

ROTHESAY IN THE SEVENTEENTH CENTURY.

BY A. D. MACBETH.

[Read 22nd February, 1910.]

Among the somewhat meagre records of the Burgh of Rothesay there is a small quarto containing lists of the property owners of the burgh in the seventeenth century. The volume has suffered considerably from want of care at some period of its existence, doubtless the period after it had ceased to be practically useful, and before it had begun to take on the sort of interest which it now possesses. All the leaves from the beginning to the middle of the book are eaten into by damp and decay. The ink is much faded, some pages being wholly illegible, and a careless touch brings away fragments of the paper. It seems superfluous to introduce Oliver Cromwell by way of accounting for the absence of earlier records.*

The book contains four lists, the first of which has prefixed to it an introductory minute, setting forth that on a certain day in the year 1642, according to the ordinance of the Proveist, Baillies, and Counsell of the burgh, it was found expedient, "in respect the old rentall buiks of the lands within the same are partly vitiate and worne and the heritors changit," that a new Rental book should be made, by persons

*Mr John Blain, town clerk of Rothesay from 1761 to 1804, says 'the records of Town Council do not go further back than 1657, owing to the policy of Cromwell's governor of the castle, who carried away all of them prior to that time.' Blain, *History of Bute* (as printed in 1880), p. 313. The older minute books are now being carefully repaired and rebound.

afternamed, of "said landis, both heretage, commoun, and king's landis, lying within the territory of the said burgh." Then follow the names of these persons, who are said to have "verifiet" the lands, "alsweill heretage, commoun, as king's, out of the old rentalls;" and the name of the writer, who was Donald McGilchrist, probably the town clerk. At the top of the page is written in an old but not contemporary hand, "No. 1, 1642." This list extends to 54 pages. The second list has no preface, but "No. 2, 1659," is written at the top of the first page in the same old hand. The writer of the third list began to write an introductory minute, but stopped when he had written, "At Rothesay, the threttein day of January." The same later hand has put "No. 3, 13 Jan." at the top of the first page. The fourth and last list has an introduction like the first, bearing that the old Rentall Book of the burgh is partly vitiate and worn, and the heritors of several lands changed; and the list to follow is described as "a new Rentall book both of the king's land and commoun land liable in payment within the said burgh and territory of the same." The date of this list is 28th Nov., 1689. It is entire, and easily read. While the lists are referred to as "rentall buiks" in these introductions, the volume was titled "Maill Book," in ink, on the back of its vellum cover.

The last list purports to be "a rentall book both of the king's land and common land liable in payment within the burgh." The first and second lists contain three classes of land, namely—Heritage, King's land, and Common land; in the two later lists the Heritage land does not appear. Patrick McConochie was a heritor in 1642, and the entry of his lands in the list of that year will serve to show how the entries run:—

Patrick McConochie his landis.

His Heretage.

Item one fauldbeg, 1 aiker.

His King's land.

Item his tenement with the bak ruid, ... 1 aiker.

His Commoun land.

Item beyond Auchnechoriks, ... 1 aiker.

Item between Auchnechoriks and fauld mun, 1 aiker.

The corresponding entry in the list of 1689 is:—

Patrick McConechy maltman's aires.

King's Land.

It his ten. with the back ruid,	...	...	ane acre,
payes	...	...	oo or oo

His Common Land.

It beyond Auchinchoirkes	...	...	ane aiker
It betwixt Auchinchoirkes and fald mun,	...	...	ane aiker
Summa	...	...	oo-04-00

It will be seen that the items of King's Land and Common Land which belonged to Patrick M'Conochie in 1642 belonged to his heirs in 1689. The item of Heritage land does not re-appear in the list of 1689.

The payment in which Patrick McConechy's heirs were liable in 1689 was 5s in all,—one shilling for their King's land, and 4s for their Common land. This was the same sum as their ancestor paid in 1642; for though the list of 1642 does not state the money payment for each item of land it states the acreage, and a note at the end of the list gives the rate applicable to such lands as were liable in a payment. The note is:—

"Summa totalis, King's land and Common land, converted into money, aiker King's land paying XII pence and aiker Common land paying II sh. extends in full to LVII Li XIII sh."

