Cal. State Papers, Scotland, ed. Thorpe, ii., 792.

vention of Royal Burghs. The Sederunts of Parliament are missing from then to 1612, when forty-six burghs are represented, five of the larger by two members.¹ All but Inverurie figure in the list for the Convention of Royal Burghs at the same time—to which Sanquhar and Rothesay, *not* represented in Parliament, also sent members.² Thus forty-five constituencies out of a gross total of forty-eight are common to both meetings; while as to actual membership, only Linlithgow and Cupar sent different commissioners to the two assemblies. At the Convention of Estates, in March, 1617, eighteen burghs were represented, Edinburgh alone sending two members; these nineteen burgesses, with the single addition of a commissioner from Dunbar, formed a Convention whose chief business seems to have been the discussion of a customs-duty controversy depending between Dunbar and the rest of the burghs; which explains the presence there of a member for that place, though it had received no “letter close” for the Estates’ meeting.

Estate and Convention become almost identical

Our evidence may now be characterised as strong and constant. In July-August, 1621, and thereafter, only Edinburgh sent two members to either meeting. Forty-nine burghs were represented in the Parliament of that time, and forty-eight in the Convention; forty-seven were common to both, Forfar having a representative only at the latter, and Kintore and Inverurie, the two small Aberdeenshire burghs, only at the former—which two were not enrolled by the Convention as free royal burghs till 1661.³ Of these forty-seven, Kinghorn and Kirkcaldy, a short sea-voyage distant from the capital, and Peebles, some twenty-five miles distant by land, sent different

¹A.P.S., iv., 466. ²R.C.B., ii., 377.

³A.P.S., iv., 592; R.C.B., iii., 123; S.H.R., xii., 129.

delegates to each assembly ; the other forty-four were represented by the same members at both meetings. Here, then, we have almost complete identification : the rule for representation, as laid down in the Act of 1578, is applied to both bodies, while the exceptions enumerated above hardly touch the general conclusion, that the great formative period of James VI's reign has made the estate of burgesses in Parliament, and with it the Convention of Royal Burghs, the regular and adequate medium for expressing the will of the merchant-aristocracy of the realm.

At the Convention of Estates in November, 1625, Culross, Anstruther Easter and other eighteen burghs were represented, while Dysart, Kirkcaldy, Selkirk and Irvine and *the same* eighteen others formed the separate burghal meeting ; moreover, the eighteen had the same commissioners for each meeting.¹ Another Convention of Estates sat at Holyrood, in July-August, 1630, thirty-two burgesses sitting for thirty-one burghs.² These thirty-two, reinforced only by members for Wigtown and Kirkcudbright, formed the parallel Convention of Royal Burghs.³ Activities at this time were focussed on the conclusion of a Fishing Treaty with England, which occupied the attention of an assembly at Holyrood from November 7 till 12, 1630, composed of the Privy Council, together with Commissioners specially appointed in August by the Estates.⁴ The Sederunts for these meetings give us the names of the burgesses present—eighteen in all—but not of the burghs represented ; but of these, fifteen are recognisable as taking part in the convention of nineteen burghs at the same time and

¹A.P.S., v., 166 ; R.C.B., iii., 208.

²A.P.S., v., 208.

³R.C.B., iii., 321.

⁴A.P.S., v., 228-31 ; Hume Brown, R.P.C., Second series, iv., *Introd.*, xx-xxii.

place.¹ The Convention Minutes are missing from 1631 to 1649, just as the system, the development of which we have been studying, has reached maturity and really effective working. By this time the burgesses are seizing every opportunity of applying their system, be it for Parliament, Convention of Estates, or composite Parliamentary Commission—the case of the Parliament of 1617 is the only, though notable, exception—and their machinery is steadily gaining in power with the more adequate representation of the Third Estate—the average number of burghs, during the period 1612-1631, forty-seven being in Parliament, and in Conventions (of Estates) twenty-three.

VI. *Times of Meetings.*

The same problem must now be studied from the point of view of the actual days, and, where possible, hours of meeting. Here we must recall the formal and ceremonial nature of the opening and closing of Parliamentary Sessions. On the day appointed, Parliament was begun by the "Lords Commissioners," several representatives from each estate, and "fenced" or formally constituted by the Clerk Register with a declaration enjoining all the lieges to obedience. Parliament was then either "continued" to another fixed day, or else was declared to "run," in which case all the Estates were expected to wait daily, till such a time as His Majesty should be pleased to appoint for his own presence. This "fencing" was purely formal, and, in the former case, on the day appointed, the court might be, and often was again "continued" till some future date: a whole year might be put off in

Procedure in holding a Parliament.

¹R.C.B., iii., 324.

the process, without any real business being transacted.¹ At length, however, a date was definitely fixed, and announced by proclamation, for the "Riding" of Parliament.² On that day the whole Estates convened at an early hour at Holyrood Palace, if, as was becoming the rule, Parliament was summoned to Edinburgh, in robes, foot-mantles and ceremonial dress, and accompanied the King, or in his absence his Commissioner, to the Tolbooth in slow and stately procession. Arrived there, proceedings were opened by speeches by King and Chancellor; if the former were not present, the Lord High Commissioner produced the royal commission authorising him to represent the sovereign and to hold the Parliament, Thereafter the Lords of the Articles were chosen, Parliament appointed their first meeting, and business for the day was over. When the Articles had completed their session, the Estates once more assembled at Holyrood, for the final "Riding" of Parliament. They accompanied the King or his Commissioner to Parliament House, approved or disapproved of the articles, which on being touched by the sceptre, became law, and heard a speech of thanks from their sovereign, upon which Parliament was either "deserted" or "declared to be current"—the Scottish analogies for dissolution and prorogation. Finally, the Estates accompanied King or Commissioner back to Holyrood in ceremonial procession.³

The *Dies Parliamenti*, then, were these—the day, or days, of the "Fencing," or formal constituting; the day of the first "Riding," or formal opening; and the final "Riding," or formal closing. With the session of the Articles, Parliament as a body had nothing to

¹A.P.S., iv., 276-79.

²ib., iv., 591, v., 250.

³Terry, Scottish Parliament, 101; A.P.S., iv., 191, 365, v., 390, 425; Manner of Judicatores of Scotland, S.H.R., xix., 263-65.

do. The only days which concern the whole Estates and require their presence are "the riding dayes of the parliament, that is the first and last dayes thereof."¹ "In fact it came to this in the long run, that Parliaments commonly sat but two days."² The interval between first fencing and first riding is employed and intended for the receipt of "ony articlis and complementis": all actions should be announced, all summons of treason and other crimes produced and read during that time.³ Thus, when we talk of the burgesses in their relation to Parliament, we must imagine them, robed in their "comely and decent apparel"—generally black gowns—taking part in two somewhat formal and ceremonial occasions, and, apart from the eight of their number elected to the Articles, faced with some seven or eight days during the session of that committee when their presence in the town was compulsory though their assistance was dispensed with. This, then, would seem to be a very convenient and natural season for the burghal meetings; but, it must also be remembered that all articles, in order to be considered, had to be handed in early to the Clerk Register. Indeed in 1594, an Act of Parliament declared that all articles should be submitted twenty days before the "Fencing," when a small Convention of four of each Estate should meet to consider and digest them for the relief of the Lords of the Articles.⁴ But it is very questionable if this machinery was *ever* put in operation; the act was repealed in 1640, and was "in desuetude" after the Restoration.⁵ From time to time, the Privy Council issued Proclamations enjoining all the lieges who had articles or actions for

Provides the Burghs with an opportunity for private Conventions.

¹A.P.S., v., 314.

²Lord Kames, *Essay on the Constitution of Parliament*, ed. 1745, p. 50.

³A.P.S., iv., 192-194.

⁴A.P.S., iii., 531.

⁵A.P.S., v., 270; Lord Kames, *op. cit.*, p. 52; Sir George Mackenzie, *Observations on the Acts of Parliament*, ed. 1687, p. 290.

Parliament to be prompt with them, frequently appointing the last day a week or more in advance of the meeting of Parliament.¹ But in practice it seems probable that articles would not be refused, provided they were submitted in time for the Lords to consider them ; in any case, we know that, in 1594, they were ordered to be handed in within three days after the choosing of the Lords of the Articles, and in 1600, by the second day of their session.² Still, it is natural that, to avoid all hitches, the burgesses should wish to convene betimes, consider their grievances carefully, and prepare their suggested remedies before the opening of Parliament ; which doubtless accounts for the copious legislation, noticed above, for summoning their Conventions to meet several days before the Estates. For the less formal Conventions of Estates, which, of course, had no ceremonial opening and no Committee of Articles, all days were " business days " ; but for Parliament, only the two " Riding " days were of supreme importance, as far as the whole body of the members was concerned.

The Burghs develop a system.

