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Hunter, makes the following cautious remarks:—‘A considerable portion of the Warrender Estate included in the ground feued by the Corporation (and thereby properly forming part of the superiority belonging to them which has not been alienated) is now said by the owner to be held of the Crown under Charters by progress. On that account he claims that he has now extinguished the Corporation’s superiority in these lands. This is a legal question which is not discussed here.’<sup>1</sup>

The above brief history and analysis of the titles to the whole heritable property belonging to the Warrenders will, it is hoped, place the dispute on a more accurate basis. The Bruntisfield or Warrender estate, as it is popularly designated, consists of 71 acres Imperial, of which the 49 acres constituting the original lands of Bruntisfield, on which Bruntisfield House is erected, have been held from the Crown back to some period prior to the year 1381. These lands could never have formed part of the Burgh Muir: the tenure forbids such an assumption. The remaining 22 acres did form part of the Muir, and are, or until sold were, held of the city; only the Scots acre at the Whitehouse Loan entrance has lain in non-entry for many years. No portion of the Warrender estate was ever gifted by the Corporation to the first Sir George Warrender or any of his successors.

Lastly there falls to be noticed a Contract of Excambion, dated 19th March 1878,<sup>2</sup> between the late Sir George Warrender and the magistrates, under which he granted to the city ‘that long strip of ground with the trees thereon at Warrender Park, bounded on the south by the roadway of Warrender Park Terrace and on the north by Bruntisfield Links,’ in return for another strip, measuring 65 feet in width, at the north-east corner of the Links to form a roadway joining Warrender Park Terrace with the Melville Drive.

<sup>1</sup> *Report on Common Good*, 1905, pp. 17-18.

<sup>2</sup> *G. R. of S. Edin.*, 2 April 1878, vol. 862, p. 137.

It cannot, perhaps, be asserted that these possessions of the Warrenders have ever figured prominently in history; but there are, undoubtedly, certain features in their story that will at all times prove of considerable interest to the citizens of Edinburgh.

#### IV. THE LANDS OF WHITEHOUSE

The lands now known by the name of Whitehouse may be described as bounded on the north by the Estate of Bruntisfield (Baglap), on the east by the walls of the back greens of the houses situated on the eastern side of Kilgraston Road, on the south by Whitehouse Terrace, and on the west by Whitehouse Loan. Within this area, therefore, are included the Nunnery of Saint Margaret of Scotland with its grounds, and the roadways of Strathearn Road, Strathfillan Road, Hope Terrace, Blackford Road, and Kilgraston Road (both sides), and the buildings on the north side of Whitehouse Terrace and east side of Whitehouse Loan. The Estate of Whitehouse, although not extensive, consists of three distinct portions, each with different feudal holdings. The largest portion was originally known under the designation of the lands of Hogistoun, or Hogstoun, or Ogstoun from a family of the surname of Hog, who were proprietors in the middle of the fifteenth century. These lands were held from the Crown for some unknown period prior to the year 1444, and at a later date they became known by the name of Whitehouse. They also appear occasionally in the subsequent titles under the designation of ‘Whitehouse *alias* Ogstoun.’ The *second portion* is described in the titles as ‘the two laigh south parks adjacent to and included with the lands of Whitehouse, being part of the Burgh Muir, extending to 5 acres 3 roods and  $1\frac{1}{10}$  falls, lying within the parish of St. Cuthberts, and sheriffdom of Edinburgh.’ Originally, it formed a portion of twelve acres, part of the Burgh Muir; and the superiority



was finally disposed by the magistrates of Edinburgh in 1816 to Archibald MacKinlay, who was duly infefted by Sasine recorded on 5th August of that year.<sup>1</sup> The prior titles to this portion are somewhat uninteresting; but the progress may be traced from its connection with that of the Estate of Canaan.<sup>2</sup> The main feature is that the sale of the superiority in 1816 finally severed the connection of the city with these 5 acres 3 roods 1 $\frac{1}{10}$  falls. The *third portion* of the lands of Whitehouse consists of a small piece of ground extending to 16 $\frac{1}{2}$  falls, and enclosed within the southmost of the two parks above mentioned. It was sold in 1751 by William Dick of Grange to John Davidson, a former proprietor of the lands of Whitehouse,<sup>3</sup> and is held from the Prince and Steward of Scotland.