It would therefore appear that while King's land paid one shilling an acre and Common Land two shillings an acre, Heritage land paid no rent or maill to the town in the period covered by this Maill Book. It does not follow that it had never paid any. If it had never paid, how did it come that till 1659 the owners of Heritage land and the extents of their holdings were recorded in the Maill Book? Moreover it happens that one entry of a payment for Heritage land does occur in the list of 1642. It is under the name of Ninian Stewart of Ascog, who held a good deal of land in the burgh. First there is given "his Heretage in Boganie," which consisted of 8 items, ranging in size from 2 roods to 7 acres: then another item of heritage: then other seven items of "heretage in Grennoch": then one small item of King's land: then 17 items of Common land, ranging in size from 2 roods to 16 acres. Following the specification of his Heritage in

Bogany there are these words, "Summa his heritage in the Bogany XXIX aikers qlk pays to the common purse XIIIIs VIIId." One would like much to know when and how the town of Rothesay first acquired that "master-organ, soul's seat, and true pineal gland of the Body Social; a purse."* The payment is practically, though not exactly, 6d an acre. Did all Heritage land at one time pay 6d an acre? If it did not, why should Boganie pay? If it did, why should only Boganie pay? Singularly, 29 acres is not the correct summa of the items. The correct total is 32 acres 1 rood. Possibly we have here a case of marking down the acreage to correspond with the traditional payment; for in medieval times, by way of homage to justice, the value of a man's property was set down at a figure to correspond with the tax which it had been resolved to demand from him—a method of procedure which has some analogies at the present day, and to all appearance is soon going to have more.†

It must not be thought that because one class of land had the name of Heritage the other classes, King's land and Common land, were not heritage in the usual sense of the term. The items of 'King's land' and 'Common land' were, just as much as the items of 'Heritage land,' the private property of their owners, saleable, and descending to heirs. The preface to the list of 1689, a list containing only King's land and Common land, bears that it is a list of 'heretors.' One of the reasons given for making it is that the "heretors" are partly changed. Only in a very few instances, certainly not more than half-a-dozen, is there any indication of a qualified or temporary right, less than absolute proprietorship. One of these is the case of Neall Bannatyne who held "the yard beyond the lade, for upholding the bridge upon the Milne Lade, otherwise no right thereto." Another is the case of Donald Campbell in Ardbeg, who paid 13s 4d for "a piece common from M'Kinlay Cladoch's fauld to the neuk of Clachallane, during his possession thereof." The Maill Book,

*T. Carlyle, Sartor Resartus, Chap. X.

† 'The poorest class consisted of those who were to pay sixpence apiece, and whose goods therefore (for this is the true order of medieval logic) were appraised at 4s 6d.' F. W. Maitland, Township and Borough, p. 141.

though it is called a Rental Book, contains no entry of common lands let by the corporation at a rent to removable tenants, or upon lease for a term of years. What we have on our hands is a book in which were entered the names of the burgh heritors, whose lands and houses were their own property, whether these were Heritage lands which paid nothing, or King's land which paid 1s an acre to the common purse, or Common land which paid 2s an acre. How did this classification arise? If we could answer that, we should know a good deal about the life history of the burgh. As it is we can only surmise, and before surmising I may present some further information extracted from the Maill Book.

The number of heritors owning lands or houses within the burgh in 1659 was about 100. Comparatively few of these owned only one item. One of them, Sir James Stewart, Sheriff of Bute, owned seventy-five items. The heirs of Mr Patrick Stewart of Roseland owned fifty items; a few other heritors owned twenty or thirty items, and so on down to the heritor who owned one item of perhaps half-an-acre. The whole number of items was about 645; so that, on an average, there were $6\frac{1}{2}$ items to each heritor. Of these items about 245 were Heritage land, about 200 were King's land, and about 200 were Common land. As to acreage, owing to decay of the paper and fading of the ink, neither of the first two lists is legible enough to make a complete account, but taking the acreage of the Heritage partly from the lists of 1642, and partly from that of 1659, a tolerably complete account can be made; for it often happens that an entry which is illegible in one list is legible in the other. The acreage of the King's land and the Common land must be taken from the list of 1689, for in the older lists, as it happens, many of the entries under these heads are illegible. Working in this way, we find that the total acreage of Heritage land was 574 acres. In 1689 the items of King's land are 95 in number, totalling 80 acres, against 200 in number thirty years before; and the items of Common land (126 in number against 200 in 1659), total 338 acres. The following table shows the items classified according to size :—

	Heritage.	King's	Common.
Over 20 acres, ...	3	—	2
10 & under 20 acres, ...	4	—	4
5 & under 10 acres, ...	22	1	3
2 & under 5 acres, ...	62	5	30
1 & under 2 acres, ...	72	29	52
Under one acre, ...	76	59	33
Undefinable, ...	6	1	2
	245	95	126