Such being the formalities which marked the Session of Parliament, it remains to note how the burghs developed a system whereby they used to the full the opportunities presented. The case of the Parliament of 1581 is rather exceptional. After three formal " Fencings," on October 24, 25, and 26, the " Riding " and choosing of Articles took place on October 30, but when the whole Estates reassembled, after an unusually long interval, they held two sittings, on November 28, for judicial business—*forfeitures and summons for treason*—and November 29, for legislation.³ The burghs held seven sittings, between

¹R.P.C., xii., 475 · Sir J. Balfour, *Annales of Scotland*, ed. 1824, ii 206. ²A.P.S., iv., 56, 194. ³A.P.S., iii., 193 *et seq.*

October 17 and 26.¹ In 1585, a Convention of Estates met at St. Andrews on July 31,² and we know that the Edinburgh Town Council gave authority to their commissioners to convene with the rest of the burghesses there; they seem to have been there on the 28th.³ In the same year, the Linlithgow Parliament was fenced on December 1, and "ridden" on the 4th, and again, for the closure, on the 10th,⁴ while the Convention of Royal Burghs sat at the same town from December 1 till 4 and again on the 10th.⁵ In 1593, after four several fencings, Parliament's business days were July 16 and 21, while the burghs sat on July 9, 14, 16, 17, and 20.⁶ The Estates were convened on March 15, 1595, the burghs on March 11.⁷ In 1597, the first Riding to Parliament was on December 16, while the date of the closing is not recorded,⁸ but the burghesses met on the former day, to hand over their power to the burghs on the Articles.⁹ Though there is no record of it in the Acts of Parliament, a Convention of Estates met at Edinburgh on June 20, 1600, and sat on several later days,¹⁰ while the burghs convened on June 18, 19 and 27.¹¹

The Parliament of 1604, for which the lists have not survived, is in many ways typical of the system both of parliamentary and burghal meetings, and of the difficulties in the way of synchronisation. On April 10, at Edinburgh, Parliament was "fenced" and continued till April 24, on which date it was again fenced and "declared to run"; on the 26th, after the Riding, the King's Commission was produced and read and the Articles chosen, the only other business

¹R.C.B., i., 121. ²A.P.S., iv., 423. ³R.C.B., ii., 515-16.

⁴A.P.S., iv., 373 *et seq.* ⁵R.C.B., i., 200.

⁶A.P.S., iv., 3; R.C.B., i., 423, *et seq.*

⁷A.P.S., iv., 96; R.C.B., ii., 528-29.

⁸A.P.S., iv., 123. ⁹R.C.B., ii., 21, 22.

¹⁰R.P.C., vi., 121*n*; R.C.B., ii., 72, 86, 89. ¹¹R.C.B., ii., 89.

being the verification of a single summons of treason. On May 1, the Estates were again convened to hear a royal letter requesting them to adjourn their meeting; accordingly, without any further transactions, Parliament was continued till July 3.¹ Meanwhile a Convention of Royal Burghs, including all nine burgesses on the Articles, had sat on April 24 and May 2.² At Perth, where this Parliament reassembled, the two days of "full Parliament" were July 3 and 11,³ while the burghs, by a special arrangement,⁴ held their General Convention there on July 3, 4, 5, 9, and 10.⁵ In 1607, three Fencings—spreading over five months—were followed by the two riding days, August 3 and 11,⁶ while the burgesses, assembling on July 29 sat on August 5 and 11.⁷ In 1609 the business days were June 17 and 24, while the burgh convention sat on June 14, 15, 20 and 24.⁸ In 1612 Parliament was fenced on October 12, and at once declared to run, so that the riding days were the 15th and 23rd.⁹ The burghs met on the 10th, and held sessions on October 14, 23 and 24.¹⁰

A Convention of Royal Burghs sat in Edinburgh on March 4 and 7, 1617.¹¹ The Convention of Estates of which this formed part sat on March 5.¹² In the Parliament of 1621, after two fencings on June 1 and July 23, the opening Riding took place on July 25, and the closing on August 4,¹³ while the burgesses met at least on July 18 and 23, at which date the Convention Minute breaks off.¹⁴ In 1625, the dates for the Convention of Estates are October 27, November 1 and 2, and for that of the Royal Burghs, October 27,

¹A.P.S., iv., 258-262. ²R.C.B., ii., 169. ³A.P.S., iv., 262-63.

⁴*Supra*, p. 19. ⁵R.C.B., ii., 171. ⁶A.P.S., iv., 364.

⁷R.C.B., ii., 246. ⁸A.P.S., iv., 410; R.C.B., ii., 269.

⁹A.P.S., iv., 465. ¹⁰R.C.B., ii., 377. ¹¹R.C.B., iii., 33.

¹²Or 7, according to A.P.S., iv., 581; R.P.C., xi., 56.

¹³A.P.S., iv., 591. ¹⁴R.C.B., iii., 123.

November 1, 3 and 4.¹ In 1630, the Estates met almost daily from July 28 till August 7, while the burghs sat before them on July 23, and again after their dissolution, on August 9 and 10.²

These figures show us that, when the burghs' own meetings were arranged to coincide with those of the larger body of which they formed a part, they almost always held their first sitting *before* the day on which the presence of the King or Lord High Commissioner marks the opening of Parliament. They met frequently while the Estates or their Committee of the Articles were still sitting, sometimes holding their last session on the last day of Parliament, or just after it. Similarly, when Conventions of Estates were due, they normally met together beforehand; reserving, when the former began to draw out their meetings to more than single days, *their* last sitting for a date after the other had broken up. We have been able to collect but little evidence as to the hours of these meetings, owing to the fact that, for the less formal *Particular* Conventions, definite arrangements, if made at all, are very rarely recorded in the Minutes. For *General* Conventions, from the year 1596 till 1615, the forenoon session, with only two exceptions, lasted from eight o'clock till twelve noon, but thereafter it became the almost invariable custom to commence one hour later; while the afternoon sitting remained practically fixed throughout—from two till six. It is perhaps a significant fact that the only evidence forthcoming as to the hours of meeting of *Particular* Conventions sitting along with the Estates, shows us that in October 1612, the burgesses "appoyntet thair hours of meitting to be at sevin hours in the morning

Hours of
Meeting.

¹A.P.S., v., 166; R.C.B., iii., 208.

²A.P.S., v., 208; R.C.B., iii., 321.

and tua hours afternone."¹ For Parliamentary hours, our evidence is slightly fuller. For the "riding" at the opening and closing of the sessions, the commissioners appear to have met at Holyrood Palace at nine o'clock in the morning, or between that hour and ten.² As to the sittings of the Lords of the Articles, in 1592, and again in 1594, they were ordered to assemble at eight o'clock daily;³ but in 1606, 1621, 1633 and 1639—indeed, in all the cases of the period for which we have definite information—they convened at ten o'clock every morning during their session.⁴ Did the burgesses, when the two assemblies were sitting simultaneously, arrange their own meetings at the early hour of seven in order to discharge the more important business first and then release either those of their number who were on the Articles or, when Parliament was being ridden, their whole body? Some such method must have been adopted, for it goes without saying that the burgesses who owed attendance in Parliament would take good care not to incur the unlaw for absence.

VII. *The Expansion of Parliament, 1639-1651.*

It is unfortunate that, having been able to study this system of synchronisation in some detail down to the year 1630, we are faced with a break in the Convention Minutes which renders further comparisons impossible till the year 1649, and that this gap represents the period when we might expect to find modifications due to the greatly extended scope of parliamentary activity and the changed methods of the Estates in conducting business. During these

Rapid develop-
ment of Parlia-
ment

¹R.C.B., ii., 378.

²ib., iii., 531, iv., 56.

³A.P.S., v., 250, 390.

⁴ib., iv., 281, 594, v., 10, 253.

years burghal representation continued to be fairly good, reaching fifty-three for a Convention of Estates in June-August, 1643.¹ The great increase of business which fell to the lot of Parliament in and after the year 1639 rendered the old method of conducting affairs—by a short session of the Lords of the Articles, preceded and followed by opening and closing ceremonies—utterly inadequate. Accordingly, an Act of 1640² practically set aside the “Articles,” reserving the right of either choosing or not choosing committees to the Estates themselves; sessions began to be reckoned by months where formerly they had been reckoned by days; and the old practice of “declaring Parliament to be current,” instead of “deserting” it, developed to such an extent that we find the first Triennial Parliament, which assembled in June, 1644, running to a sixth session, while the second held no fewer than eight sessions, before the conquest of Scotland by General Monk in 1651-52 put an end for the time to the independent Scots Parliament. The Estates in these years approximated much more than previously to the modern conception of a national legislative assembly, which is far oftener sitting than adjourned. But the analogy can not be pressed very far: it is hardly in keeping with modern constitutional ideas that burghs or shires unrepresented in one session of Parliament should send members to another session of the same Parliament, or that constituencies should change their members between sessions—a practice which possibly reflects the idea established by law, (permissively) in the case of the shires, that members should be elected annually.³ Indeed it is clear that in Parliament, it was not the individual

with some
limitations.

¹A.P.S., vi., i., 4.

²ib., v., 278-79.

