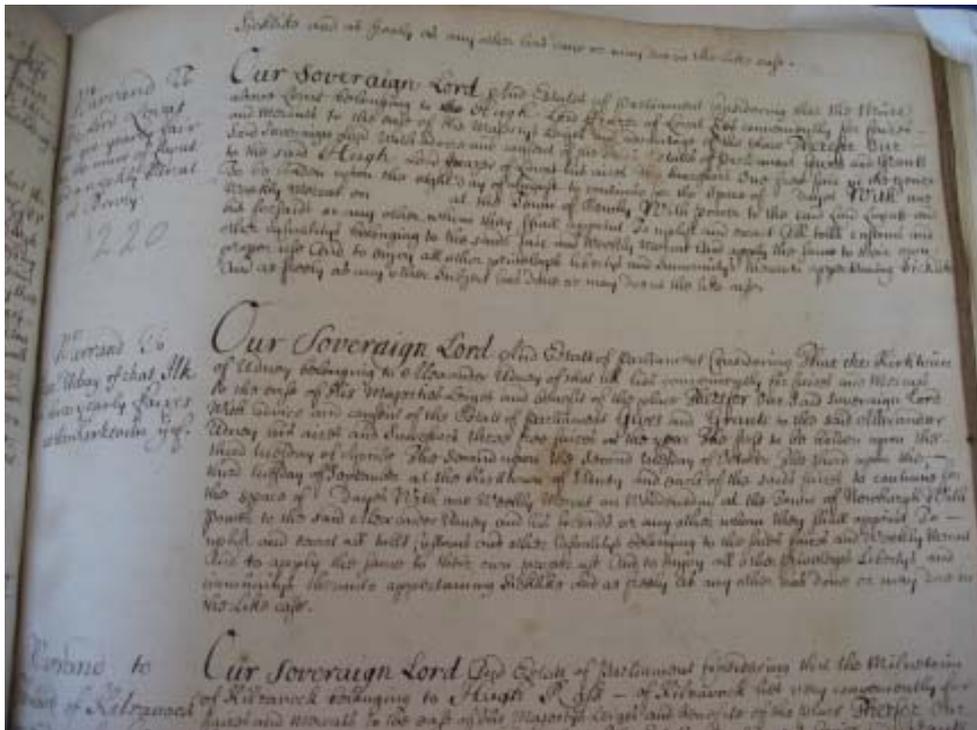


**WORKSHOP FOUR: “Markets, Fairs & Burghs”
- designed by Dr. Alastair J. Mann**

Comparatively few new royal burghs, the old seats of trade with a monopoly of overseas trade and where the landed superior was the crown, were founded in the entire sixteenth and seventeenth centuries, a total of 21 between 1560 and 1707, and only two after 1650. However, the growth in burghs of barony and regality, that is burghs where the superior was a landed individual rather than the king, was remarkable. From 1450 to 1707 no less than 350 burghs of barony were created by the crown and ratified by parliament. 110 of appeared between 1660 and 1707 although perhaps a third of these were not viable, were created for reasons of landed rivalry, flourished briefly then declined, never flourished at all or were only sought so that a market or fair could be held near existing rural settlements. Indeed, the rights to hold annual fairs and weekly markets were repeatedly sought after 1660 and almost a quarter of the legislation passed by the parliament in the 1660s and 1670s related to the confirmation of rights to various superiors or burghs for additional or new markets and fairs. The fragile boom in Scottish trade in these decades was encouraged by the willingness of parliament to award such privileges.



Above figure: *Warrants of parliament at the session of 1685 granting fairs and markets to Beaully, Udny and Kilravock*. NAS. PA2/32, f.220. Reproduced courtesy of the National Archives of Scotland. [**RPS, 1685/4/139-141**]

[The geographical spread of the markets centres created in the 1660s and 1670s was indeed wide. The following two examples show firstly a laird and then a senior noble seeking confirmation of rights to trade. Of particular interest are the wide range of produce and goods that could be bought and sold.]