It thus appears that the heritage land contained the largest number of good-sized holdings, though the Common lands of Ardbeg, belonging to the Captain of Dunoon and still belonging to his descendants, is the largest item in the Maill Book. As a rule the items, excepting houses and malt-kilns, have place names; and in the case of the larger properties, the names are those still in use, as Knockinreoch, Gartnakailly, Lochly, Ardbeg, The Bogany, the Grenoch, The Breakoch. The lands going by one name are not always the property of one heritor. For example, a good many different heritors held land at the Bogany, and some held several pieces there. Fauld Tarsin, a piece of ground apparently under five acres, in another part of the burgh, belonged partly to Robert Stewart of Lochly, partly to the heirs of Mr Patrick Stewart of Roseland, partly to Donald McGilchrist, John McVrathie and another whose name is illegible, partly to John McGilchrist and partly to Charles McKeachan. Most of the place-names of the smaller pieces are now forgotten. The Glen of Altabeni, the meadow of Nedinion, the new leny at the foot of Pullester, have now other names, or none.

A noticeable circumstance is that the items of Heritage land do not lie together, or in clumps; nor do the items of King's Land; nor do the items of Common Land. All three classes are mixed up. There are pieces of each class in every part of the burgh.

There are several designative words one or other of which frequently enters into the place names. These are Fauld, Croft, Acre, and Butt; examples being Fauldferas, Fauld Bellagie; Croft Comlein, Croft Croy; Aikerturvis, Aiker Bridoch; Butt Garrinoo, Butt Lundrejs. Some faulds appear

to have been less than an acre, but the greater number of them are between one acre and five acres in extent. Crofts are smaller pieces, usually an acre or half an acre; and butts run from half a rood to an acre or so. The entries of house property are found chiefly under the headings of King's Land and Common Land, and are such as these:—"His tenement and yard, two roods;" "His house, barn, yard and croft, one acre two roods;" "The croft, and tenement on the forefront thereof, one acre;" "His kiln and yard, two roods." The situation of the lands named is seldom indicated, but in the case of houses there may occasionally be such a phrase as "at the shore," "on the west side of the bridge," "on the east side of the gaitt going to the kirk." Sometimes the lands are identified by the name of some bygone proprietor, as "McKaill's Land," "Janet Orr's Butt," "Item at the heid of Mathew Beith's fauld that belonged to William Kelburne."

Perhaps the most interesting of the designative prefixes is the word 'butt.' This word is referred to in F. W. Maitland's 'Township and Borough,' and also in Seebohm's 'English Village Community,' in connection with the ancient 'open field' system of cultivation in England, under which the arable land of the community was divided into fields and subdivided into strips, allocated among the members of the community. Important men held many of these strips, and according to the number of their arable strips they had the right to put out a fixed number of beasts to graze on the common pasture. A townsman's strips were not contiguous. They were distributed all over the town's land, and the strips appear to have changed owners periodically upon some system of rotation. Mr Seebohm says:—"Where strips abruptly meet others, or abut upon a boundary at right angles, they are sometimes called butts."* In another place, in dealing with a manuscript 'terrier' of the late years of the 14th or early years of the 15th century which gives a full account of the open fields of the town of Cambridge, he observes that many of the items are described as 'butts.†' The open field system was not peculiar to England. "From the Statistical

*Seebohm, English Village Community, p. 6.

†Seebohm, English Village Community, p. 20.

Account of Scotland," says Mr Seebohm, "it appears that under the name of runrig a simpler form of the open field system still lingered on here and there more or less all over Scotland."* In England the strips and balks, butts, and gores, gradually disappeared under customs by which a man might enclose his portion of the open field if he renounced his rights in certain other directions.† It is significant of the advantages of permanent individual ownership that it was deemed on the whole an advantage to enclose and to allow enclosing. Probably this open field system prevailed in Rothesay in early times. There are references to lands lying in 'rigdale' and 'runrig' in old titles. At the time covered by the Maill Book the open field system had passed away, but it may be that we have traces of it in place names which were once the distinguishing names of open-fields, and in the circumstance that the townsmen, even after this system of cultivation had passed away, did not hold sizeable pieces of land, but a number of small scraps scattered all over the burgh territory. By sale and exchange the process of acquiring pieces which lay 'contigue,' as it was called, would go on briskly once it had begun; and the result would be small compact properties which could be cultivated more profitably by their owners or by tenants, or larger properties divided into farms or holdings of convenient size.