³ib., iii., 510; Mackenzie, Observations, ed. 1687, p. 259; Terry, Scottish Parliament, 27, 28.

burgh, but the Estate as a whole which mattered, and that in reckoning the Estate, the unit was still the burgh itself rather than the burgh member.

The old system survives.

But though the old feudal notions thus continued, the improvement had been real, and under these altered circumstances the evidence that can be gathered for the two years from July, 1649, when Convention records recommence, till June 1651, when Parliament records ceased perforce, is all the more valuable. There is still no indication of an attempt to identify the *General* Convention with the Parliamentary Estate. Although the Third Session of the Second Triennial Parliament, which lasted from May 23 till August 7, included the period of the regular July Convention, Parliament met in Edinburgh, and Convention in Queensferry, and there are various differences, as regards both burgh and burgesse, between the two assemblies. It is, however, noteworthy that in quite a number of cases the names of burgesses are common to both assemblies, a phenomenon to be explained, no doubt, by the practice of sending, besides the commissioner, a supernumerary to take his place in Parliament "in his absence,"¹ and in any case the old rule of arranging a Particular Convention to coincide with Parliament is fully maintained. Thus only a week after the Queensferry assembly, a Particular Convention met at Edinburgh, consisting of twenty-six of the forty-nine burghs then sitting in Parliament, *plus* Anstruther Easter; of these only six have a representative different from their member of Parliament. This Convention sat on July 10, 13, 17, 25 and 27—all, except the 25th, Parliamentary days;

¹This practice is recorded for the first time, in the Sederunts of Parliament, in January 1649, though Professor Rait has drawn our attention to its use, in burgh commissions, during the XVI Century. A.P.S., vi., ii., 125, 378. Return of Names

the explanation being that, in place of the usual forenoon and afternoon sessions, it sat only from seven till nine o'clock in the morning.¹ At the Fourth Session of this Parliament, a mere two days' sitting, (March 7-8, 1650), the burghs do not seem to have held a separate meeting, and for the next session (from May 15 till July 5)² lists have not survived. But presumably the burgess-body did not differ greatly in composition from that of the previous session; and it is certain that of the "Particular Convention"³ of twenty burgesses which met in Edinburgh on May 25 and June 8, all except the commissioners for Linlithgow and Kirkcaldy had been members of the *fourth* session of the Parliament.⁴ One act of this Convention is significant; it altered the date of the General Convention, which had been fixed, in the usual manner, one year before. Cupar had been the place chosen⁵ but this Particular Convention, "fearing that the parliament sould send thair express command for adjourning that meiting" — on account of the members who might absent themselves to attend convention—decreed that such commissioners as did appear at Cupar on July 2 "sould adjourne themselves to the secound day of October," when the General Convention would be held.⁶ The result was that only ten burgesses did turn up at Cupar in July, to adjourn till October. The moral is plain. In the minds of the burgesses Convention and Estate are much the same thing, and Parliament may think so too.

¹R.C.B., iii., 341.

³R.C.B., iii., 355.

⁵R.C.B., iii., 340.

²A.P.S., vi., ii., 562.

⁴A.P.S., vi., ii., 378, 556.

⁶ib., iii., 357.

Convention and
Estate still
identified.

For the Sixth, Seventh and Eighth Sessions of this Parliament, the burghs do not appear to have held parallel conventions, but in the unhealthy atmosphere of the "Act of Classes" and the Covenanted King neither Parliament nor Convention can be considered normal; the Parliament records are incomplete, and the Minutes of Convention disappear altogether from July 1650 till August 1652. Perhaps the times were too turbulent and perilous for careful merchants and traders to convene with safety; or again, perhaps the burghs could not hope and did not attempt to hold separate meetings to coincide with the now frequent and protracted sessions of the Estates of the realm. None of these possibilities alter the general conclusion that, though in frequency and duration Parliament has far outstripped the convention of burghs, the latter is still the equivalent of the burghal estate and, as its fears regarding the Cupar Convention show, is generally recognised to be such.

VIII. *Interchange and Overlapping of Powers.*

This conclusion can be strengthened by evidence, extending in point of time from the accession of James VI. to the Restoration, which indicates the confusion of actual business, overlapping of powers and cross-legislation, between the two bodies.

Confusion in the
Records.

In the first place, there is a tendency to confuse their respective functions and even their names. The Minute for the Stirling Convention of Royal Burghs, in July 1578, already noticed,¹ is headed—"In the parliament haldin at Striueling the xviiij day of Iulij Jm. Vc., thrie score auchtene zeris";² which is sufficient to induce even Dr. Rooseboom to label a

¹*Supra*, p. 21.

²R.C.B., i., 53, 65.

statute of this Convention an "Act of Parliament."¹ Thus, also, we find an entry in the MS. St. Andrews Treasurers' Accounts,² which reads :—

Item to Robert Tailzeour to the conventioun of
 the estaitis [sic] vpoun the tuentie sevin day
 burrowis
 of October. xl. lib.

Of course, such confusion as these examples show was only natural between two bodies of very similar, often almost identical membership, which met in the same town, at the same time and not infrequently on the same days. One of the anterior conditions for such a development was that the same type of citizen could do duty as commissioner to either assembly, but this really offered no difficulties, for that the same man was fully qualified to act in either capacity is obvious when we find Convention legislation headed as "actis and statutis maid be the commissioneris assemblit to the parliament haldin at Edinburgh. . ."³ The qualifications required became quite similar and stereotyped, and the Convention never hesitated to take upon itself the duty of defining them, both for itself and for Parliament. In 1579, it was ordained "That thair be na commissioner direct furth of the burgh to the parliament or convention of burrowis, bot sic as are frie merchantis and gild brethir traffecquaris thairin as ane frie merchant."⁴ In 1598, only indwelling and burden-bearing merchants are to be chosen "to beir the office of ane commissioner in parliament or conventiounis of estaittis or burrowis."⁵ Five years later, a convention at Haddington declared he must be "sic ane persoun that may tyne or wyn in the commoun caus of

Qualifications
 for membership
 identical.

¹Scottish Staple in the Netherlands, App., Document 76.

²Year 1625-26, folio 4.

³R.C.B., i., 80.

⁴ib., i., 75.

⁵ib., ii., 32.

burrowis or in the particular of his own burgh."¹ A pecuniary punishment is attached to all breaches of these rules, both for burgh and for burgess contravening them. Finally, in 1607, Convention ordained that all burghs send "sufficient discreet commissioneris to the nixt parliament," under the pain of an unlaw of £100.² Thus the commissioners were treated as identical in both cases; moreover, the burgh conventions decided on the fitness of members of Parliament, and punished infringements of their rules, assuming that there was no difference, and indeed showing that *in fact* there was none, between Estate and Convention.

Precedence
identical.

It is interesting to note, too, that in settling disputes as to commissioners' priority of place the Convention had a definite share. In the second last decade of the sixteenth century several controversies on this point were raging, and it is highly significant that priority in the one assembly carried with it priority in the other; the two questions were treated as one. The bitterest dispute was that between Dundee and Perth for second place, immediately after Edinburgh. In the year 1579 Parliament remitted the matter temporarily to Convention;³ which, after considerable delay, decided in favour of Perth—pending a legal decision by King and Council or Session.⁴ In the Parliament of 1584 Perth was able to cite this decree as binding;⁵ and in 1606, when Parliamentary ratification was being given to the charters of infeftment of both cities, the Estates expressly confirmed the final "Decreet Arbitral" of December, 1602, which had approved the temporary decision of the Convention.⁶

¹ib., ii., 157.

²ib., ii., 248.

³A.P.S., iii., 174.

⁴R.C.B., i., 118.

⁵A.P.S., iii., 448.

⁶ib., iv., 303; cf. Charter of 1600, Reg. Mag. Sig., vi., No. 1098.

We have already noted the Act of Parliament of 1578, which laid down a rule for Burgh Conventions, and the Convention Statute of 1625, which provided for representation in Parliaments. On the day preceding the election of the Articles for the Linlithgow Parliament of 1585, the Convention sitting at the same time exempted from further attendance at its meetings all the burghs not chosen to sit on that committee, and handed over their powers to those that should be elected, ratifying also in advance "all and quhat-suever thingis the saidis Lordis Artiellis of Burrowis sall in this presentt parliament consent vnto concern- ing thair weilfair."¹ Again, in December, 1597, we find that the Convention "gevis thair power and commissioun to the aucht burrowes that ar vpoun the Articles of this present parliament";² while the General Convention at Kinghorn dissolved itself on June 16, 1600, in order to hand over its powers to the fourteen burghs specially summoned to the Convention of Estates for June 20, who were thus there in a dual capacity—they can "propone, ressoun, treitt, woit and conclude with the rest of the estaitis vpoun all materis to be proponit in the said conventioun," *i.e.*, they constitute the Estate of Burghs; they can also act "siclyk and als frele as the hail commissioneris of burrowis might do them selffis gif thai war all present," *i.e.*, they have the full authority of a convention of burghs.³ Thus the one body can safely delegate its powers to a committee or a select group of the other.