{Act to William Farquharson concerning the town of Tullich, Banffshire}

Our sovereign lord and estates of parliament, taking to their consideration that there is no burgh nor market town within the parishes of Braemar, Strathdee, Glengairn, Glenmuick, Aboyne, Glentanner, Strathdon, Strathdoune, Migvie, Tarland and Coldstone whereby the lieges are heavily prejudiced and put to great expenses in going to market towns at a far distance for buying of such necessary commodities as they stand in need of, and being informed that the town of Tullich lies in the middle part of the said parishes, and is a fit place for holding of markets and fairs therein, whereto all his majesty's subjects within these bounds may readily repair with ease to themselves; therefore, his majesty, with advice and consent of his estates of parliament, does allow to William Farquharson of Inverey, his heirs and successors and inhabitants of the said town of Tullich, to have a weekly market on Tuesday for selling and buying of fish, flesh, oxen, sheep, cattle, wheat, meal, malt, bear and all other victual, cloth, linen and woollen, and other merchant goods, together with two free fairs yearly each of them for the space of four days, the one thereof upon the first Tuesday of May and the other upon the second Tuesday of September, yearly in all time coming, with full power to the said William Farquharson, his heirs and successors by themselves or such as they shall appoint, to collect, gather, intromit with and uplift the tolls, customs, casualties* and all other dues of the said markets and fairs used and wont, conforming to the ancient customs in the like cases, and recommends to the lords of his majesty's exchequer to pass a signature thereupon in favour of the said William Farquharson and his foresaids, in due and competent form as appropriate.

[RPS, 1661/1/229]

{Act for three new fairs to the burgh of Kirriemuir, Angus: in favour of James, marquis of Douglas}

Anent the supplication presented to the king's majesty and estates of parliament by James [*Douglas*], marquis of Douglas, showing that where it is ordinary to grant markets and fairs to be held at such convenient places as may best subsist with the convenience and accommodation of the lieges and public good and advantage of the country, and the supplicant's burgh of Kirriemuir, lying at far distance from any royal burgh or market town, and many people from all parts of the high of Angus resorting ordinarily thither for buying of victual, bestial and other necessary commodities of the country, is at a great loss and the whole country sustains much prejudice for want of public markets and fairs at the said town of Kirriemuir, at these convenient times following, namely, one to be held upon the Tuesday immediately before Whitsunday

[*May/June*], one other to begin upon 1 September, and another to begin and be held upon the Tuesday before Martinmas [*11 November*] yearly; humbly therefore, craving liberty might be granted to him for holding the said three public fairs and markets yearly at the said town of Kirriemuir, to begin on the days respectively above-written, and each one of them to continue for the space of four days, and that in addition to the markets and fairs already kept at the said town, and to grant the ordinary tolls and customs due in the like case, as the said supplication at length bears. Which being seen and considered, the king's majesty, with advice and consent of his estates in parliament, does hereby grant liberty to the said James, marquis of Douglas to hold the three fairs above-specified, namely, one to begin upon the Tuesday immediately before Whitsunday, the second of the said fairs to begin upon 1 September, and the third and last of the said fairs to begin upon the Tuesday before Martinmas yearly, and each one of the said fairs to continue for the space of four days, for buying and selling in the same horse, nolt, sheep, meal, malt, fish, butcher meat and all other merchant ware necessary and useful in the country, and that in addition to the fairs already kept at the said town, and with power to the said James, marquis of Douglas, or such as he shall appoint, to collect, uplift and receive the tolls, customs and duties of the said fairs, and to enjoy all other privileges and immunities usual, likewise and as freely in all respects as any other in the like case has done or may do.

[*RPS, 1670/7/24*]

[As the numbers of burghs of barony grew so disputes occurred between baronial and royal burghs. The privileges enjoyed by the royal burghs over overseas trade were under attack by the activities of merchants and traders within the larger baronial burghs. An example of such a dispute was the bitter row between the royal burgh of Stirling and the baronial burgh of Falkirk which was settled in favour of Falkirk at the Court of Session in 1672. That year parliament passed a general act which removed most of the monopolies on foreign trade held by the royal burghs. The royal burghs fought their corner strongly justifying their status as they had a special responsibility to pay royal taxation. Of course they were also represented in parliament through the burgh commissioners. However, from 1672 many privileges were no longer the preserve of royal burghs. The act of 1672, given in full below, was a victory for the landed elite of Scotland who were increasingly becoming involved in the trade of the nation. For example, the earl of Winton at Port Seaton, the earl of Wemyss at Methil and the duke of Hamilton at Bo'ness each developed integrated coal, salt and harbour schemes at this time.]