The word 'croft' is also found in the Cambridge manuscript above referred to. The old name of the garden of a certain college was Inglis or English Croft.‡ Even 'neuk' or 'nook' is not a purely Scotch term. It appears to have been used in England to denote a small piece of land, the fourth part of a yardland of 30 acres.§

The arable strips in the open field must have been ploughed under some system of joint cultivation, for the ancient Scottish ploughs are said to have been so heavy as to require teams of 8 or 12 oxen yoked four abreast;¶ and even

*Seebohm, English Village Community, p. 15.

†Maitland, Township and Borough, Note on p. 26.

‡Maitland, Township and Borough, p. III.

§New Oxford Dictionary.

¶Seebohm, English Village Community, p. 63.

when the open field system was breaking up and the strips coalescing into crofts and faulds, the same kind of combination must have been necessary. A trace of it is found in a deed of 1603, by which Mungo Gray and his spouse Margaret Kelso bound themselves, by way of giving security for a loan of 300 merks (or £200 Scots), to infest Mr John Stewart of Ascog, in "the half of the said Mungo his toun and lands of Boganie" The said John Stewart is to have power to sett the half land and half houses to tenants, workmen or servants, "the said John and his tenants or servants to keep neighbourhood in labouring for the weill of the toun to the said Mungo his tenants, and siklike the said Mungo and Margaret and their tenants to the said John and his tenants." John Stewart, when he got entry to the half of Boganie on the death of Mungo's father (who had a right of liferent) was to accept for his annual rent of the £200, "twa horsegang of white land without stock, till the redemption; and for the three horsegang of the said lands (which accordingly appear to have extended to five horsegang) he was to pay Mungo "as much as he gets from any other tenant for a horsegang as he sets his own half, doing to the said John as they do to their own tenants." A horsegang is defined in Jamieson's Dictionary as the fourth part of that quantity of land which is ploughed by four horses belonging to as many tenants. The days of ploughing with oxen were then past.

When, and for how long, the open-field system prevailed in Rothesay it is impossible to say. We do not know how old Rothesay is. It had been a burgh by Royal Charter for nearly two centuries and a half at the time the first list in the Maill Book was written, but it may have been in existence much longer than that. The granting of a burgh charter implies a community to which it is granted. Conceivably it might be a new community formed by transplantation. There is authority for holding that some of the oldest burghs had an origin of that sort;* but Rothesay was evidently an ancient community when it got its charter. The castle in which the King sat to grant it was then an old castle: and the King

*George Neilson, On Some Scottish Burghal Origins, Juridical Review, June, 1902.

grants the town,—“villa de Rothissa,”—to the burgesses according to its ancient boundaries. These boundaries were, as regards land, very much what they are to-day. The burgh charter of Novodamus of 1585 recites the charter of 1401, purporting only to confirm and define more particularly what the charter of 1401 granted; and the boundaries of the burgh are to-day, as regards land, practically what they are described to be in the Charter of Novodamus. That a tract of country extending to some 2,400 acres, with a small cluster of buildings about the middle of it, should be termed ‘villa,’ or town, may seem strange to us, but the medieval ‘villa’ seems to have been of this type, as was also the ‘villa’ of the ancient Roman.* According to the charter of 1401 the vill of Rothesay was now to be a burgh, held by its burgesses as freely, quietly, and honourably as any burgh in the kingdom had been granted to its burgesses,—the latin is “adeo libere * * * sicut aliquis burgus liberius datur seu conceditur.” The key to the charter is probably in these words “freely, quietly and honourably.” The charter may have been not so much to make this territory a burgh as to silence actual or possible gainsayers,—to vouch that it was a burgh.

For to be a burgh was far from being a mere matter of nomenclature or empty compliment. It would be foolhardy in me to attempt to outline what Maitland calls “the medieval muddle,” but let me remind you that the king was a great landlord, and that the revenue from his demesne lands was the backbone of his finance. On these demesne lands of the crown he found it at once his own and his people's interest to foster communities which paid him a regular annual tribute. A little protection, a few exclusive privileges in the way of trade and self-government, and the towns took root and throve like other organisms. The embryo had its food supply secured to it in the form of a territory to raise it from, otherwise it must have perished. Burghs were territories carved out of the feudal lands with a code of laws and customs of their own, distinct enough to be termed *Leges*

*Maitland, Township and Borough, p. 8. Seebohm, English Village Community, p. 257.