Further, the Convention claimed and exercised a certain amount of control over the conduct of individual burgesses and groups of burghs in Parliament and Convention of Estates. It offered its advice

Convention maintains discipline in Parliament.

¹R.C.B., i., 205.

²*ib.*, ii., 22.

³R.C.B., ii., 86, 87.

and applied its influence in favour of the ideal of corporate action on the part of the whole Estate. Thus, in 1595, it decreed that no particular burgh should give in an "Article" to Parliament without first consulting the remaining burghs, under pain of a fine of £100.¹ This recalls the terms of the commission given to the member for Tain, in the Parliament of 1612, wherein the binding clause is worded:—"Obleissing ws to hauld ferme and stable quhatsumeuier thingis our said commissioner dois conform to vthir burroves."² We have already noticed³ the case of a convention called to enable the commissioners "to geve thair consultatioun and concurrance" to the estate, and of another, warning the burgesses on the Articles to proceed with its own advice; and in 1608, the Selkirk General Convention passed further legislation on the subject, enforcing thorough knowledge on the part of members of Parliament, appearance two days beforehand, and continual attendance.⁴ Similarly, the Kinghorn Convention of 1600 fined Dunbar for sending to a Convention of Estates a representative (*a*) who was unqualified to act as such, and (*b*) who "be his woitt direcle oponnit him to the rest of the commissioneris."⁵ The conclusion is that during the reign of James VI. the burghs developed and perfected a system to give expression to their essential unity as an estate of the realm in every matter touching their welfare and interests.

¹ib., i., 469.

²MS. Parliamentary Commissions 1567-1651, *sub anno* 1612. General Register House. ³*Supra*, pp. 18, 19.

⁴R.C.B., ii., 262; cf. ii., 276.

⁵ib., ii., 74, 75.

IX. *The Restoration Epoch.*

As far as Parliament and the burghs are concerned, the Restoration of the Stuarts in 1660 did at first involve a return to this "system," but before long we find carelessness and indifference as to the operation of the machinery creeping in. Although, up to the time of the Revolution, a special convention of burghs was usually arranged in the old way, it is to be noted, first, that the burgesses do *not* prolong their own assembly till the dissolution or prorogation of Parliament; next that, while attendance at Parliament becomes regular, the numbers at these conventions tend to fall away; and finally that, during the reigns of William and Anne, on the eve of the Union, meetings specially arranged to coincide with Parliament are dropped altogether. What is the explanation of this decline? It would seem that frequent summonings, long sessions and real control over legislation were making Parliament a regular and normal institution wherein the Third Estate had ample opportunity to make its voice heard, instead of a spasmodic assembly calling for effective, preconcerted and unanimous action on the part of the royal burghs.

Could the system survive the development of a really representative Parliament?

The Restoration Parliament sat at intervals from January 1 till July 12, 1661;¹ a "General" Convention of Royal Burghs met on December 28, 1660, and did not dissolve till July 12, 1661.² The sixty Parliamentary burghs were all³ represented by the same commissioners in the Convention, where only three other burghs appeared—Pittenweem, Anstruther Wester and Kilrenny. That the merchants

¹A.P.S., vii., 3.

²R.C.B., iii., 531.

³If, as seems very probable, "William Seatoun," opposite Dysart in the "Acts," is a misprint for William Symson; for Seatoun is commissioner for Haddington, which is placed in the list immediately before Dysart; and William Symson represented Dysart at the two subsequent sessions of this Parliament.

still appreciated the significance and usefulness of these meetings and at least intended to adhere to the practice is obvious ; for this Convention kept in close touch with parliamentary proceedings, publishing extracts from acts, registering general protestations, and preparing “overtures” on trade matters—to take the place of the old “articles,”—while a subsequent assembly in February, 1662, instructed Edinburgh to convene all the burghs two days before the ensuing session of Parliament, “conform to former actis of burrowis.”¹ Beyond a doubt the intentions are of the very best ; but already in 1662 we find the beginnings of slackness and apparent indifference. Parliament sat from May 8 till September 9,² “General” Convention from May 9 till September 3 ;³ but whereas at the former meeting thirty-nine burghs appeared, at the latter there were only twenty-nine. Four of these, moreover,—Dumfries, Burntisland, Rutherglen and Wick—sent no member to Parliament, and two others—Edinburgh and Linlithgow—were represented by different commissioners at the two assemblies.

A small *General*
Convention.

In 1663, the respective sessions again coincide closely in point of time—Parliament sitting from June 18 till October 9, Convention from June 18 till October 8.⁴ But eight of the forty-three burghs in Parliament were absent from Convention, and four—St. Andrews, Montrose, Dumfries and Forfar—which attended the Convention did not appear in Parliament ; distant Tain, strangely enough, is the only burgh recorded as having a different member for each assembly. The records of this convention, however, despite these imperfections, still reveal its intimate connection with Parliament and the burghal estate ; for again it pro-

¹R.C.B., iii., 535, 536, 543, 544, 554.

²A.P.S., vii., 368.

³R.C.B., iii., 558.

⁴A.P.S., vii., 446 ; R.C.B., iii., 562.

pounds "overtures of trade" and delegates the duty of riding at the desertion of Parliament to twenty-five of the royal burghs.¹ A large Convention of Estates sat at Edinburgh, August 2-4, 1665,² and a Particular Convention of Royal Burghs on July 28, August 2, 5 and 9.³ Of the forty-four burghs in the Convention of Estates, and the forty in the burghs' own meeting, thirty-six had the same member for each assembly, Edinburgh had *two* different members for each, while seven burghs were represented only in the Estates and three only in the convention.

Up to this point, then, we find the "system" being applied, not indeed as thoroughly as in, say, 1617 or 1621, but still fairly regularly and effectively. From now on, however, these special arrangements begin to be made less frequently and followed less closely. At another Convention of Estates, in January, 1667, no fewer than forty-seven burghs were represented,⁴ yet no attempt seems to have been made to convene a special meeting of the burghs at the same time, or at least, no record of such a meeting has survived. This is the more surprising, since, in the previous July, the case of Linlithgow and the "unfree" burgh of Borrowstouness had drawn the attention of the royal burghs to the menace offered to their trade-monopoly by the burghs of regality and barony, and they had resolved to bring the matter before this Parliament.⁵ If they did so, it may be added, no redress was obtained in the form of legislation. In 1669 appears fresh evidence of slackening interest, for the Convention which sat along with Parliament dissolved itself fully five weeks before the end of the Session, though the personnel is identical for the two assemblies.⁶

¹R.C.B., iii., 563, 568.

²A.P.S., vii., 526.

³R.C.B., iii., 582.

⁴A.P.S., vii., 537.

⁵R.C.B., iii., 614-15.

⁶A.P.S., vii., 548 ; R.C.B., iii., 617.

Burgh Con-
ventions cut
short.

In 1670, we get further divergence. Parliament sat from July 22 to August 22,¹ without a parallel meeting of the burghs. The *General* Convention had ended nine days before the opening of Parliament, only twenty-six burghs being recorded as present,² of which two were not represented at all in the later assembly, and no fewer than eleven by other burgesses. That is to say, the General Convention neither remained to convert itself into the estate of burghs nor troubled to appoint a Particular Convention.

In 1672, Parliament met on June 12 and was dissolved on September 11.³ A Convention, for which no Sederunt survives, sat on July 13 and September 12, discussing only—unless records are defective—the auditing of their agent's accounts and the suppression of an irregular market at Dumfries.⁴ This was a time when vigilance was specially necessary, for it was this very Parliament which passed the act extending to burghs of regality and barony the liberty of trade—so far as concerned the export of native products and their own manufactures, limited imports and retail sales generally.⁵ But obviously the burghs were becoming indifferent to the possibilities of their convention as a preparatory assembly, and at the time of the next Parliament, November, 1673—March, 1674, when forty-four burghs were represented, they did not trouble to convene apart.⁶ Yet the old system was by no means dead, as the events of 1678 clearly show. To the Convention of Estates held at Edinburgh, June 26-July 11, fifty-nine of the royal burghs—*i.e.*, all but three of the number then enrolled—sent delegates, while fifty were represented at the General Convention of Royal Burghs, sitting there on various days from

¹A.P.S., viii., 3.

²R.C.B., iii., 621.

³A.P.S., viii., 55.

⁴R.C.B., iii., 632.

⁵A.P.S., viii., 63.

⁶A.P.S., viii., 209.

June 20 to July 9.¹ The personnel was almost identical, only Edinburgh and Lanark sending a different member to each meeting, and as regards the latter, as will be shown, there was a reason for the exception; moreover, like the Kinghorn Convention of 1600, noticed above,² it was held *prevento termino*, having been appointed for July of this year.³ Further, it is to be noticed that the convention unanimately agreed to attend the Estates' meeting as a body;⁴ and that, in the case of two contravened elections, the Estates followed the lead of the Convention without demur. Thomas Stoddart, having been accepted by the Convention on June 29, for the burgh of Lanark, was duly admitted, two days later, as commissioner to the Estates, while in the case of New Galloway, the Estates ratified the burghs' ruling that George Dickson was not qualified.⁵ Thus the identity and community of interests of the two bodies is still strongly before the burgesses' minds, though it is just possible to construe the smaller attendance at their own meetings as a "sign of the times."

