

Workshop two

Clothing and Dress

At first sight dress and clothing hardly seem a priority for kings or parliaments. However, dress was not just a matter of free choice in the medieval and early modern periods. Dress was a mark of social rank, status and wealth. The government and crown felt it necessary to legislate for national standards of dress for particular levels of society and to help ensure that clear differences were maintained between specific social groups. These acts were 'sumptuary laws' controlling the market in clothes and also the departure of gold and silver from the country when clothing was imported. Furthermore, statements of the lamentable state of the clothes of the general population shows that such condition was seen to reflect badly on the international reputation of Scotland and created a bad impression for overseas visitors.

[Below are three sections from legislation passed by parliament in 1430 in the reign of James I. It is typical that this king, an obsessive legislator who introduced legislation covering all manner of aspects in the lives of folk great and small, should be the first to see his parliament enter fashion design.]

{Acts to control the manner of dress, 1430}

It is decreed and ordained that no man shall wear clothes of silk, nor furs of pine-martens, beech-martens, purray [*white fur taken from the winter coat of a grey squirrel*] nor great or richer furs, except only knights and lords of 200 merks at least of yearly rent, and their eldest son and their heirs, without special leave of the king asked and obtained. And that no other [person] wear embroidery nor pearl nor bullion,* but array themselves at their own pleasure in all other honest array such as sarpes [*collars of gold or silver*], belts, ouches [*clasps or buckles*] and chains, etc. And this under the pain of escheat* of the array to the king, to be taken and raised [to the person] to whom he commits power.

It is decreed that no burgess dwelling within a burgh wear any fur, as is said before, except aldermen and bailies and the council of the town. And the wives are to be arrayed after the estate of their husbands under the same foresaid pain, to be raised by the alderman and bailies.

It is decreed that no yeoman nor commoner to landward* wear coloured clothes longer than the knee, nor yet any ragged clothes, but only sentinel yeomen in lords' houses that ride with gentlemen, their masters; which [clothes] shall have narrow sleeves and little pouches. And likewise neither that commoners' wives nor their servants, neither in burghs nor in the land, wear either long tail, nor side necked hoods, nor pouches on their sleeves, nor costly caps such as lawn [*a type of fine linen*] or rens [*a kind of fine linen made at Rennes in Brittany, France*]. And all gentlemen's wives are not to be arrayed exceeding the estate of their husbands.

[RPS, 1430/12-14]

[Following 1445, in the reign of James II, the introduction of Lords of Parliament, effectively parliamentary peers, parliament turned its attention to specifying the appropriate dress for members of parliament.]

{Act concerning dress in parliament, 1445}

As touching the dress of the earls and lords of parliament commissioners of burghs and advocates shall have and use at all parliaments and general councils in time coming. It is statute and ordained that all earls shall use mantles of brown left open before furred with white and lined before outwith a hand braid to the belt stud with the same furring with little hoods of the same cloth and to be used upon the shoulders. And the lords of parliament to have a mantel of red right so opened as before and lined with silk or fur with grey fur or pured together with a hood of the same cloth and fur. And all commissioners of burghs each one to have a pair of cloaks of blue fur fitted side open on the rights shoulder furred as above and with hoods of the same. And what earl lord of parliament commissioner of burghs that enters in parliament or general council but the said dress shall forthwith pay thereafter £10 to the king unforgiving.

[RPS 1455/8/12]

[In a strange and perhaps amusing piece of legislation the parliament that followed the abdication of Mary, Queen of Scots in 1567 simply stated the requirement for women never to dress above their station, excepting prostitutes!]

‘Item, that it be lawful to no women to wear above their estate except whores.’

[*In the margin the male clerk notes simply*]: ‘This act is very good’.

[RPS, 1567/12/52]

[In 1455 a fine was imposed for inappropriate parliamentary dress but in 1587 offenders were to be expelled for a breach of the sartorial code.]

That every estate shall have their several apparel in seemly fashion, according to the patron thereof, which the king's majesty shall cause make and command to be observed under the pain* of £200 of the person failing and debarring of them out of the parliament house.