The earliest notice on record of the lands of Hogistoun appears in a writ by James II., under the Great Seal,<sup>4</sup> dated 24th July 1444, by which he confirms a charter by one Robert Hog, styling himself 'of Hogistoun' in favour of Sir Alexander Home 'of the lands of Hogistoun in the Burgh Muir of Edinburgh in the Sheriffdom of Lothian.' We also learn from this charter that these lands had been previously in the possession of Walter Hog, burgess of Edinburgh. At this point there is a gap in our information; but in 1449 the lands of Hogistoun appear in the charter by William, Lord Crichton, Lord Chancellor of Scotland, under which he converted the parish church of Crichton into a collegiate establishment for a provost, eight prebendaries, and two singing boys, for daily services, out of thankfulness and gratitude to Almighty God for all the manifold deliverances he had vouchsafed to him.<sup>5</sup> This Lord Crichton is described by Sir Walter Scott as 'a consummate statesman according to the manner of the age,' and 'as destitute of faith, mercy, and conscience as of fear

<sup>1</sup> P. R. of S. Edin., vol. 784, p. 72.

<sup>2</sup> Decreet of Sale, *Decrets*, Dur. 481, 1; *infra*, p. 50.

<sup>3</sup> MS. *Acts and Decrets*, clxix.; *Collegiate Churches of Midlothian*, Bann. Club, pp. 305-12.

<sup>4</sup> *Infra*, pp. 182-3.

<sup>5</sup> *Great Seal*, ii. 271.

and folly.' In 1440, when keeper of Edinburgh Castle, he enticed the youthful Earl of Douglas to visit the boy King, James II., at the Castle. On his arrival, accompanied by his brother and his kinsman Fleming of Cumbernauld, all three were arrested by the wily Crichton and, after a mock trial, the two Douglasses were executed on the highest point of the rock. Two days later, their friend Fleming shared the same fate. Crichton was one of three commissioners who were sent to France to ratify the ancient league with that country, and to seek out a bride for the young King James. They secured for him the hand of Mary of Gueldres, who had been educated at the court of Philip the Good, of Burgundy. Escorted by the Chancellor and a brilliant retinue of Burgundian knights, the Princess landed at Leith on 18th June 1449, and the marriage was duly solemnized at Holyrood on 3rd July. It was after his return to Scotland that the Chancellor founded the Collegiate Church of Crichton. The existing structure, which is still unfinished, was probably erected by him; but of the foundation and other charters relating to this church, none are now known to be extant. The foundation charter as ratified and confirmed by James, Bishop of St. Andrews, was recorded in the Register of the Bishopric of St. Andrews, a record which has also disappeared. Fortunately, in an action before the Privy Council raised in 1597 by Sir Walter Scott of Branksholm and the parishioners of Crichton, this Register was produced, and a copy of the charter was ordered by the Lords of Council to be engrossed in the pages of the Acts and Decrets.<sup>1</sup> For the support of the college the Lord Chancellor assigned the whole of the revenues of the Churches of Crichton and Locherwart, better known by its present name of Borthwick. Provision was also made for the perpetual vicars who served the two churches; while the patronage of four of the prebends was reserved to

<sup>1</sup> Vide Dr. David Laing's preface to the *Charters of the Collegiate Churches of Midlothian*, lviii.



the Bishop of St. Andrews. The prebendary of Hogistoun is the second on the list:—'*Prebendarius alius vocabitur prebendarius de Hogstoun quiquidem prebendarius habebit sexdecim marcas et dimidiam usualis monete regni scocie . . . annui redditus domus Roberti Michaelis jacentis in dicto burgo de Edinburch ex parte australi Vici Regii inter terram Joannis Fentoun de eodem ex parte orientali ex parte una, et terram . . . de Carkettle ex parte occidentali ex parte altera, et duas marcas annui redditus tenementi Joannis Cuke . . . inter terram Donaldi de Kylis ex parte orientali ex parte una et terram Egidii Bensoun ex parte occidentali ex parte altera unacum villa de Hogstoun, jacente prope le Burrow Mure de Edinburch.*'<sup>1</sup> The chaplain who served as prebendary of Hogstoun, therefore, received annually from the house of Robert Michael, situated on the south side of the High Street of Edinburgh, the sum of 16½ merks, and 2 merks from John Cuke's tenement, being altogether 18½ merks—a sum equal to £12, 6s. 8d. Scots—in addition to the proceeds of the lands of Hogstoun. These lands were originally let on agricultural leases, but after the Reformation they were disposed in feu. Then, while in Sir Alexander Home's title the lands of Hogstoun are designed as forming *part* of the Burgh Muir, they are in the above charter stated to be only situated *near* the Muir. This is surely the correct rendering; but the origin of the title and its connection with the Crown as Superior, still remain unexplained.