In 1678 the connection is still close.

In 1681, Parliament sat from July 28 till September 17, while a general convention of fifty-eight burghs, meeting three days before the Estates, did not dissolve till two days after they had done so; the time of assembling having been altered by the Provost of Edinburgh, without creating a precedent for alteration except in similar circumstances. This convention imposed an unlay of £10 sterling (=£120 Scots) on burgesses who should not "ryde at the down sitting of the parliament with their best horses, furniture

1681—the General Convention arranged to coincide with Parliament.

¹A.P.S., viii., 215; R.C.B., iv., 7.

²R.C.B., iv., 7. ⁴ib., 8.

⁵A.P.S., viii., 217; R.C.B., iv., 10.

³*Supra*, pp. 19, 20.

and apparell.”¹ Five burghs were absent from both assemblies; two — Inverkeithing and Rothesay — were represented only in Parliament, one—Cromarty²—only in Convention; while four—Edinburgh, Selkirk, Peebles and Dunbar—had a different member for each. Without doubt, the “system” is still in tolerable working order, which perhaps accounts for the amendment of the Act of Parliament of 1672, “anent Trade,” passed in this session, whereby the imports to unfree burghs were to be retailed only to their own inhabitants; for to obtain some such measure was the avowed and pre-meditated policy of the royal burghs, though this act by no means met their full wishes.³

No fewer than sixty-two burghs attended the Parliament of 1685 (April 23-June 16)—Rutherglen being the only absentee—and three fewer than this number formed a burgh convention, which, meeting on April 16, was dissolved on May 4, fully six weeks before Parliament lifted.⁴ Except for one of the two Edinburgh commissioners, the membership of both meetings was exactly the same. In 1686, when Convention dissolved over four weeks before Parliament, the respective numbers are sixty-one for the latter, fifty-nine for the former, and the personnel is probably identical for both bodies—differences in spelling create a slight margin of uncertainty.⁵

¹A.P.S., viii., 232; R.C.B., iv., 24-29.

²Presumably represented only in order to obtain confirmation of its resignation of its burghal privileges. *Vide infra*, p. 55.

³A.P.S., xii., Supp. 44, 45; R.C.B., iv., 25-28.

⁴A.P.S., viii., 453; R.C.B., iv., 49.

⁵A.P.S., viii., 577; R.C.B. iv., 62.

X. *From the Revolution to the Union.*

The famous Convention-Parliament met as a Convention of Estates on March 14, 1689, and after a session of unprecedented length—ten weeks—re-assembled on June 5 to convert itself into a Parliament, and continued to sit as such till August 2. Only one of the sixty-five royal burghs of the realm—Wick—was not represented on March 14, though other twelve were absent on June 5; the remainder were represented at both sessions by the same commissioners. Fifty royal burghs formed a General Convention sitting only from July 2 till July 19, six burghs—Haddington, Montrose, Brechin, Selkirk, Dunbar and Sanquhar—having members other than those of the Convention-Parliament.¹ This Convention, without admitting the case as a precedent, permitted several burgesses with commissions only for Parliament to attend its own meetings—that they “may be the more unanimous in carieing on the concerns of the royall borrows in parliament.” This reveals the fact that while all burghs were interested enough to send a member to the meetings of the Estates, enthusiasm for their own congresses was considerably less. But none the less the burghal assembly still evinced a genuine interest in politics, for amongst the business done on this occasion was the annulment of an Act of Convention of 1687, which had declared that the religious, residential and mercantile qualifications for commissioners did not apply in the case of municipal officers nominated by James VII. So doing they were, of course, giving practical effect to the condemnation of James’ policy contained in the Claim of Right.²

Commissions transferable (by special decree).

¹R.C.B., iv., 88.

²A.P.S., ix., 38; R.C.B., iv., 71, 91.

In the next session of this Parliament, April 15-July 22, 1690, fifty-six burghs are entered as present.¹ This session is covered by two General Conventions, each of forty-two burghs, April 22 to June 11, and July 1-15, the latter being the regular, pre-arranged summer meeting.² In the former of these two, only four burghs have members other than their Parliamentary commissioners, but at the latter no fewer than twelve are in this position. The earlier Convention is to be regarded as a special meeting of the burghal estate, not too well attended, while the latter is what, in pre-Restoration days, before distinctions began to grow blurred, would have been called *the* General Convention. But in both cases interest in the proceedings of the whole Estates is keener than in the burghs' own affairs, and the burgesses show themselves most unwilling to spend time preparing their own business apart.

Strangely enough, this apathy in Convention coincided with a great victory in Parliament, for in this very year was passed an act limiting the foreign-imported retail trade of non-royal burghs to goods actually bought from royal burghs. This principle the burghs had long been anxious to secure. For years their Conventions had been legislating against "unfree trade," airing their grievances, setting forth "Draft Acts of Parliament"; one such draft, indeed, that of 1689, was the basis of the statute now made.³ But it is highly significant that on the occasion when real success was attained burghal action was fortified by no particular Convention. The only conclusion seems to be that the burgesses had secured in Parliament, itself, ample opportunity for

The broadened
Scots Parli-
ament is awake
to economic
interests.

¹A.P.S., ix., 108.

²R.C.B., iv., 109, 113.

³A.P.S., ix., 152; R.C.B., iv., 24, 42, 59, 94, 110.

effective action, and this without the necessity for long or full preliminary meetings.

No Burgh Convention is recorded as meeting to coincide either with the Third Session of this Parliament, which lasted for a week in September of the same year, or with the Fourth, in 1693 :¹ while at the time of the Fifth, May 9-July 17, 1695, the burghs did not convene by themselves, except in their "General" Convention—used here in its original sense—from July 2 to July 22, when at least thirteen burghesses were not M.P.'s.² Further there were no burghal conventions at the time of the Sixth, Seventh, Eighth, Ninth or Tenth Sessions of William's Parliament,³ though from forty-three to sixty-six burghs were represented on each occasion. Meanwhile the annual "General" Convention continued to assemble, usually at Edinburgh, in July, while occasional "Particular" Conventions—though the distinction in nomenclature is not strictly observed—and frequent meetings of "Committees of Convention" were also held.

Five successive Sessions of Parliament without separate burghal meetings.

Anne's Parliament held its first session at Edinburgh from May 6 till September 16, 1703, when all Parliamentary royal burghs—by the inclusion of Campbeltown, in 1700, now sixty-six in number—were represented.⁴ The General Convention sat this year at Glasgow, August 3-5, the date being specially altered so as *not* to clash with the sitting of Parliament, since "seweralls of the members therof hade commissions to attend the generall convention";⁵ Parliament had been specially adjourned, at the request of the burghs, from August 2 to August 7.⁶ The

The two bodies are no longer regarded as necessarily the same.

¹A.P.S., ix., 230, 238.

²A.P.S., ix., 348; R.C.B., iv., 196.

³A.P.S., x., 3, 113, 183, 196, xi., 3.

⁴A.P.S., xi., 31.

⁵R.C.B., iv., 344, 345.

⁶A.P.S., xi., 73.

case of 1681, when the General Convention was altered so as to coincide with Parliament's sitting, was quoted to the burgesses of this Convention as a precedent for *their* alteration ; but it is really a far cry from deliberate synchronisation to deliberate avoidance of it. Above all, it must be remarked that both adjournment and alteration seem to have been made to suit the convenience of a mere handful of burgesses, for of the fifty-two who assembled at Glasgow only fifteen had come from the meeting at Edinburgh. In the next year, the General Convention sat at Glasgow on July 4, two days before Parliament was due at Edinburgh, yet only thirteen of its members went on to the capital for the larger meeting.¹ During the Third Session of Anne's Parliament, in 1705, the General Convention again held a parallel meeting, this time in Edinburgh ; but only twenty-one of the burgesses who attended this are found on the Sederunt of Parliament.² The last session of the Scots Parliament was unusually long—from October 3, 1706, to March 25, 1707—and sixty-five burghs were represented.³ But the only Convention in this period sat, at Edinburgh, on October 29 and November 4-7 ; and of the forty-five delegates who appeared, only thirty were members of parliament.⁴

Our conclusion is that, in the last decade and a half of the existence of the Scots Parliament, the royal burghs practically laid aside the machinery perfected by preceding generations. Their Conventions were weak numerically considering the numbers present in the Parliaments of the time, and various attempts to enforce regular and constant attendance met with

¹A.P.S., xi., 115 ; R.C.B., iv., 367.

²A.P.S., xi., 207 ; R.C.B., iv., 367.

³A.P.S., xi., 302.