[RPS, 1587/7/26]

[The Privy Council, trying to please the king and also attempting to dress Scottish members of parliament as smartly as those at Westminster, was admonished by James VI in 1606 for setting too high a standard of dress for parliament that was only suitable for coronations. Below are the king's more modest instructions for parliament.]

‘velvet robes are never at any time worn by any earls except at coronations and the ordinary apparel of peers in parliament should be of scarlet cloth distinguished for the several degrees of honour in the caps or hoods of the same by so many several stripes of white fur drawn across the same’

[*Register of Privy Council, first series, volume vii, 488, 1606*].

[In 1609 parliament sought fit to pass a general piece of legislation inviting the king to confirm the dress for magistrates, burgh commissioners to parliament, lords of session (judges) and importantly the clergy in parliament, the last measure a particular irritation for Presbyterians who opposed any interference by the king in the affairs of

the church and also opposed attendance in parliament by ‘appointed’ bishops. Note in general concern for Scotland’s reputation and that it was the custom of all civilised European nations to dress appropriately.]

{Act of the apparel of judges, magistrates and kirkmen, 1609}

Our sovereign lord and estates of this present parliament, finding by daily experiences that the greatness of his majesty's empire, magnificence of his court, fame of his wisdom and justice and of the civility of his subjects has begun already to allure diverse foreign princes and other strangers of all estates to make more frequent repair to his country than ever they did in any preceding age, which resort of strangers will by all appearance both continue and daily more and more increase, and by them no doubt report will go through all the world of the estate and government of the kingdom according to the order which they shall see observed within the same, whereof the rules and good example flowing from the estates of parliament and magistrates to the whole remaining subjects of the realm it is most necessary that such gravity and comeliness be used by the lords and commissioners of parliament and other magistrates in their apparel and behaviour as may best deserve the good report and true commendation of all princes, noblemen and other strangers who shall have occasion to see and relate the same, the respect whereof having induced his majesty to prescribe to the nobility apparel for the parliament becoming their honourable estate; and understanding that the remaining members of that high court have not reformed themselves to the like conveniency, neither yet that the course intended by his majesty for discharging noblemen and gentlemen to be elected provosts and magistrates of burghs (whereof none should be capable but burghesses, actual traffickers and inhabitants of the said burghs) has taken such effect, as is most necessary for preservation of the liberties and good estate of the said burghs and hindering the dissipation of their common good and perverting of their privileges, for remedy whereof his majesty, with advice of the estates of his highness's parliament, statutes and ordains that no man shall in any time coming be capable of provostry or magistracy within any burgh of this realm, nor to be elected to any of the said offices within a burgh, but merchants and actual traffickers inhabiting within the said burghs only and no others, and that the said magistrates of burghs to be hereafter elected and their commissioners of parliament shall have and wear at parliaments, conventions and other solemn times and meetings when the dignity shall require it such comely and decent apparel as his majesty shall prescribe convenient for their rank and estate, whereby they may be determined from other common burghesses and be more revered by the people subject to their charge. And because a comely, decent and orderly habit and apparel in the judges of the land is not only an ornament to themselves (being a badge and mark for distinguishing them from the vulgar sort), but the same also breeds in common people that reverence and regard that is due and proper for men in those places, and this being a custom universally observed almost through all Europe, the want whereof is greatly censured by strangers resorting in these places, the said estates therefore upon infinite proofs they have of his majesty's most singular wisdom in all his directions and of his gracious love and affection to this his native kingdom, have in all humility referred to his highness's own appointment the assigning of any such several sort of habit and vestment as shall be in his majesty's judgement most fit and proper as well for the lords of session, being the supreme judges in civil actions, as for all other inferior judges of the like causes, as also for the criminal and ecclesiastical judges and for advocates, lawyers and all others living by law and practice thereof, that so every one of these people may be known and distinguished in their place, calling and function and may be accordingly regarded and respected. Moreover, his majesty and estates foresaid, considering what slander and contempt has arisen to the ecclesiastical estate of this kingdom by the occasion of the light