Burghorum. For example, within a burgh a man might sell his lands when he wished: outside the burgh that was not the case. Within a burgh a man took his share of watching and warding, and paid a fixed annual tax to the king's officers. When he died, his houses and lands passed to his heir upon a trifling payment to the common purse. He was free from the burdensome exactions and services, doubly burdensome because uncertain in period and amount, which could be demanded from him if he lived under a lord. That the feudal exactions were mere heartless extortion is probably very far from the truth. On the whole, they came when a man was best able to bear them, or least inclined to resent them. At the same time it cannot be doubted that they were always a pretty rough form of taxation, and often a grievously hard one. So the burgess valued his privileges and immunities. They meant bread and butter, or at least porridge and milk, to himself and his wife and children; and when circumstances arose which threatened their loss, at a convenient opportunity he and his neighbours approached the king, and said in effect:—"Give us, we pray your majesty, a written charter, sealed with the Great Seal, that we may be able to show that we are really burgesses of a royal burgh, and that we may hold our burgh lands freely, quietly and honourably: and, of your majesty's grace, give it in the very same words as are used in granting lands to the great barons, or there will be no end of quarrelling over what it means." Approached in some such way by the goodmen of his town of Rothesay, at a crisis, the king gave the town its charter, and he used the coveted words.

To prove that he did, take the first fifty charters in the Register of the Great Seal as printed in 1813. Every one of these begins as the charter of Rothesay begins,—"*Sciatis nos dedisse, concessisse et confirmasse.*" Every one of them uses the verbs '*teneo*' and '*possideo*' to describe the right of the grantee to hold the lands. The lands are specified by their name only, sometimes with the words "*per omnes rectas metas et divisas.*" Most of them bear that the lands are to be held "*libere, quiete, plenarie et honorifice,*" and seven out of fifty run in almost the same words as the Rothesay charter

of erection. To quote one of these (No. 12 on page 4), James Douglas gets certain lands formerly held by John Comyn, to be held by him and his heirs—"adeo libere, quiete, * * * sicut dictus quondam Johannes aut aliquis predecessorum suorum dictam terram liberior, quietius, * * * tenuit seu possedit." None of these fifty are grants to burghs. Forty-seven of the fifty are grants to individuals, and the other three are grants to communities of monks. They all belong to the early part of the reign of King Robert the Bruce; but much earlier instances of the same phraseology are to be found; as, for example, the charter of King David the First to the monks of Melrose, reproduced in Anderson's *Diplomata Scotiæ*. It therefore appears that the right of the burgesses of Rothesay to hold and possess the burgh "according to its ancient boundaries" was given in the very same words as the right of a baron or a community of monks to hold lands granted to them.

That the original charter of Rothesay was acted upon as having the full effect of a grant of lands is confirmed by the Charter of Novodamus granted by King James the Sixth in 1585, which is to be found in the Appendix to Reid's *History to Bute*. It refers to the burgesses "letting, occupying and using their lands and customs within all the bounds of the burgh," in virtue of the charter of King Robert, and it renews the grant, giving express power to the magistrates, councillors and community "to rent, grant and feu all the lands within the foresaid bounds and liberties of the same"

There were, however, two directions in which the sweep of the grant was limited by facts about which there could be no dispute. The written grant is evidently a grant to a fully developed burgh. For generations, perhaps for centuries, there had been a burgh of Rothesay. The burgesses had houses of their own which they had acquired or inherited in accordance with the laws and customs of the burghs, with kailyards attached, and it might be an orchard and a barn or perhaps a malt-kiln. They had 'roods' as well; the more important men had many. Assuredly they did not mean, when they asked the King for a charter, that their houses and roods were to become common property in virtue of that

charter. Then there was the royal castle, ready as a stronghold and the occasional residence of the king. There would be lands in the burgh cropped and grazed specially for the service of the castle. Assuredly the king did not mean that these lands were to become common property in virtue of his grant. There were thus three classes of land already in existence in a burgh when it received its royal charter, these classes being—

1. Lands which were the private property of individual burgesses, acquired or inherited.

2. Lands specially appropriated to the service of the King and the royal castle.

3. Common lands: comprising common pasture and lands not yet utilised but regarded as a fund or stock under the control of the burgh council, out of which newcomers, whether from outside or inside, could be set up in life as honest taxpaying burgesses. So if we find that 250 years after the formal erection there are still three classes of privately-owned land, termed respectively Heritage land, King's land and Common land, and that the total acreage of these three classes falls greatly short of the total acreage of the burgh, that is exactly what we might expect. The land which was the heritable property of individual burgesses in 1401 is heritable property in 1642, though the heritors are changed. A considerable part of the Common land has become private property since 1401 on terms which include an annual payment to the common purse at a higher rate than the old heritage land paid, if it paid anything. The King's land has also become private property, for it is not now required for a castle which has ceased to be of any importance either as a strong hold or a royal residence: and a large part of the burgh territory remains moor and thicket, as yet unappropriated.