⁴R.C.B., iv., 399.

little success.¹ This laxity is the more astonishing, in that, precisely during these fifteen years, a matter of supreme importance to the mercantile interests of the country was engaging the attention of both bodies—the communication of the privilege of trade to the unfree burghs, in return for payment of part of the burghal cess. In 1692 Convention granted, and in 1693 Parliament confirmed the “Tack of the Unfree Trade” to the agent of the former, John Buchan, in return for relief of £10 out of every £100 of the stent of the royal burghs, to be made good by him either by arranging for the communication of trade to regalities and baronies, or, failing agreement, by exacting the fines imposed upon them by Acts of Parliament.² This arrangement was continued for various periods. Then, in 1697, the unfree trade was sub-tacked to one royal burgh in each sheriffdom, stewardry or bailliary;³ and at length a Parliamentary Commission sitting from 1699 to 1701, paved the way towards an agreement.⁴ To this Commission and also to Parliament several Burgh Conventions sent petitions;⁵ close touch appears to have been maintained throughout; and despite the fact that Convention was now far less influential than it had been under James VI. and his son,⁶ the settlement obtained would seem to have been essentially fair all round. Yet all this was accomplished *without* having a Burghal Estate which could be converted at will and on the spot into a Burghal Convention, and *vice versa*. In the vigorous and “omnicompetent” Parliament which had come into being the best interests of Scottish trade were in fact automatically secured.

1692-1701.
Baronies and
regalities
admitted, on
conditions, to a
share of the
foreign trade.

¹R.C.B., iv., 112, 162.

²A.P.S., ix., 395; R.C.B., iv., 159-161, 180.

³R.C.B., iv., 202, 233, 250-54.

⁴A.P.S., x., 176, and App., 107-148.

⁵R.C.B., iv., 280, 302, 349. ⁶Miss Keith, S.H.R., x., 264.270.

XI. *Enrolments and Resignations.*

Convention the link between the central authority and the burghs.

Professor Rait¹ has observed that parliamentary representation of a burgh usually followed closely on its enrolment by the Convention of Royal Burghs and its assessment for the stent. This fact throws considerable light on the functions of the Convention and its relation to Parliament,—it is the normal medium for communication between *any* central and national authority and the individual burgh. The actual charter of erection of a royal burgh might be—and often was—of considerable antiquity at the time of enrolment, but generally this last act was the anterior condition to the admission of the burgh to the meetings of the Estates. Thus, though the charter of infeftment of Annan dated back to 1538, it was not enrolled till 1605, and hence did not appear in Parliament till 1612.² Fortrose (Rosemarkie), enrolled in 1661, was represented in Parliament for the first time that same year, yet it claimed that its status as a royal burgh had been confirmed by an Act of Parliament of 1633. This act has not survived, but its privileges—dating from Alexander II.—were certainly confirmed by statute in 1641.³ Again, Kirkwall traced its origin back to the reign of James III., but was not admitted to Parliament till 1670, the year following its enrolment by the Convention.⁴ Thus Convention virtually controlled admission to Parliament—a state of affairs which goes far to explain its resolute defence of Linlithgow before the Session, in the case already mentioned. This burgh claimed the trade monopoly over the whole of the shire, and the sole right of export and import at

¹S.H.R., xii., 129.

²R.C.B., ii., 199; A.P.S., iv., 467.

³A.P.S., v., 541, vii., 5; R.C.B., iii., 533-34; Terry, *Scottish Parliament*, 120.

⁴A.P.S., viii., 5; R.C.B., iii., 611.

Controls admission to Parliament.

her haven of Blackness. A plan was afoot to erect Borrowstouness (Bo'ness) into a royal burgh, but the other burghs, by concerted action, were able to defeat the attempt, which might have become a dangerous and general precedent.¹

As regards the demission by towns of the duties and privileges of royal burghs, though Parliament as the supreme court has the final say, the Convention's influence is still considerable. In 1672, Cromarty petitioned to be allowed to resign—which was granted by Parliament on July 10.² The Convention was very slow to fall in with this arrangement, making enquiries as to the "common good" of the town, and doing all in its power to persuade the poverty-stricken place to continue as a royal burgh;³ but after thirteen years, taking into consideration the Act of 1672 and also the Privy Council's inhibition of further prosecution for non-payment of sums due, it expunged Cromarty from the roll—which act received Parliamentary ratification.⁴ The convention's policy of obstruction—due to the fact that resignations made heavier the financial burdens of the remaining burghs—was more successful in the case of Anstruther Wester and Kilrenny. The former, pleading poverty, and the latter, affirming that it had never been erected into a royal burgh, but had always been a burgh of regality, resigned their privileges to the Parliament of 1672 and ceased to be reckoned as royal burghs.⁵ Finding themselves cessed in 1679 as before, they petitioned that their names might be expunged from the Roll of the Convention; but this body "hedged" for seventeen years, refusing to come to a decision, evading

Prevents demission of privileges.

¹R.C.B., iii., 549-551, 562, 572, 577, 615.

²A.P.S., viii., 68, 69; Terry, *op. cit.*, 50; Rait, Scot. Parliament, 120.

³R.C.B., iv., 22, 29, 33.

⁴*ib.*, 54, 55; A.P.S., viii., 564.

⁵A.P.S., viii., 77, 78; Terry, *op. cit.*, 50.

acceptance of the demissions, and offering to remit arrears ; until, in the Convention-Parliament of 1689, both burghs resumed their privileges and their attendance at Parliament and Convention.¹ It seems, too, that in 1681 the Convention crushed an attempt, this time apparently from outside, to reduce Kintore and Inverurie, in Aberdeenshire, along with Cromarty, from their status as royal burghs.² Thus, though the ultimate legal sanction is obtainable only from the supreme court of Parliament, Convention's control over the numbers and composition of the body of royal, *i.e.*, parliamentary burghs was all along very real.

XII. *Conclusion.*

All this evidence, of course, merely points to the fact that the basis of the Scots Parliament was, and always remained, feudal. In conformity with the feudal view of society, its members continued to be regarded, not as representatives of individual constituencies, or as independent dignitaries, but as the component parts of an aggregate or group. Their action was thus quite different from that of their successors in modern assemblies, where political party takes the place of social class, and the discipline now obtained by means of our party whips was supplied automatically by the necessity for obedience to the general interests or particular *dicta* of the "Estate." An analogy to the tendency we have been tracing may be drawn from the Scottish Church, which formed as close a corporation as did the merchant class. The General Assembly or, earlier, the Provincial Council, is the

¹A.P.S., viii., 369, ix., 5 ; R.C.B., iv., 14, 21, 22, 28, 33, 70, 77, 80, 88.

²R.C.B., iv., 29.

Convention
stands for
group-action.

A parallel de-
velopment in
the 'clerical
estate'—

counterpart to the Convention of Royal Burghs. From the point of view of Parliament, the former was a separate meeting of one of the Estates of the Realm, which maintained an intimate connection with, though it was not a constant part of, the larger meeting.¹ It is in this light that we must regard the protest of the clergy, in 1543, as an Estate of Parliament, against the sanctioning of the use of the vernacular Bible; the matter ought first to have been submitted to a Provincial Council.² In March, 1547, a General Convention of the clergy met at Edinburgh, and on the 18th of that month, a Convention of Estates sat to select the new Council for the Governor, Arran.³ But no such possible connection can be traced in the case of any of the last three Provincial Councils of the Scottish Church, in 1549, 1552 and 1559.⁴

After the Reformation we find the General Assembly, which at once superseded and far outstripped the Provincial Council, acting towards Parliament in much the same way as did the Burgh Convention, with this difference, that it so adequately expressed the feelings of the masses, that it could for long dictate the policy of the nation. Professor Rait⁵ has traced the causes and noted some of the results of this dominance of the Presbyterian Church over Parliament; for our purposes it is sufficient to indicate the process, and show that the method is analogous to that adopted by the burghs. One of the first acts of the newly formed General Assembly was to prepare and present articles to the Estates, and the example was followed regularly.⁶ Articles were constantly

¹Terry, *op. cit.*, 10.

²A.P.S., ii., 415.

³*ib.*, ii., 598; Robertson, *Concilia Scotiae*, Bann. Club, i., clxv., clxvi.

⁴Robertson, *ib.*, ii., 81, 128, 140.

⁵Scottish Parliament, 95 *et seq.*

⁶Booke of the Universall Kirk of Scotland, Bann. Club, i., 5-7 and Index, *sub. voc.* Articles.

being drawn up and presented by the Kirk, not only to Parliament, but to the Sovereign or Regent, the Privy Council and the Court of Session. General Assembly was appointed to meet a few days before Parliament, that such matters might be prepared. Calderwood tells us of the method by which these arrangements were carried out, at least as regards the Convention of October, 1582: one plenipotentiary Committee of the Assembly drew up the form of the Articles, while another presented them to the Estates, debated on them, and reported results.¹ In 1593, we find articles touching religion being drawn up and "cravit of the King" by commissioners of the Kirk, the barons and the burghs—who probably should be regarded as a committee, formal or informal, of the members of the Assembly, lay and spiritual.² It should be observed that the reverse process also occurs: articles and overtures are frequently presented to the Assembly by the King, the Lord Regent, or the Privy Council.³ As these instances will show, it was not in Parliament alone that the clergy sought to exercise political influence, but their action was plainly group-action and Parliament was at least one field of their activity.