Towards the end of the fifteenth century the designation of the lands of Hogistoun or Hogstoun, for some unknown cause, became changed into that of Whitehouse. From an entry in the Acts of the Lords of Council—the *Acta Dominorum*—we learn that in January 1504-5 the then prebendary of Hogstoun otherwise Whitehouse, Master Thomas Grynlaw (Greenlaw) by name, raised an action against Thomas Tod, son and heir of the late Sir Thomas Tod, 'for the wrangous

<sup>1</sup> *Collegiate Churches of Midlothian*, p. 309.

postponing to enter to the superiority of the *place and lands of Quhitehous*, with the pertinents at the west end of the Common Muir of Edinburgh since his father's decease, and especially since he was required to enter after the tenor of the Act of Parliament made thereupon.' Sir Thomas had duly infested himself and his heirs in these lands to be held of them in blench farm for one penny, if asked; and the anxiety of the prebendary lay in the fear that in the absence of confirmation by young Tod, his legal rights to these lands might be placed in jeopardy.<sup>1</sup> Master Greenlaw—he was a Master of Arts—therefore prayed the Lords of Council to have the said Thomas Tod decerned to have lost the superiority. The Lords accordingly decreed that Thomas Tod had lost his superiority for his time, and ordained letters to be written to the provost and prebendaries of Crichton Collegiate Church, *understood to be immediate superiors of said lands*, charging them to receive Master Thomas as tenant according to the laws; failing them the King will enter Master Thomas, and they will lose their holding for the time, and shall pay to Master Thomas the expense of pursuit of the action.<sup>2</sup> From the terms of the *Acta*, we con-

<sup>1</sup> 'That ever-ilk Lord, Barronne, Free-halder quhat-sum-ever, Spiritual or Temporal, sall have power induring the daies of his life, to set all their landes in few ferme, or annual rente, to ony person or persones; Swa that it be not in diminution of their rental, swa that the alienation swa maid of the maist part of all their lands, sall be na cause of fore-faltour, nouthir to the setter, nor to the taker; notwithstanding, ony statute or lawes maid in the contrair.'—*Conveyancing Statutes*, 1503, cap. 91, Craigie; Erskine, ii. pp. 5, 44.

<sup>2</sup> 29 Jan. 1504-5. 'In the action by Master Thomas Grynlaw (Greenlaw) against Thomas Tod, son and heir of umquhile Sir Thos. Tod, Burgess of Edinburgh, for the wrangous postponing to enter to the superiority of the place and lands of Quhitehous, with the pertinents, at the west end of Common Muir of Edinburgh, since his father's decease, especially since he was required to enter after the tenor of the Act of Parliament made thereupon, of which place and lands Master Thomas is infest heritably to him and his Assignees by Charter and Sasine of said Sir Thomas to be holden of him and his heirs in blench farm for 1d. if asked; Also against said Thomas as heir aforesaid to have himself decerned to have lost his superiority for failing to enter; the Lords decreet that Thomas Tod has lost his superiority for his time, and ordains letters to be written to the Provost and Prebendaries of Crichton Collegiate Church understood to be



clude that the lands of Hogstoun or Whitehouse were granted by a predecessor of the above-mentioned Sir Thomas Tod in favour of the provostry of Crichton some time between the years 1444 and 1449. The entry in the register of the Acta also proves that in the year 1505 the lands of Whitehouse were provided with a manor place or mansion—a building, no doubt, of small dimensions. The Grange of St. Giles, and the lands of Brounisfield and of Whitehouse—none of which, we hold, were included in the lands conveyed by David I. to the city to form the Burgh Muir—were each, therefore, provided at this date with a mansion house of some sort. The prebendary of Whitehouse continued thereafter to enjoy the rents of these lands down to the Reformation, and ultimately they seem to have fallen into the hands of the notorious James Hepburn, Earl of Bothwell, and third husband of Mary, Queen of Scots. His estates were forfeited by Parliament on 20th December 1567, and he died on 14th April 1578 a state prisoner at Dragsholm Castle in Zealand. His heiress was his only sister, Jean Hepburn, and the manner in which her son, Francis Stewart, succeeded his uncle in 1581 in both title and lands forms one of the few romantic touches in what, perhaps, was the most sordid period in Scottish history.