and improper apparel used by some of that profession and chiefly those having vote in parliament, it is therefore statute that every preacher of God's word shall hereafter wear black, grave and comely apparel beseeming men of their estate and condition, as likewise that all priors, abbots and prelates having vote in parliament, and specially bishops, shall wear grave and decent apparel agreeable to their function, and as appertains men of their rank, dignity and place. And because the whole estates humbly and thankfully acknowledges that God of his great mercy has made the people and subjects of this country so happy as to have a king reign over us who is most godly, wise and religious, hating all erroneous and vain superstition, just of government and of long experience, therein knowing better than any king living what appertains and is convenient for every estate in their behaviour and duty, therefore it is agreed and consented by the said estates that whatever order his majesty in his great wisdom shall think fit to prescribe for the apparel of kirkmen agreeable to their estate and means, the same being sent in writing by his majesty to his clerk register, shall be a sufficient warrant to him for inserting thereof in the books of parliament, to have the strength and effect of an act thereof, with executorials of horning to be directed thereupon against such persons as within the space of 40 days after the publication and intimation to them of the said act or charges used against them thereupon shall not provide themselves of the apparel to be appointed by his majesty for men of their vocation and estate, to be used and worn by them and their successors at the times and in manner to be expressed in the said act to be made by his highness relating thereto.

[RPS, 1609/4/27]

[Government and crown concern that only those of high status should wear clothes of ostentatious quality is seen in this act of 1621. The fine for incorrect attire was now £1000, as indicated in the first clause of the act, but the numerous clauses thereafter are remarkable in their detail. The last two relate to food not clothes.]

{Regarding banqueting and apparel, 1621}

1. Our sovereign lord and estates of parliament, considering the great hurt coming to this country by the superfluous usage of unnecessary sumptuousness in meat, apparel and otherwise, and that by all sorts of people indiscriminately, without distinction of persons of ranks or quality, for repressing the said abuse in time coming, do statute and ordain that none of our sovereign lord's lieges of whatsoever quality or degree shall wear any clothing of gold or silver cloth, or any gold or silver lace upon their apparels or any part of their bodies hereafter, and that no manner of person shall have any apparel of velvet, satin or other stuff of silk except noblemen, lords of parliament, prelates, his majesty's councillors, lords of session, barons of quality having of free yearly rent 80 chalders* of victual or 6,000 merks of silver, and the provosts of the principal burghs within this kingdom, or those who have been provosts, with such also as shall happen to be or have been provosts, bailies, dean of guild and treasurer within the town of Edinburgh, excepting also rectors of universities. And it is statute and ordained that those persons which are permitted to wear the said apparelling of silk shall in no way have embroidering or any lace or passements upon their clothes, except only a plain welting lace of silk upon the seams or borders of their clothes, with belts and hatbands embroidered with silk; and also that the said apparel of silk be in no way cut out upon other stuffs or silk except upon a single taffeta, and that the wives of the said privileged persons, their eldest sons and eldest daughters unmarried and the children of all noblemen be

licensed to wear their apparel in manner aforesaid only under the pain of £1,000 on every occasion.

2. Item, that no person of whatsoever degree shall have pearling or ribboning upon their ruffs, sarks [*shirts*], napkins and socks except the persons before privileged, and the pearling and ribboning to be so worn by them (if any be) to be of those made within the kingdom of Scotland under the pain of £100 on every occasion.

3. Item, that none wear upon their heads or head-dresses any feathers, and notwithstanding it is permitted that any person may wear chains or other goldsmith work having no stones nor pearls within the same. And that no person wear any pearls nor precious stones except the persons before privileged under the pain of 1,000 merks to be paid by the contraveners on every occasion.

4. And it is statuted that no person nor persons except the privileged persons aforesaid wear lawn [*a type of fine linen*] or cambric, and that no person whatsoever wears upon their body tiffanies [*a thin, transparent material of silk, muslin or lawn*], cobwebs [*a light, finely-woven or gauze-like material*], lawns or slyres [*a fine linen or lawn*] under the pain of £100 on every occasion.