--and even
among the shire
members

Another instance of corporate effort is supplied by the shire-members—the "babies" of Scottish political life; they had been born, as an Estate, in Parliament, and to Parliament their action was mainly confined; yet even here the group spirit asserts itself, for in 1630 they are recorded as handing in "articles and grievances."⁴

¹History, iii., 682, 683.

²Historie of James the Sext, Bann. Club, 284.

³A.P.S., iv., 110; Booke of the Universall Kirk, i., 154, 238, iii 806, 1093 *et. seq.*

⁴A.P.S., v., 219.

It is in the light of this corporate spirit that the relations of the Convention of Royal Burghs to the Scottish Parliament must be understood. To the burghs a common economic interest early supplied a unity of purpose. Their tradition of joint action was far older than that of the shires, and more continuous than that of the clergy. Unlike the churches, which looked to Rome or Geneva, their attention was mainly confined to Scotland itself; unlike them they could make no appeal to a higher morality than that of the state. Their position must be maintained in Scotland and by Scots law. Hence it was inevitable that they should be present in Parliament and that they should there apply the whole weight of their corporate power, directed by their Convention, to the pursuit of a common programme. Abundant evidence of their procedure can be produced.

As early as 1487 we find eight articles presented by the commissioners of burghs converted into statutes by Parliament.¹ In 1567 there are fifteen "articlis concernyng the commone weall of burrowis," the vast majority of which were approved.² From the Convention point of view, the minutes often contain, besides acts and regulations passed by the commissioners for the government of their own estate, "articules gevin in be thame" to Parliament, touching affairs which were specially weighty in themselves or which seemed to require the legal sanction of the supreme court—the ratification of general burghal privileges, the erection of new royal burghs, restraining of certain exports, exemptions from assises, disabilities of unfree merchants, the regulation of customs and kindred subjects.³

The Burgh Convention in action.

¹A.P.S., ii., 178.

²A.P.S., iii., 41.

³R.C.B., i., 75, 80, 240, 339, 468; ii., 89.

Conclusion.

Our conclusion is that during the formative period of the reign of James VI., separate meetings of the burghs estate during Parliament were encased in the shell of Particular Conventions. One result was that the suppression of informal meetings noticed by Calderwood under the year 1621,¹ could hardly affect the burghs, for their Convention was an institution as well established and more independent than the General Assembly itself; and in fact its authority was maintained until, with the development of Parliament, especially after 1689, the interests of the trading class were automatically secured. Briefly the complicated relations which existed between Convention and Estate reflect the confusion which was bound to ensue as feudal habits of thought slowly adjusted themselves to the growing national sentiment.

¹Calderwood, vii., 492; Mackie and Dickinson, S.H.R., xix., 255, 261.

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4

INVENTORY OF THE EARLY
MANUSCRIPT RECORDS

OF THE

OLDER ROYAL BURGHS OF SCOTLAND.

A. J. MILL.

Sept. 1923

NOTE.

Thanks to the generosity of the Carnegie Trust, Miss Anna J. Mill has been able during the past three years to conduct a thorough investigation into the origins of the drama in Scotland. In the course of this she has found it necessary to examine in detail the manuscript records of the older Scottish Burghs, and the inventory here printed is a bye-product of her main research. The publication of Miss Mill's list may seem at first sight unnecessary since the local records have already been described by the Parliamentary Committee whose report was published in 1902. But that report is not always accurate, and is sometimes lacking in detail. The list here may seem empiric; and, for reasons which will readily be appreciated by all those who have experienced the difficulties involved in tracing these scattered local records, even when the active goodwill of the custodians is enlisted, it does not claim to be final. But it is a true record of the material actually found to be available by a diligent and acute research, and, as such, it will be of the highest value to scholars who are working out the confused and difficult story of the development of the Scottish Burghs.

J. D. MACKIE.

ABERDEEN.

Only a small proportion of even the earliest Manuscript Records has been published by the Old and New Spalding Club. Before 1600 there are nearly 40 bulky volumes of the Council and Burgh Court Register. See complete Inventory—P. J. Anderson, 1890. Manuscript Accounts at Register House: 1574-5, 1633-4¹.

ANNAN.

No pre-Reformation Records.²

ARBROATH.

Manuscript Records in Burgh Archives :—

Burgh Court Book³ (Fragments) 1491-1550. 8 Fol.

Do. Do. c1528-30. 38 Fol.

Do. Do. 1563-75.

Regality Minute Book 1605-47.

AUCHTERMUCHTY.

No early Records.²

AYR.

Manuscript Records in Burgh Archives :—

Burgh Court Book 1428-78.

Council Books 1547-53, 1580-89, 1589-96, 1596-1606.

Long narrow book labelled Council Records 1598-1611.

Accounts of the Common Good 1535-1603. (Gap between 1561-2 and 1574-5).⁴

Court Book of Alloway 1492-1535.

BANFF.

See New Spalding Club.

BERVIE.

Earliest Records date from 1708.²

BRECHIN.

According to a Local History by David Black, late Town Clerk, the earliest volume of Council Records commences 1672. The earliest book of Records extant is the Sasine Register, c. 1648. The Hammermen's Book contains the Minutes of Bailie Court 1579-80.

CRAIL.

Manuscript Records in Burgh Archives :—

Burgh Court Books 1552-59, 1566-69, 1569-74, 1576-80, 1580-84, 1588-91. (Full Compts occur in the years 1567, 1570, 1572, 1573, 1576, 1578, 1580, 1582, 1583, 1591.)

Manuscript Accounts at Register House :—1574, 1576, 1579, 1580, 1581, 1582, 1622. Also Burgh Ct. Bk. 1556.

CULLEN.

Cramond: "Inventory of Charters, Burgh Court Books," etc., 1887, gives :—Protocol Books 1541-44, 1587-1601. Burgh Court Books 1611-12, 1612-15, 1616-20. Earliest Treasurers' Accounts 1648.

CULROSS.⁵

No Records.

CUPAR-FIFE.

Manuscript Records in Burgh Archives :—

Council and Court Books 1549-53, 1626-39.

Protocol Book 1564-1629.⁶

Manuscript Accounts at Register House :—

1574-5, 1579-80, 1580-81, 1627-8.

DINGWALL.

No Records earlier than 1708 when the Council Minutes commence.²

DORNOCH.

Records prior to 1729 lost or destroyed.⁵

DUMBARTON.

"Records of the Burgh of Dumbarton 1627-46." Ptd. 1860.

Manuscript Accounts at Register House :—1577, 1627.

DUMFRIES.

Manuscript Records in Burgh Archives :—

Burgh Court Books c. 1506—c. 1548, 1561-64, 1569-74, etc.

Manuscript Accounts at Register House :—

1590-1, 1612-3, 1627-8.

DUNBAR.

Earliest Records 1587.⁵

Manuscript Accounts at Register House :—

1577, 1578, 1581, 1587, 1599, 1617-8.

DUNDEE.

Manuscript Records in Burgh Archives :—

The earliest volume of Records is a Register of Burgh and Head Burgh Courts commencing 1520 but containing various entries relating to the Church as early as 1461. There is a gap in the Burgh Court Records from 1524 to 1550, from which date a regular series of 19 volumes brings the Records up to nearly 1600. The Council Minute Books commence their separate Records in 1553.—Vol. I., 1553-88 ; II., 1588-1603 ; III., 1597-1613. The Lokkit Book, as now extant, dates from 1582, but the scribe has copied entries from an earlier book dating from 1513. The earliest book of Treasurers' Accounts runs from 1586 to 1606. The earliest Protocol Book (of which there is a transcript) dates from 1518 to 1534.

Manuscript Accounts at Register House :—

1574-5, 1575-6, 1576-7, 1580-1, 1581-2, 1582-3, and others from 1601 onwards with gaps.

DUNFERMLINE.

Manuscript Records in the Burgh Archives :—

Burgh Court Books 1572-5, 1606-13. (An earlier volume 1488-1584 was printed by Erskine Beveridge in 1917.)

DYSART.

See Maitland Club.

EDINBURGH.

In addition to the Records from which excerpts were made for the four Volumes of the Burgh Records Society and the two Volumes of "City of Edinburgh Old Accounts (1899)," the following manuscripts fall within the period :—

Guild Register 1487-1579.

Council Register 1589-94, 1594-1600, 1600-1609, etc.

Accounts. (a) A volume containing Baillies' Accounts 1575-6, Dean of Guild's Accounts 1579-84, Treasurers' Accounts 1579-86. (b) Treasurers' Accounts 1581-96, 1596-1612, 1612-23, 1623-36. (c) Dean of Guild Accounts 1568-1601, 1603-26, 1626-60. (d) Baillies' Accounts 1564-1644.