{Act concerning the privileges of royal burghs}

Our sovereign lord, taking into his serious consideration how necessary it is, for the wealth and welfare of this his ancient kingdom, that trade and commerce are encouraged, both for the export of the growth and manufactory of the kingdom and for import of foreign commodities required for the use and satisfaction of his people; and for that effect, that the privileges of the royal burghs, granted by his majesty and his royal predecessors, may be established and cleared from the many controversies and debates that have been thereon, to the great disquiet and expense both of the royal burghs themselves and other incorporations and people of the kingdom, which

controversies have arisen concerning the extent of the privileges of the royal burghs and how far the ratifications thereof, granted by his majesty and his royal predecessors and the estates of parliament, have been derogated and abrogated by contrary custom or by infirmities or privileges granted by his majesty and his royal progenitors, and especially by the 24th act of the parliament held by his majesty's royal father, of happy memory, in the year of God 1633 entitled, ratification of the privileges of the royal burghs, whereby all exportation of any merchandise is prohibited to any person but the burghesses of royal burghs, their factors or servants, and all persons dwelling out of burghs are prohibited to use any merchandise or to buy wine, wax, silks, spicery, wald (perhaps woad) or similar stuffs, or that none pack or peel outwith the king's burghs, under pain of escheat of the goods that should be tapped, sold, packed or peeled contrary to that statute, and giving power to the said royal burghs, or their commissioners, to search unfreemen's goods, intrude therewith as escheat, either within the country or any other part; which privileges so extended, were never in use and are highly prejudicial to the common interest and good of the kingdom, and are, by the said statute, extended far beyond the ancient privileges of burghs, repeated and confirmed therein, applying the privileges granted to burghs generally to royal burghs only, to the prejudice of the burghs of regality and barony, and extending of the sale of imported commodities, which could only be understood as of wholesale, to the tapping and retailing of the said commodities. And on the other part, the just privileges of the royal burghs have been encroached upon by others, not only by exporting but by importing of staple commodities, without bearing burden with the said royal burghs in the public taxations and aids granted to his majesty. For remedy whereof, his majesty, with advice and consent of his estates of parliament, statutes and ordains that it is and shall be the privilege of freemen of royal burghs, and no other incorporation or person within this kingdom, to buy or sell, in great or wholesale, wine, wax, silks, spiceries, wald and other materials for dyeing, and that no other incorporation or person within this kingdom shall have power to import or export the same, or to import any other commodities, except such as are allowed to them by this present act, without prejudice to noblemen, prelates, barons and others of their privilege of importing any of the said goods for the proper use of themselves and their families only. Likewise his majesty, with consent foresaid, does hereby enact and declare that it shall be rightful to any of his majesty's good subjects, or any person that shall buy from them, to export forth of the kingdom by sea or land all manner of corn that are of the growth of the kingdom, all manner of cattle, nolt, sheep and horse, coal, salt and wool, skins, hides and all other native commodities of the kingdom, and that it shall be rightful to the burghs of regality and barony, by any of their burghesses or members of society, to export all their own proper manufacture, or such goods as shall be bought by them in fairs or markets, and that it shall be rightful to the said burghs of regality or barony or societies erected or to be erected for manufactures, and all others exporting the native growth of the kingdom as aforesaid, to import in return of the said goods exported, or of the freight and hire of the ships, the goods and commodities following, namely, timber, iron, tar, soap, lint, linseed, hemp, onions or other necessaries for tillage or building, or for the use of their foresaid manufactories; and also, to tap and retail all commodities whatsoever. Likewise his majesty, with consent of the said estates, statutes and ordains, that, if any man, not being free-man in the royal burghs, shall be found to have in his possession any goods or commodities to be bought or sold, exported or imported by him, contrary to this present statute, and the privilege of the royal burghs granted thereby, the said whole goods shall be escheat, the one half to his majesty and the other half to the burgh