5. Nevertheless, the king's majesty, prince and their ordinary household servants are exempt from this act and all the clauses thereof.

6. It is moreover statute that no servants, men or women, wear any clothing except those that are made of cloth, fustian, canvas or stuffs made in the country, and that they shall have no silk upon their clothes except silk buttons and button holes and silk garters without pearling or roses, under the pain of 100 merks on every occasion.

7. It is always declared that it may be lawful for them to wear their master's or mistress's old clothes.

8. It is hereby ordained that no [clothes] be gilded with gold.

9. It is also declared that heralds, pursuivants and likewise trumpeters be exempt from this act.

10. Item, it is also statuted that minstrels be exempt.

11. Item, it is further statuted that none, except the privileged persons aforesaid, use damask table linen brought from beyond sea, under the pain of £100 on every occasion.

12. It is likewise statute that no more mourning attire be made at the death of any earl or countess, but 24 at the most; or for a lord of parliament or a lord's wife, but 16 only; and for all other privileged persons before named, 12 at the most. And that none except the privileged persons have any honours carried and those according to their qualities. And that no mourning attire be given to heralds, trumpeters or saulies (hired mourners), except by the earls and lords and their wives; and the number of the saulies to be according to the number of mourning attire, under the pain of £1,000 on every occasion.

13. It is statuted that the fashion of clothes now presently used not to be changed by men or women, and the wearers thereof under the pain of forfeiture of the clothes and of £100 to be paid by the wearers and as much by the makers of the said clothes on every occasion.

14. It is ordained that no beaver-fur hats be used or worn but by the privileged persons, under the pain of £100 on every occasion.

15. It is further enacted that no clothes shall be made after the publication of the act, but according to the manner and condition before expressed. And that none of the former discharged clothing be worn by any person after Martinmas [11 November] 1623, under the pains respectively set down above on every occasion.

16. Item, it is ordained that the husbandmen and labourers of the ground wear no clothing but grey, white, blue and self black cloth made in Scotland, and that their wives and children wear the like under the pain of £40 on every occasion.

17. It is further statuted and ordained that no person use any manner of dessert of wet and dry confections at banqueting, marriages, baptisms, feasting or any meals except the fruits growing in Scotland; as also figs, raisins, damsons, almonds and other unconfected fruits under the pain of 1,000 merks on every occasion, excepting likewise the use of the aforesaid forbidden confections to be lawful for the entertainment of his majesty, prince and their trains being within the country, and for ambassadors and strangers of great quality.

18. And it is statuted moreover that no person of whatsoever quality use any feasting at burials or offer of other meats except bread and drink; as likewise no person use any eating or drinking at night vigils or lyke-wakings [*keeping watch over a dead body*] under the pain of 1,000 merks on every occasion.

[RPS, 1621/6/37]

[In the following act of 1672 new levels of detail on the ornamentation of apparel are listed. Those wearing forbidden attire now faced a fine of £2000 but again exemptions are stated for entertainers, soldiers, and servants of the elite who in general were entitled to wear the old clothes of their masters and mistresses]

{Act concerning apparel, 1672}

Our sovereign lord, considering the great prejudice which this kingdom does sustain by the sumptuousness and prodigality which all sorts of persons use in their apparel, without regard to or distinction of their several degrees and qualities, considerable sums of money being, upon that occasion, unnecessarily exported out of the kingdom, and the native commodities and manufactories thereof being thereby neglected, and not improved for the use and advantage of the inhabitants. For remedy whereof, his majesty, with advice and consent of his estates of parliament, statutes and ordains that none of his majesty's subjects of this kingdom, of whatsoever degree, condition or quality, shall [from] 1 June 1673, wear any clothes or apparel wherein there is any gold or silver, or wear any gold or silver laces of whatsoever kind, buttons, ribbons, tracings, fringes or looping made of gold or silver; or have any embroidering of gold or silver upon their apparel, sword belts or any other manner of way, excepting always buttons, buckles and hilts of swords of goldsmith work, which the