Perhaps one of the few happy days allotted to Queen Mary during her brief residence in our country was the 4th of January 1561-2, when she witnessed the marriage at Crichton Castle of her half-brother John Stewart, Prior of Coldingham, to Jean Hepburn, daughter of Patrick, third Earl of Bothwell. In her relations with the illegitimate sons of her father, James V., Mary was always kind; she became godmother to the only son of this brother, whom she named Francis after her first husband, Francis II. of France.<sup>1</sup> This

*immediate Superiors of the said lands, charging them to receive Mr. Thomas as tenant according to the laws; failing them the King will enter Master Thomas, and they will lose their holding for the time, and shall pay to Mr. Thomas the expense in pursuit of the action; the Lords assign 15 July next to prove the expense.*—MS. *Acta Dominorum*, vol. 16, fol. 41.

<sup>1</sup> Fraser, *The Lennox*, i. p. 421.

Francis Stewart became Commendator of Kelso Abbey, and in April 1581 his mother, at that time the wife of Archibald Douglas,<sup>1</sup> rector of Douglas, who had been outlawed a few months previously, petitioned the King and the Privy Council (1) that she may be assured in the possession of her own property so that it may be duly transmitted to her son, and (2) 'that her said sone, now in his absence (in France), be not hurt nor defraudit of any rowmes, offices, or utheris, quhilkis appertenit of befoir to the Erlis Boithuile, and suld now succeid and appertene to him as Erl thairof, conforme to gude conscience and equitie.'<sup>2</sup> The lady's supplication was successful in both cases, and on 16th June 1581, Francis Stewart was infefted by Charter under the Great Seal in the lordship of Bothwell in favour of himself and his heirs male, of new, to be incorporated in *liberum comitatum*. From this date he is generally styled the Earl of Bothwell. Among the subjects conveyed appear the lands and lordship of Crichton, with the Castle, etc., the advocacy of the provostry of Crichton, and of the prebends and chaplainries of the same (in which were included the prebendary of Whitehouse).<sup>3</sup> The execution of the unfortunate Queen Mary at Fotheringay Castle on 8th February 1586-7 naturally aroused considerable indignation in our country, which seems to have penetrated to some extent the pachydermatous hide of her son, James VI. The poor Queen had made her will in her prison house at Sheffield in February 1577-8, and in it she recommends 'her nephew, Francis Stuart, to my son, and ask him to keep him near him and in his service, and to leave him

<sup>1</sup> A man, as the late Andrew Lang observes, 'notorious for his share not only in the Riccio, but in the Darnley murder, and for treachery to Morton, to Mary, to all who trusted him. . . . He was also, though a murderer, forger, traitor, a Judge or Lord of Session, thanks to Morton, whose *spadassin* he was.' (Lang's *History*, ii. p. 238.) Elsewhere, Lang scarified this reverend gentleman in a biography entitled 'A Gentleman of Scotland.' Lady Jean Hepburn was married three times: to Lord Stewart; secondly, to the Master of Caithness; and lastly, to this Archibald Douglas.

<sup>2</sup> *P. C. R.*, iii. 371-2.

<sup>3</sup> *Great Seal*, v. 218.



"le bien" of the Earl of Bothwell, his uncle, in respect that *he is of my blood*, my godson, and was left to me *en tutelle* by his father.<sup>1</sup> King James responded by issuing another Charter under the Great Seal, dated 29th July 1587. In this deed<sup>2</sup> he ratified that of 1581, and erected the whole lands into a free barony and Earldom of Bothwell: 'The King, notwithstanding the general revocation, for the love he bears to Francis Stewart, Earl of Bothwell, Lord Creichtoune, Hailles and Liddesdaile, and Great Admiral of Scotland, and in respect of the *propinquity of blood* by which he is joined to the King, and because he is the true heir apparent on the mother's side to the said Earldom, lands, etc., underwritten, as also for his good services, ratifies,' etc.