apprehender, and that, if the said goods are apprehended within any of the said royal burghs, or the suburbs or appendicles belonging to them, or within their ports or harbours, the same may be summarily seized and secured as goods escheat, in manner foresaid, but if the said goods, competent only to freemen of royal burghs, shall be found or alleged to be found elsewhere, they shall only be arrested and pursued to be declared escheat, to be divided in manner above-written, before any competent judicator, according to the law; and that upon pretence thereof, the magistrates of burghs, or others by commission from them, or any of their inhabitants, shall not search or seize upon any goods or in any way trouble or molest his majesty's good subjects living without the bounds of their said burghs or suburbs summarily and by way of fact, but only by legal process according to law, upon the pretence of any privilege, custom or usage whatsoever, unless the persons are discovered in the present and actual transgression of the privileges of the royal burghs above-written, and that within the bounds of the said burghs, suburbs and ports thereof, under the pain of being proceeded against as committers of riot and disturbers of his majesty's peace. Likewise his majesty, with consent foresaid, casses, annuls and rescinds all acts of parliament and ratifications in so far as they are contrary to this present statute, and ordains letters of horning to be directed summarily, at the instance of all royal burghs, against all and whatsoever persons who have transgressed or shall transgress the foresaid privileges, as the same are established and declared by this present act.
[RPS, 1672/6/13]

[The following three pieces of legislation from 1681 show that parliament was also sensitive to particular localised difficulties in movement and commerce. In these cases the maintenance of bridges and communications is seen as vital for effective commerce and trade and special dispensations are given for bridge tolls to pay for the maintenance of important bridges and river crossing points. Rights were sometimes given to landowners and sometimes to burghs themselves.]

{Act in favour of the burgh of Inverness for exacting a small custom at the bridge thereof}

The king's majesty and estates of parliament, having considered a petition presented by William Duff, bailie of Inverness, for himself and in name and behalf of the magistrates and community of the said burgh, representing that whereas, as the said burgh of Inverness is ancient so the same continues ever loyal to the crown, and has had many privileges conferred on the same by his majesty's royal progenitors, and being situated upon the river of Ness is the only passage from the north to the south parts of this kingdom, and is not able to subsist without a bridge which was of old built of timber, but now great timber being scarce in the kingdom and the bridge decayed, so that about seventy persons, in one day, did fall in the river with a part of the said bridge, whereby many were hurt and by a great providence escaped with their lives, which did necessitate the burgh to have recourse to his majesty's most honourable privy council for a voluntary contribution for building of a stone bridge, which contribution, by reason of many other necessities and remoteness of the place, did take little or no effect, and forced the magistrates and council (for preventing the utter ruin of the said burgh) to engage themselves in a very great and considerable

debt for building of a stone bridge, the expenses whereof will surmount £40,000 Scots, and which bridge is now come to a great length, but will in a few years decay unless the same is supported, which the magistrates and community are not able to do by reason of the great debts already contracted, which they will not be able to defray for many years to come; and if the said bridge should decay, it were a prejudice irrecoverable, and in respect the said bridge is so useful a passage to the whole northern shires and indispensably necessary for the good of the said burgh, and that his majesty's royal progenitors have frequently conferred acts of favour and royal bounty for promoting such good, pious and necessary works; therefore, humbly supplicating that order and warrant might be granted to the effect underwritten. The king's majesty and estates of parliament, having heard and considered the foresaid petition, do hereby give order and warrant to the petitioners to exact and uplift at the bridge of Inverness, for helping to defray some part of the expenses thereof and upholding the same, the small custom underwritten, and that for the space of nineteen years after the date hereof, namely, 6d off each horseman, or horse and load, 4d off each horse or cow, and 2d off each footman passing along the said bridge, with power to the petitioners and magistrates for the time, to appoint a collector for uplifting thereof, and that in addition to the petty customs of the said burgh, the petitioners having found sufficient caution that what shall be uplifted shall be employed to the use above-mentioned.