privileged persons after-expressed are allowed to wear, and no others; and that none wear any flowered stuffs, striped stuffs or brocade of silk, or have any silk lace, gimp-lace or any other kind of lace or embroidering of silk upon their wearing clothes; and that no person presume to import into this kingdom, or make or sell therein, any of the commodities above-expressed after the date hereof, certifying such as shall contravene, that they shall be liable in the pains following, namely, the importer, maker and seller shall be fined £1,000 Scots, in addition to the confiscation of the goods so imported, made or sold; and the wearer thereof 500 merks Scots on every occasion, in addition to the confiscation of the clothes. And it is hereby declared that the importer of such prohibited goods shall not have action, for the price thereof, against the merchant, for whose use the same were imported, or the seller thereof against the buyer, albeit bonds are given for the same, if it can be made appear that the bonds were given for that cause, excepting always from this act comedians as to the clothes which they make use of upon the stage, heralds as to their coats, and his majesty's trumpeters; and also, excepting pages and lackeys of the privileged persons after-named, as to silk laces and passments only, which they are hereby allowed to wear upon their livery clothes. And his majesty, with advice foresaid, does statute and ordain that none of his subjects shall, after 1 June next, wear any clothing or apparel of velvet, satin or other stuffs of silk, or wear any beaver hats, under the pain of 500 merks, to be paid by the contravener on every occasion, except noblemen, prelates, his majesty's councillors, lords of session and such barons, knights or gentlemen who have of yearly valued rent £2,000 Scots money, and the provosts of the principal burghs within this kingdom, or those that have been provosts, and such also as shall be for the time or have been provosts, bailies, deans of guild* or treasurers within the town of Edinburgh, excepting also rectors of universities, and the wives of the said privileged persons, their eldest sons and eldest daughters unmarried, and all the children of noblemen; and that none wear any ribbons or looping of silk upon their apparel, or any white lace or point made of thread, under the pain of 500 merks Scots on every occasion, excepting the privileged persons aforesaid, who are hereby allowed to wear plain taffeta ribbons upon their apparel, and to wear white lace or point made of thread upon their linings only. And all persons whosoever are hereby prohibited to wear feathers, except soldiers, under the pain aforesaid, without prejudice always to all sorts of persons (excepts those of the yeomanry) to wear plain taffeta ribbons upon such parts of their apparel where they may have occasion of the same for ties; and to women to wear hoods and scarfs of taffeta, and without prejudice to domestic servants to wear their masters or mistresses' old clothes, allowed to them by this act.

And for the better effectuating hereof, his majesty, with advice foresaid, ordains all collectors of assessment and excise, and their subcollectors, farmers* and collectors of customs, and watchmen in burghs or land at every term, to give up upon oath to the commissioners of excise in the several shires and burghs, and to the general collector of the customs and excise lists, of all those whom they have seen and observed to transgress this act. And it is hereby declared that the one half of the penalties aforesaid shall belong to themselves and the other half shall be collected by them for his majesty's use, trial being first taken and the persons found guilty by the commissioners of assessment or excise, justices of peace or other ordinary magistrate of the place, and such contraveners as they shall not give information of that, the one half of their fines shall belong to any other person who shall discover them, and in case the said collectors of assessment and excise, farmers and collectors of customs or watchmen, shall fail to give up the said lists as aforesaid, they shall thereby lose their places and be incapable of that place for ever. It is always provided that no persons contravening this act shall be liable to the said penalties unless their names are given up within the space of three months after their incurring thereof, without prejudice always to any other person who shall discover the contraveners in manner foresaid of the one half of the penalties,

whensoever they shall discover them. Likewise the commissioners of his majesty's justiciary are hereby required to give order at their circuit courts to take up dittays* against the transgressors of this act, and to proceed against them by fining them in the sums above-mentioned, and to exact the same. Likewise his majesty, with advice foresaid, does hereby authorise and empower the lords of his privy council to take such further course for making this act effectual as they shall think fit.