In the meantime, the lands of Whitehouse had been feued, the earliest known vassal being Thomas M'Calzeane of Cliftonhall, who was one of the nine advocates, 'being persons of gude conscience and understanding,' who, on 1st March 1549, were selected by the Lords 'to procure before thame in all actions and causes.'<sup>3</sup> On 8th October 1561 he succeeded as Provost of Edinburgh, Archibald Douglas, who was discharged from office by command of Queen Mary for issuing a proclamation 'charging all monks, freris, preists, nunnys, adulteraris, fornicators, and all sic persounis' to remove themselves from the burgh within twenty-four hours, under the pain of carting, burning on the cheek, and banishment. Lord Cliftonhall cordially supported the Reformation, and his name appears in the settlement of the judicial affairs of the General Assembly. He was deprived of his office of Lord of Session in 1572; but Richard Bannatyne in his Journal mentions that he was one of the elders who in March 1573 consented to pray for the Queen, and that he had been re-admitted to 'his place agane

<sup>1</sup> 'Je recommande mon neveu Francois Stuart a mon filz, et luy commande le tenir pres de luy et s'en servir, et lui laisser le bien du comte de Boduel son oncle, en respect qu'il est de mon sang, mon filleul, et m'a este laisse en tutelle par son pere.'—Labanoff, *Lettres de Marie Stuart, Reine d'Ecosse*, iv. p. 361.

<sup>2</sup> *Great Seal*, v. 1316.

<sup>3</sup> Brunton and Haig, p. 149; Act Sed., 1811, 48.

in the Sessione.' He died on 5th June 1581,<sup>1</sup> and was succeeded in the lands of Whitehouse by his only daughter and heiress, Euphame M'Calzeane. It was this lady, who, as mentioned on page 187, successfully resisted the attempt by the magistrates to take forcible possession of her mansion house of Whitehouse as a place of refuge for the convalescents from the plague of 1585, and who, on a charge of witchcraft, was burnt, 'quick,' at the place of execution on the south bank of the Castlehill on 25th June 1591.<sup>2</sup> Two years later, the lands of Whitehouse are referred to as in the possession of the heirs of the late Mr. Thomas M'Calzeane;<sup>3</sup> while, in 1601, as narrated at page 189, the mansion house was accidentally destroyed by fire. At this date the M'Calzeanes had been succeeded in the *dominium utile* or right of property in the lands of Whitehouse by Mrs. Katherine Banks, relict of William Herreis, and her husband, James Weill, in liferent, and her son, Robert Herreis, in fee.<sup>4</sup>

Francis Stewart, Earl of Bothwell, proved himself during his short career one of the most strange and incomprehensible figures that ever flitted across the turbulent stage of Scottish politics. He was appointed Sheriff Principal of Edinburgh<sup>5</sup> in 1586, and, in the following year, he announced by proclamation that he intended to hold a 'wawpounschawing of the sherefdome' in the Burgh Muir. This intelligence threw the Town Council into a state of consternation, especially when they understood that Bothwell 'thairby intendis to trubill the new fewit pairts thairrof.'<sup>6</sup> A large portion of the Muir had by this date been feued out and, naturally, presented a barrier to the holding therein of further meetings or weapon-shaws. In this emergency the Council appointed a committee to bribe Bothwell with a *propyne* or gift<sup>7</sup> 'of halff ane twn (tun) of Burdealx wyne, and half ane twn of Spayngyie wyne

<sup>1</sup> Brunton and Haig, p. 150.

<sup>2</sup> *Infra*, pp. 188-9.

<sup>3</sup> *MS. Reg. of Acts and Decrets*, vol. 145, fol. 229.

<sup>4</sup> *Reg. of Privy Council*, vi. p. 521.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Burgh Records*, iv. p. 496.