We may indulge in some guessing about the King's land, remembering that it is pure guessing. The King's land is held in small pieces, and in 1659 a large proportion of the burgh heritors had their houses built on this class of land. Perhaps we have underestimated the change of status involved in the receiving of a charter. It may be that the change brought

with it such an increased sense of security that there was a rush for sites. Or it may be that the King, while willing to confirm the burghal privileges of the town, thought it just as well to make sure of a preponderating influence in its administration, and took the precaution of settling here a number of men he could depend upon to guide affairs, setting them up with what was not Heritage land and not Common land, but might have been termed King's land. Moritius Eugenii—Maurice, the son of Eugene—was a bailie in Rothesay in 1502. The name sounds rather distinguished. Probably he was of Norman blood, descendant of a King's retainer, though in later times the family name degenerated. Eugene's Maurice was of course Maurice (Eugene's), and in the Maill Book of 1642 the name appears as Hugens and Hugging. In 1685 it has become plain Huggins. Another hypothesis may be hazarded. As our respected town-clerk told us the other night, in 1686 the King unexpectedly intervened in the burgh affairs. His Privy Council sent word from Edinburgh that Major David Ramsay was to be Provost, and the burgesses were not to presume to elect any one else. The burgesses evidently resented this as much as they dared, and gave the Major the cold shoulder. It was fairly enough described as an arbitrary and despotic proceeding on the part of the King; though perhaps if we had a clear perception of what a burgh was, and what a King was, not very long before then, we might excuse the mistake. But our point is this. If the King could take upon him to name a provost though his royal predecessor had given the burgesses the right to choose their own provost, might he not take upon him to make grants out of the burgh lands?

As to King's land, therefore I get no further than these three surmises—

1. It may have been land held for the use of the royal castle, which the king and his successors never regarded as having been included in the grant to the community, and which was granted to individuals when it was no longer required by the king.

2. It may have been land which the king granted to individual settlers of his own choice when he regularised and

confirmed the status of the town as a royal burgh.

3. It may have been land which a king granted to individuals, after the general grant of the burgh to the burgesses.

In whatever way the distinction between the three classes of land arose, the fact that a proprietor's contribution depended on the class to which his land belonged, accounts for the distinctions being kept up in the Maill Book after their origin had been forgotten.

The Maill Book contains many forgotten place-names, among which are probably relics of the language of every race which has inhabited Bute. It will be for some one else to give their interpretation: to me to attempt the pronunciation is perilous enough. It is difficult to identify precisely the position of these places, but from the Maill Book, read along with other old records, one can say with tolerable certainty in what part of the burgh they lay. In the Ardbeg district, the Captain of Dunoon had, besides his 52 acres of the common lands of Ardbeg, the lands called Overlossat and Netherlossat, Clauchallane, and Clankaillache. Coming in towards the Skeoch Wood, and perhaps partly on the lands now wooded, were Rellivoyle and Little Rellivoyle, Fauld Bellagie and Glentaillour. Further back were Drummenache (perhaps another form of Drumachonie), Old Fauld Glaiss and Glenbrackleins. Standing Tree, Buttkie and Loaning Dherig were in the neighbourhood of Argyle Terrace. In the Ballochgoy district was the Hill, the property of James McCurdy, Hill, sometimes called Baron Hill. Hillhouse Road, an old street-name, found in the Rev. Dr M'Lea's Visiting Book of 1763, probably took its rise from this property. Also in that neighbourhood were Ferfadds, Fauld Tarsin, Butt Tarsin, Fauld Muilliers, Little Roseland, and Roodgown. Further inland, in the neighbourhood of Barone Road and the Breakoch, were Little Barone, Rasyde Fauld, Gairtengarreis, Clanpatrick, Lappie's Fauld, and Burnshaw. Buttfleugh and Stirling's Braes, afterwards the Bishop's Park, were in the vicinity of Bishop Street. The buildings now called Mount Pleasant are upon Croft Spagoch, and the stream which comes down the hill at the back of the Parish Council Cham-