[RPS, 1672/6/31]

[Parliament did not take it upon itself to regulate all aspects of the import and export of cloth and instead in 1685 it delegated this responsibility to the Privy Council. The Council was to act for the good of the trade of the nation. In general some cloth was forbidden to be worn which could be exported, while other materials were banned from importation if they competed with domestic cloth and clothing manufacture or if the cost of importing luxury produce was seen to lead to the drain of gold and silver out of the country]

{Act concerning trade and manufactories, 1685}

Our sovereign lord, with consent of the estates of parliament, ratifies, confirms and approves the twelfth act of the third parliament of King Charles II, of blessed memory, in the year 1681 entitled, act for encouraging of trade and manufactories, and remits to the secret council to prohibit the wearing of all woollen cloth or laces, as well native as foreign, in such manner and under such penalties as they shall judge fit, or otherwise to take off the prohibition both of wearing and importing if it be found for the advantage of the trade and interest of this kingdom; as also, to take off the prohibition of importing holland cloth, lawn, cambric, muslin and table linens as they find it expedient, anything in the said act to the contrary notwithstanding, as also to allow the export of linen yarn in such manner as shall be found convenient for the good of the nation.

[RPS, 1685/4/51]

[The committee structure of the 1690s parliament was clearly a flexible affair for here in 1696 we see the Committee for Controverted Elections, normally used to consider election disputes for the burgh and shire commissioners (elected MPs), producing draft legislation on the 'constant habit of clothes' for men and women. The procedure to 'lie on the table' left the draft act open to the scrutiny of all members.]

{Concerning the habit of clothes, 1696}

Draft of an act brought in from the committee for controverted elections ordering a constant habit of clothes for men, and another constant habit of clothes for women, read the first time and ordered to lie on the table.

[RPS, 1696/9/97]

[The act below, passed on 30 August 1698, reflects the concern of the government for gold and silver bullion being wasted on clothes and also for the loss of money leaving the country to import unnecessary garments with gold and silver elements. Government economic policy from the 1660s was increasingly concerned with the ideas of

mercantilism where imports were banned or subject to heavy import duties to protect home producers and also concern was expressed at bullion or precious metals leaving the country for the purchase of luxury items which was seen to reduce national wealth. Again we see the exemption for soldiers who have already obtained forbidden garments.]

{Act discharging the wearing of gold and silver lace, 1698}

Our sovereign lord, with advice and consent of the estates of parliament, does prohibit and forbid the wearing of any clothes stuffs, ribbons, fringes, tracing, loops, agréments, buttons or anything pertaining to apparel, made of silver or gold thread, wire or filigree, or wherein there is any silver or gold thread, wire or filigree, or the counterfeits thereof, on any part of their apparel at any time, or in any place after 1 June next, and on horse furniture already made at any time, or in any place after 1 June 1701, under the pain of burning and destroying the apparel and horse furniture wherein any gold or silver thread, wire or filigree shall be found and of 500 merks to be paid by the person, wearer thereof, the one half to the discoverer and the other half to belong to the judge; and all sheriffs, bailies of regalities, stewardries, baronies, justices of peace and magistrates of burghs are declared to be judges competent in those cases, who are to proceed and judge summarily therein and to imprison the persons guilty until they obey the sentence or give sufficient security to do so within fifteen days after sentence. And likewise his majesty, with consent foresaid, does prohibit the importation of any cloth stuff, ribbons, fringes, tracing or buttons wherein there is any silver or gold thread, wire or filigree after the date hereof, under the pain of burning and destroying the said goods and 1,000 merks besides of fine on the importer, to be judged and divided in manner above-written. And it is hereby declared that this present act shall not be extended to the officers and soldiers of the horse and foot guards as to their livery clothes and other accoutrements for which they may import, wear and use the same as formerly; and also allowing to all officers and soldiers to wear out their livery clothes already made to the term of Martinmas* [11 November] 1699, anything in this act notwithstanding.