[RPS, 1681/7/72]

{Act in favour of Andrew Fraser, laird of Kinmundy for exacting a small custom at the bridge of Dye}

The king's majesty and estates of parliament, having considered a petition presented by Andrew Fraser of Kinmundy, representing that whereas, by the liberal and charitable contribution of the deceased Sir Alexander Fraser of Dores, baronet, and of the deceased Mr George Meldrum, late minister at Alford, and the industry great pains and expense of the petitioner, there is of late a stone bridge of ashlar-work of a large extent of fifty feet in diameter, erected over the water of Dye upon the public road that crosses the Cairn o'Mounth, which bridge stands upon one of the most impetuous waters within the kingdom, where many have perished, and as this bridge was a most necessary work, so likewise it is subject to great and sudden inundations and danger of being spoiled by storms, and therefore there is a necessity of a yearly supply and continual attendance to prevent its ruin, whereas there is no stock to that end, for the money mortified by the said minister was only 2,000 merks, which scarce served to pay the masons, builders of the said bridge, albeit at their entry the stones were all hewn and all other materials and service laid to their hands, and it being usual in such cases, where there is no stock to uphold bridges, that parliaments grant warrants to such persons upon whose ground these bridges stand, or who have been instrumental in building them, to collect from travellers and passengers a small toll for men, horse and cattle crossing there for upholding the work, and supplicating that order and warrant might be granted to the effect underwritten. The king's majesty and estates of parliament, having heard and considered the foresaid petition and report of the articles thereon, do hereby grant order and warrant to the said Andrew Fraser, petitioner, to exact and uplift at the bridge of Dye, for upholding of the said bridge, the small customs underwritten for the space of nineteen years after the date hereof, namely, for each saddled horse and his rider or each horse with a burden, 8d Scots money, and for each man or woman or each horse, ox, cow or other small beast, 4d

money foresaid, with power to the said petitioner to appoint a collector for uplifting thereof, he having found sufficient caution* that what shall be so uplifted shall be employed to the use above-mentioned.

[RPS, 1681/7/73]

{Act in favour of John Murray, marquis of Atholl for exacting a small custom at the bridge of Almond}

The king's majesty and estates of parliament, having considered a petition presented by John, marquis of Atholl, lord privy seal, representing that the easter and wester bridge of Almond, called Haliemilne, being much decayed and being a necessary passage for the subjects, and that it will cost a considerable sum to repair and keep up the same; and therefore, humbly supplicating that order and warrant might be granted for a small custom at the said bridge in manner underwritten. The king's majesty and estates of parliament, having heard and considered the foresaid petition, do hereby give order and warrant to the marquis of Atholl, his heirs and successors, or such as shall be appointed by them, to exact and uplift the small custom underwritten for repairing and upholding of the said bridges from all passengers, bestial and goods, passing the same, namely, for each laden cart, 8d, for each horse and his rider or each horse with a load, 6d, each horse, cow or ox, 4d, [each score of sheep, 4d and each man or woman, 4d] which is to continue and endure for the space of nineteen years after the date hereof, providing that sufficient caution is found that what money shall be uplifted by virtue of this act shall be employed for repairing and keeping up of the said bridge.

[RPS, 1681/7/74]

[As with bridge tolls, the right to have fairs was also given to burghs as well as landed superiors. The following example from August 1698 shows the right to hold annual fairs conveyed to the burgh of Kinghorn and also the right to 'ride the fair'. This last right is somewhat obscure but is likely to indicate the right to announce the fair on horseback, to mark out by riding the area of the fair, access to which involved the payment of duties as well as the right to process at the opening of the fair.]

{Act in favour of the burgh of Kinghorn for two fairs}

Our sovereign lord and estates of parliament, considering that the appointing of fairs and markets in convenient places of the kingdom does greatly tend to the advancement of the trade thereof and advantage of his majesty's lieges dwelling at or near to the said places, and that it is most convenient for the good of the royal burgh of Kinghorn, and for the other ends above-written, to appoint the two yearly fairs underwritten to be kept thereat, do therefore, by these words, appoint two fairs to be held yearly in all time coming at the said burgh, the one thereof upon 10 July and the other upon 16 October, for buying and selling all kinds of vendible commodities; and have given and granted, and hereby give and grant to the said burgh and magistrates and community thereof, the right and privilege of keeping and holding the said two fairs thereat yearly in all time to come, and the whole tolls, customs, profits and casualties thereof, or competent to pertain thereto, with full power to them to cause

proclaim and ride the said fairs yearly, and to make such orders thereon as they think fit, and to exact, uplift and dispose upon the said tolls, customs, profits and casualties of the same, and to do all other things therein which any having privilege of keeping fairs within this kingdom lawfully do or may do.

[RPS, 1698/7/132]