bers (condemned, for a little while, to run underground), was called Balskyte, or Polscoit. Its course was down our Castle Street and Watergate to the sea. The hillside around Eaglesham Lodge was Fauldmore, and Fauldbeggs adjoined it. Further up lay Fauld Cottie, Brydesland, Fauld Taillour, Auchinclachfin, Fauld Cabok, Aiker Cowbache, and Roseland. The stream which comes down through the Roseland Wood, behind Foley House, was Alltabeni. To the south of Alltabeni, stretching along the western side of the hill to a point somewhere beyond the Robertson Stewart Hospital, lay Ardochow, Garrino, Fercuddies, Croft Loddan, Nether Bracklein, Round Fauld, Fauld Tibbert, Lisnabuyage, Fuketer, Fauld Creggan, Fauld Clauchan, Knockanridle and Lenigarowe. To the south of the church lay Croft Tomie, Auchinkeill, Ballachanduan, Cuilldoneis and Clanneill. To the south of Crossbeg was Crossmore, where was, among other pieces, the meadow of Nedinion or Nedinoin. Torchanadie, Fauld Cruin, Fauld Mun, Fauld Tounlein, Fauld Callister, Lacknebuy, and Bardarroch lay in the neighbourhood of the Grenach. Fauld Lundreis was on the hillside sloping to Loch Ascog. Bogany was the old name for the whole district from Bogany House to the Millhole: the word Craigmores does not occur in the Maill Book. In that district were probably Glenvain, Fauld Croy, Fauld Vaill, Fauld Ruddreis, and Brierie Fauld. The farm house of Laigh Bogany stood, not long ago, about the west end of Royal Terrace. The handsome plane tree in the garden of St. Regulus is one of the trees which sheltered it. This small farm was a combination of pieces of land which, before they were united, had the following names:—Gellie's Fauld, Meikle and Little Fauld Kuills, Half-acre, Glass's Fauldtrais, Langrigs and Shortrigs, Nether Ernocks, Buttkieik, Craigneira, Yonder Ernocks, and John Gray's lands below the dyke of Stirling's Fauld. Gallowsfauld and Glenfauld were on the hillside nearer the town.

The following are other place-names, taken from the Maill Book:—

Aikergowglass.
Aikerturvis.

Auchnechoriks.
Auchinluib.

Bartlum's Fauld.	Fairmore.
Buttindaive.	Farland.
Buttinturnours.	Fauld Kuilltaingies.
Butt Kaill.	Fauld Kaichie.
Buttnagaive.	Fauld Kainri.
Buttnebanridle.	Twa Fauld Keirs.
Buttnakuill.	Fauld Pullester.
Butt Stryffe.	Greenfauld.
Little Callerneis.	Golden Rood.
Cuillrainnich or Cuillrainneis.	Knock Ardoch.
Cuillecavill.	Knockanbuachill.
The Creganes.	Lagmony.
Craigantruin.	Riddelvain.
Croft Kairdoch.	

It is hardly possible to escape errors in copying these names. Some are probably corrupt forms as they stand in the Maill Book. "Broad Chapel," which occurs several times, is evidently a corruption of Bryde Chapel (St. Bridget's Chapel), which also occurs. Burnshaw is probably the same as Burntshaw, though the words carry different meanings. Torchannadie appears later as Forkennedy. "The lands of Breerfaulderoy" are mentioned in a deed of 1815, but no lands ever had that name. There was a field called "Brierie Fauld" and a field called "Fauld Croy," both mentioned in the Maill Book. They lay "contigue," and their names came together in old deeds—"the lands called Brierie Fauld Fauld Croy and Fauld Robert." The word Brierie became Brier and then Breer. The two words "fauld fauld" coming together appeared to somebody a blunder, so one of them came to be dropped out. Then 'Fauldcroy' was supposed to be 'Faulderoy'; and the result was "the lands called Breerfaulderoy." Moral for the interpreter of place names:—first catch your name, then explain it.

There are no street names in the Maill Books; nor does the word "Vennel" occur, though it is found much earlier. A deed of 1503, in the "Munimenta Fratrum Predicatorum de Glasgu," copied in one of the Maitland Club volumes and referred to in the Origines Parochiales, describes a house or tenement in Rothesay, ("Rosay" here), as lying "inter communem venellam ex utraque parte ejusdem,"—"between the common vennel on both sides of the same,"—a description

which is rather obscure, but reminds us that the street now called Russell Street was not long ago called "the Old Vennel," and that Stewart Street was formerly called the New Vennel. This deed was intended to secure a revenue of twelve pence annually from the property, to be paid to the Friars Preachers of Glasgow. The property probably extended from the one Vennel to the other.