[RPS, 1698/7/114]

[The following act of 1701 illustrates the increasing protectionism of economic policy reflected by act of parliament. The desire was to ban the import of wool items, clothing and furniture, that competed with domestically produced goods, a policy very common in Europe at the time. In this case illegally imported woollen garments and produce were to be burnt at the nearest market cross, ships involved in the trade confiscated, sailors arrested and so on. Also foreign wool cloth already imported was to be gathered in appointed halls and sold for a set price to quickly remove it from the market.]

{Act forbidding the importing and wearing of foreign woollen manufactures, 1701}

Our sovereign lord, with advice and consent of the estates of parliament, does strictly prohibit and forbid the importation of all clothes or stuffs of any kind made of wool, or wherein there shall be any wool, as also of hats, caps, stockings, gloves or any other kind of manufactured wool, or wherein any wool shall be found, from and after the date of this act, excepting flannel only, and ordains that all prohibited goods imported contrary to this act shall be seized and brought before some of the next adjacent magistrates, and the magistrates shall immediately assess if the goods be forbidden and, if they be, he shall within two days' time call two of the next commissioners of supply* or justices of peace, who are hereby required

to concur with him, and they shall cause carry the said goods to the market cross between 10 and 12 o'clock in the morning, and there and then they shall burn and destroy all the said goods, having first inventoried them and given a declaration on the said inventory bearing that they were seized and examined and thereafter burnt and destroyed. And, if either the said seizer or magistrate to whom the said seized goods are brought shall fail, they shall be liable to the same pain as importers. Which declaration, expressing both quantity and value, attested by the magistrate and two of the commissioners of supply or justices of peace, shall be a full ground and title to the seizer for acquiring all his proportions of the fines and penalties from the persons liable according to the tenor of this act. And it is hereby statute and declared that all importers, reseters,* collectors or farmers of the customs, surveyors or customs officers who shall assist, concur or connive at the importing of the said prohibited manufacture, and carriers who shall import the same by land and masters of ships who shall import the same by sea, and all who buy or sell or wear or use the same in apparel, household furniture or otherwise, and the tailor or others employed in making apparel or household furniture, that they shall be fined separately without relief as follows, namely the importer, resetter, collector or farmers of the customs, carrier, master of the ship, the buyer or seller (in way of merchandise and not for proper use), surveyors or customs officers, transgressing, in the value of the prohibited goods imported or 500 merks at the option of the persons after-mentioned to whom the fine is to belong, namely two parts to the discoverer and pursuer and a third part to the fiscal of the court before whom the matter is examined. And if any master of a ship shall transgress by importing in his ship any of the said forbidden goods, then the pain shall be confiscation of the ship, the one half to the discoverer and the other half to his majesty, and that the ship be immediately sold by roup for making the said division effectual, reserving relief to the owner against the master thereof. And if any of the seamen import in any ship any of the said prohibited goods, he shall be liable to six months' imprisonment and escheat of moveables to the master for his relief; and the carriers' horse and furniture to be immediately seized and belong to the seizer and himself to be imprisoned until he declare the owner or employer, upon oath. And the wearer or user or tailor or others employed in making up the said apparel or furniture to be fined in the sum of 500 merks, each separately, and all these penalties in addition to the burning of the goods. And for the greater encouragement of such as shall make the foresaid seizures, it is hereby further statute that in case any person shall make the said seizure of goods and shall make faith that he is not able to discover the owner of the goods seized, then and in that case he shall have the reward of £100 Scots, or proportionally under if the goods be not of that value, to be paid to him by the next collector of his majesty's customs, under the pain of the double, which sum of reward shall be allowed to him in his accounts and this additional reward to endure until the next session of parliament and no longer.