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There are also Burgh Court Records—Diet Books from 1599; Register of Deereets from 1581 (with gaps); and many early Protocol Books. Not examined.

ELGIN.

See "Records of Elgin"—New Spalding Club.

In the safe at Elgin there is an old printed Inventory of the Manuscripts belonging to the Burgh. A newer and fuller Inventory is in course of preparation. There are no Treasurers' Accounts before 1671.

Earliest Manuscript Account at Register House :—1622.

FALKLAND.

The Sasines and Records do not go further back than the 17th century.²

FORFAR.

No Records of the period.²

Manuscript Accounts at Register House :—1576, 1577, 1622.

FORRES.

Manuscript Records in the Burgh Archives :—

Burgh Court Books 1585-91 (with some loose folios c. 1576),⁷ 1591-1607, 1607-1625.

There are no early Treasurers' Accounts. Sasine Register commences 1586. (A Manuscript Inventory of the Records which were handed over to the Town Clerk in 1670 mentions also Burgh Court Books 1515-76, 1569-85, 1563-67, 1585-91, and one commencing 1540 : also Rental Book and Treasurers' Accounts 1587, 1589.)

FORTROSE.

The only early Records now extant are a few sheets of Minutes dated 1647, 1656, 1657, 1654-8.^{2*}

GLASGOW.

See Burgh Records Society. There is an "Inventory of Records of City of Glasgow." Ptd. 1881. Also many Protocol Books ptd.

HADDINGTON.

Manuscript Records in the Burgh Archives :—

Council and Burgh Court Books 1530-55, 1555-71, 1571-75, 1575-81, 1581-1602, 1603-16.

Treasurers' Accounts—Various odd Accounts for 1554, 1578-9, 1569-70, 1571-2, 1558, 1559, 1565, 1555.

Manuscript Accounts at Register House :—

1557-8, 1576-7, 1578-9, 1588-9, 1598-9, 1600-1, 1602-3, 1626-7.

INVERARY.

Only Records are the Minute Books of Town Council commencing 1655.⁵

INVERKEITHING.

Manuscript Accounts at Register House :—1576, 1577, 1582, 1583, 1628, 1634.

INVERNESS.

See New Spalding Club. The Second Volume of Records commencing 1602 is in course of preparation for publication by the New Spalding Club.

There is a Manuscript Inventory of the Records and Documents at Inverness.

Manuscript Accounts at Register House :—1575-6, 1628, 1634.

INVERURIE.

Records commence c. 1600 with a gap from 1620 to 1646—See Davidson, "Inverurie and the Earldom of Garioch." 1878.

IRVINE.

See Ayrshire and Galloway Archaeological Association.

JEDBURGH.

No Records before early 17th century.⁸

Manuscript Account at Register House :—1592.

KINGHOEN.

Earliest Documents date from early 17th century.⁵

Manuscript Accounts at Register House :—1575, 1576, 1577, 1581, 1592, 1621-2.

KIRKCALDY.

L. Macbean. "The Kirkcaldy Burgh Records." (Date from 1562).

KIRKCUDBRIGHT.

First Volume of Records. 1576-1603. Hist. MSS. Comm. 4th Report.

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LANARK.

“Records and Charters of the Royal Burgh of Lanark (1150-1722).” 1893.

Manuscript Accounts at Register House :—1576, 1577, 1599-1600, 1601-2, 1621-2.

LAUDER.

Earliest Minute Book commences in 1653.⁵

Manuscript Accounts at Register House :—1575, 1578-9, 1592, 1594, 1622.

LINLITHGOW.

For early Protocol Books see Scottish Record Society. Manuscript Records in Burgh Archives :—

Burgh Court Book 1528-70. (Contains detailed Accounts for 1529-37 and 1541. There is a gap from 1546 to about 1563, when regular entries re-commence. A note dated 1564 explains that “it wes fundin yt ye mairow of it (*i.e.*, the book) is revin out as apperis.”)

Nothing is known of the “older Burgh Court Books” to which reference is made in the Rep. Comm. Loc. Rec. p. 85.

Manuscript Accounts at Register House :—1575-6, 1600-1, 1615-6, 1620-21.

LOCHMABEN.

All the old Burgh Records prior to 1700 destroyed by Cromwell. (!)⁵

MONTROSE.

Manuscript Records in the Burgh Archives :—

The earliest volume of Records is dated 1455-67. Then there is a gap until the Burgh Court Book 1603-6. At the end of this Book are Minutes of Council 1603-9. Council Minutes 1639-73.

NAIRN.

No Records at all before 1656 when the Sasine Register commences.²

NEWBURGH.

Manuscript Records in the Burgh Archives :—

Burgh Court Book 1459-79. Then a gap until 1700.

NORTH BERWICK.

Protocol Books from 1540. Council Books do not commence until well on in the 17th century.⁸

Manuscript Account at Register House :—1580.

PEEBLES.

See Burgh Records Society.

Manuscript Accounts at Register House :—1608, 1617.

PERTH.

Manuscript Records in Burgh Archives :—

Register of Acts of Council 1500-42, 1543-1684. These are not the Regular Sederunt Books but what was known as the "Red Book." Mutilated and fragmentary. 1601-22.

To the above there is an index arranged chronologically Register of Decrees :—1547-52, 1570-72, 1572-4, 1574-7, 1577-81, 1597-1625.

No early Treasurers' Accounts could be found in the Burgh strong room.

There were also the Register of Acts and Obligations from 1566 and the Sasine Register from the middle of the sixteenth century.—Not examined.

Guild Register 1452-1631 (in custody of Dean of Guild).

Manuscript Accounts at Register House :—1575-6, 1577-8, 1578-9, 1579-80, 1580-2, 1627-8.

Manuscript Burgh Court Books at Register House :—1563-5, 1581-7.

PITTENWEEM.

See note in "Annals of Pittenweem," 1867. First Minute of Council said to be 2nd Feb. 1629, when the Bailies and Council, "understanding that throw ane corrupt use the actis statutis and obligements of this burgh have never been keptit nor registrat by the Clerk," ordained that in future the said acts be "registrat in this buik."

RENFREW.

Minutes of Town Council and Sasine Registers from 1650 only.⁵

Manuscript Account at Register House :—1576-7.

ROTHESAY.

Council Registers from 1654.⁵

RUTHERGLEN.

Minutes of Council and Court Books 1619, Sasines 1590.⁵
Manuscript Accounts at Register House :—1587, 1627-8.

ST. ANDREWS.

With the exception of a Burgh Court Book 1589-92, all the continuous Burgh Records before the 17th century are lost. The Treasurers' Accounts commence in 1611.

SELKIRK.

Manuscript Records in Burgh Archives :—
Burgh Court Book 1503-45. Then a gap for nearly a hundred years. Sasine Register commences about 1540.
Manuscript Accounts at Register House :—1606, 1627-8.

STIRLING.

“ Extracts from the Records of the Royal Burgh of Stirling (1519-1666).” Glasgow Stirlingshire Society. 1887.
Manuscript Accounts at Register House :—1575-6, 1576-7, 1617-8, 1628.

TAIN.

Oldest complete Minute Book commences 1660. Regular Treasurers' Accounts not before 1730. See “ Old Ross-shire and Scotland,” Macgill, 1909.

WHITHORN.

No Records.⁵

WIGTOWN.

No Records before 1680 when Minute Books commence.² There is, however, a Burgh Court Book 1512-35 at Register House.
Manuscript Accounts at Register House :—1577, 1620.

Notes.

¹At Register House there is a collection of sixteenth and seventeenth Manuscript Accounts of the Common Good of many old Scottish Burghs (See Livingstone's Guide, pp. 49-52). In each case where they occur in this Inventory, I have detailed only the earliest of these. Accounts dated by a single year may be regarded as approximately correct. In some cases the date seems to be that of the commencement of the Account ; in others that of the final term. In a few instances, where the Accounts themselves are undated, the date is taken from the endorsement ; and the methods of endorsing vary.

²Information supplied direct to me by the Town Clerk. [*The Town Clerk of Fortrose enclosed a copy of a letter from Cosmo Innes to Sir J. D. Marwick *re* vain efforts to trace early Records of that Burgh.]

³In most Burghs in the sixteenth century the Council Minutes and Burgh Court Records were entered in the same Books. (In Edinburgh and Dundee these Records were kept separately from at least the middle of the century : in Aberdeen this was not done until considerably later.) In this Inventory I use the designation, as a rule, which occurs in the original Records themselves.

⁴This is probably the most complete set of early Town Accounts extant in Scotland.

⁵Report of the Committee on Local Records, 1902.

⁶As Sasine Registers and Protocol Books were not worth examining for my purpose, I made no effort to trace them and they are mentioned only when they happened to come under my notice.

⁷This Book is incorrectly labelled 1515. Hence, according to the Rep. Comm. Loc. Rec., the Records of Forres commence in 1515.

⁸Information supplied to me by the Local Antiquarian.

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Mackie, John Duncan
The estate of the burgesses
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