The men who held most land in the burgh come first in the Maill Book lists. In each list the first name is the Sheriff of Bute, Sir James Stewart. Other important men were the Captain of Dunoon, Mr Patrick Stewart of Roseland, Mr Robert Stewart of Scarrell, Mr John Stewart of Ascog, and Robert Stewart of Lochly. A full list of the smaller men would be wearisome, but there are some unusual surnames. McVrathie is the usual form of McKirdy, and other names beginning with Mac are McNiolas, McOnlea, McKessag, McIlmerton, McIlherran, McInuar or McNuyer, McKaimie, McTaillour and McIlnow.* Some older names have disappeared as personal names but survive as place names. Finlay Macchaell was a bailie of Rothesay in 1501. There are no McKaills in the Maill Books, but there is McKaill's Land and Fauld Kaill. The following surnames are frequent: Allan, Auld, Bannatyne, Beith, Glas, Geally (afterwards Gillies), Gray, Huggins, Hunter, Jamieson, Kelburne, Kelso, Ker, Martine, Moore, McConochie, McGilchrist, McKinlay, McNeill, McNicoll, Stewart, Stirling, Spence, Wallace and Wood. In a few cases a man is designed by his occupation the occupations thus mentioned being maltman, weaver, and cordiner.

* * * * *

I am far from thinking that this paper exhausts the interest of the burgh Maill Book. I should not be surprised if it should yet be found by others,—perhaps by the town clerk, whose ungrudging assistance I desire to acknowledge—to contain precious clues, of more than local significance, which I have failed to observe, or misinterpreted.†

*For the explanation of the Christian name Gilnow see Vol. I. of the Transactions of this Society, p. 54

†As "Township and Borough" is more than once referred to here it may be permissible to reproduce the following letter from the author,

After reading "Township and Borough," I wrote to the late Prof. F. W. Maitland of the pleasure it gave me, and enclosed a cutting from the *Rothsay Chronicle* of 4th January, 1896, in which I had touched on the same question. I then knew nothing of Prof. Maitland except from this book, and was not prepared for the humility and boyish cordiality of the reply. In a subsequent letter he suggests the historical importance of the question:—If a man dies intestate and without an heir, to whom does his land escheat—to the community or to the crown? Of course it must not be assumed that Prof. Maitland would have endorsed all that I have said in this paper; and where we differed Maitland would have been right.

HORSEPOOLS,
STROUD,
GLOUCESTERSHIRE.

MY DEAR SIR,

I thank you warmly for your kind and very interesting letter. It so happens that it is only from Scotland that I have as yet had any letters which shew any interest in the subject about which I lectured. I wish that I knew your Scotch burghs. I feel sure that much might be made of them. You have at least one thing that we lack in England, a classification of burghs.

May I presume upon your kindness by asking you a question? Pray do not answer it if to do so would be troublesome. At the present day, is the Scotch corporation usually the owner of any large quantity of land within the bounds of the town—and is the owner of a house within the town conceived to hold it "of" the corporation, or does he hold directly (immediately) of the Crown?

Our English boroughs have such very various histories that I despair of getting them classified.

With renewed thanks for all that you have taught me of Rothsay.

I remain,

Yours very truly,

F. W. MAITLAND.

NOTE ON REMAINS OF EXTINCT WILD CATTLE FROM BUTE.

BY JAMES RITCHIE, M.A., B.Sc., The Royal Scottish
Museum, Edinburgh.

The bones referred to in this note were found in his clay pit by Mr Gilmour, of Kilchattan Tile Work, in November, 1909, and were presented by him to the Bute Museum, Rothsay, where, through the kindness of Dr J. N. Marshall, I had an opportunity of examining them. They occurred in a layer of loose, sandy clay, containing many shells, which lies unconformably on a deep bed of laminated clay of very fine texture, in all probability a deep-water deposit. Since this again lies unconformably on the glacial boulder clay,* the remains included in the higher bed obviously belong to the Post-Glacial period of the Pleistocene Age.

The larger bone consists of part of the proximal end of a left thigh-bone (femur), the condyles of which have been lost. It is about 7 inches in length. The other bone is the inside half of a right radius, 8 inches long. These bones agree exactly in the details of their size, shape, and surface markings with those of a modern fully-developed domesticated ox, and I therefore conclude that they are the remains of one of the varieties of the extinct wild form of *Bos taurus*, L. The fragmentary evidence renders impossible a definite conclusion as to which of the two extinct varieties the bones belonged—the Great Fossil Ox (var. *primigenius*), or the Long-fronted or

*An account of the formations in the Kilchattan Bay area is to be found in *Quart. Jour. Geol. Soc.*, vol. xxi., p. 174.