As also, his majesty, with advice and consent foresaid, does prohibit and forbid the selling or buying of any such foreign manufactures whatsoever, or the wearing of what shall be imported, under the said warnings and pains ordained against the importers, the wearer's knowledge of it being foreign manufacture to be proven by their oath of verity; and, if it consist not with their knowledge, they shall be obliged to inform from whom they did buy or receive the same, whether by barter, donation or otherwise, to the effect the same may be traced upwards until it be found out whether it was imported or manufactured within the kingdom. And if any magistrate aforesaid shall be informed of any such imported goods and shall be required to assist the seizer thereof, he shall without delay give concurrence and make all diligent search for the same and make open doors if need be; and the magistrate or judge who refuses or delays to do so, or who shall not judge and execute the laws against the delinquents and contraveners of this act, he or they shall be liable for the foresaid penalties, and action shall be given to the informer and pursuer against him before any judge competent

summarily; and if it be pursued before the lords of session it is to be discussed without abiding the order of the roll. But in respect that there are several woollen foreign goods imported before the [23rd] day of June 1699 and before his majesty's proclamation of that date prohibiting the same, it is hereby enacted and ordained that all foreign wool manufacture imported before the said day shall be brought before 1 April next to a common hall within every respective burgh within the kingdom, to be appointed for that effect by the magistrates of the said burghs, warning the magistrates of the said burghs who shall neglect to provide such common halls that they shall be liable to 1,000 merks of fine for the said neglect. Which magistrates shall appoint one or more overseers in the said halls to receive and record the foresaid goods and which goods so brought in are there to remain until they be sold out by the owner in retail only and what is sold to be recorded likewise by the said overseer. And for defraying the pains and expenses of the said overseers and hall mail, they are to have 6d per pound for all goods sold out of the said hall, and the overseers are hereby ordained to find caution for their faithful administration.

And his majesty, with consent foresaid, does allow all clothes already made, albeit of foreign manufacture, or any clothes that shall be made of what shall be bought out of the said common halls, to be worn by the owners without prejudice to all persons to challenge the wearers of any such foreign manufactures. Nevertheless, it is declared that this shall not extend to furniture belonging to any Scotsman for their own use bought before the date of this act, nor to any wearing clothes bought and used by any person at any time when they reside abroad. And it is hereby enacted and declared that, whatever shall remain of the foresaid manufactured goods imported to the common hall in manner foresaid unsold by 1 December 1702, that the same shall be exported out of the kingdom within three months thereafter and testificates of the exportation reported to the overseers of the respective halls, to be recorded there for the balancing of the whole accounts of what was at first put in. As likewise, a certificate that they are carried to some other foreign port within twelve months after the date of the exportation, which certificate is hereby likewise ordained to be recorded under warning that, whatever woollen manufacture shall be found within the kingdom after the said day, shall be held and reputed as brought in after the time above-mentioned and will be liable to the pains and penalties foresaid accordingly. And it is hereby ordained that the overseers in the respective halls shall report an account of all the said manufactured goods brought in to their halls to the next sheriff clerk or town clerk, to be recorded by them gratis, and that within sixty days next after the said day appointed for bringing thereof, under the pain of 500 merks to be paid by the overseer in case he fails to report and the like sum to be paid by the clerk in case he fails to record the same. And further the sheriff or his depute or magistrates within burgh or any two justices of the peace are hereby warranted to call for the said records in the several halls at any time after elapsing of the time allowed for vending thereof, and to balance what was brought in with what is sold out for discovering the exactness of keeping the said accounts, and to pursue the defaulters by their several procurators fiscal as appropriate. And whatever merchant or other against whom it shall be proven that they have imported any woollen manufacture whatsoever contrary to this act, albeit the goods be not found or seized, yet if it be proven by his oath or otherwise as accords of the law before any judge competent, the person so guilty shall be liable to 1,000 merks* of fine on each occasion to be applied to the pursuer and fiscal in manner foresaid. And lastly, it is provided that all the said prohibited goods imported since the said [23rd] day of June 1699 shall fall under the prohibitions and warnings contained in the proclamation then emitted and acts of parliament whereupon it proceeds.

[RPS, 1700/10/236]