<sup>7</sup> *Ibid.*



for his guid will.' The Council had rightly estimated the weakness of the worthy nobleman, who, in the following year, accepted their gift of Bordeaux and Spanish wine. His further request for a loan of money, however, met with a flat refusal. During the absence of the King in 1589 on his matrimonial expedition to Denmark, he was conjoined with the Duke of Lennox to govern the kingdom, and it is said that, while these two remained at the head of the Government, 'greater peace, tranquillity, and justice were not heard of long before.' The winters of the two following years seem to have been distinguished by an extraordinary wave of what a recent writer calls 'diablerie,' and suspicion of dealings with witchcraft began to attach itself to the person of Francis Stewart. He was arrested on the 15th of April 1591, and placed in ward in Edinburgh Castle; but with the connivance of the Governor he broke ward at two o'clock in the morning of Tuesday, 21st June, and escaped. Four days later he was forefaulted by royal proclamation. As proprietor of the provostry of Crichton he was the superior of the lands of Whitehouse; and it is remarkable that the day on which he was condemned by the Privy Council should also witness the doom of his vassal, the unfortunate Euphame M'Calzeane. Bothwell made no fewer than three attempts to take forcible possession of the King, and it is still a mystery whether his object was revolutionary, or aimed at the death of the monarch. A comical collision between the Royal and the insurgent forces took place on 3rd April 1594, and is known under the name of the Leith Raid. Bothwell with some four hundred horsemen rode in battle array towards Leith, but meeting with some resistance he retired to Restalrig and thence swung round the back of Arthur's Seat towards Niddrie Mains. Meantime, our valorous King James took up his position on the Burgh Muir; but after some skirmishing and little bloodshed, Bothwell withdrew to Dalkeith, and thence to the Borders. For some time he skulked about in great danger; but in April 1595,

not knowing whom to trust, he stole away privately to France, where the King suffered him 'to enjoy the free ayre of his country.' He died in Naples in great misery seven years later.

Before engaging in these treasonable enterprises, Bothwell took the precaution of making over his large estates, including the superiority of the lands of Whitehouse, to his stepson, Sir Walter Scott of Buccleuch, who was infefted therein by Charter under the Great Seal dated 1st October 1594.<sup>1</sup> Sir Walter became known as the 'Bold Buccleuch,' and took part in nearly every Border raid of his time. In the year 1606 he was created Lord Scott of Buccleuch. Francis Bothwell, the eldest son of the deceased Earl, obtained, on the occasion of his marriage with Isobel Seton, daughter of Robert, first Earl of Winton, a rehabilitation under the Great Seal on 30th July 1614.<sup>2</sup> This was ratified by the Scottish Parliament on 28th June 1633,<sup>3</sup> although the honours of the earldom were never restored. According to Scotstarvit this Francis Bothwell received back from Buccleuch, under a Decreet Arbitral by Charles I., the extensive estates of his father. These he afterwards sold to his relative George, third Earl of Winton, whose title appears in the Great Seal on 1st March 1648.<sup>4</sup> In the following year they were conveyed to Sir Adam Hepburn of Humble in liferent, and Thomas Hepburn his eldest son in fee, who were confirmed therein by Charter on 14th August 1649.<sup>5</sup> Sir Adam was appointed an Ordinary Lord of Session by Charles I. on 15th November 1641, and at the same time he received the honour of knighthood. He acted as Commissary General of the Army of the Solemn League and Covenant when it entered England in 1643 in support of the English parliamentary forces, and his accounts of expenses, etc., of the Scottish Army have recently been published by the Scottish History Society. He was an

<sup>1</sup> *Great Seal*, vi. 166.

<sup>2</sup> *Ibid.*, vii. 1099.

<sup>3</sup> *Acts of Parliament*, v. p. 55.

<sup>4</sup> *Great Seal*, ix. 1941.

<sup>5</sup> *Ibid.*, ix. 2130.



active and zealous Covenanter, and was a member of the various committees of the Estates. In 1650 he attended Charles II. at Perth, and was one of a committee appointed to superintend the arrangements for his coronation. Along with many other members of the Committee of Estates, he was cleverly captured at Alyth by the Cromwellian forces, and sent a prisoner into England.<sup>1</sup> From Lord Humble and his family the advocacy, donation, and right of patronage of the provostry of Crichton, prebendaries, and chaplainries thereof passed to Sir William Primrose of Carrington by Charter, 14th March 1684,<sup>2</sup> and thence, three years later, to his eldest son, Sir James Primrose,<sup>3</sup> who, on 30th November 1703, was created Viscount Primrose, Lord Primrose and Castlefield. He did not, however, long enjoy his honours, as his death occurred on 13th June 1706.<sup>4</sup> The title endured for only two generations—Viscount James as above mentioned, and Viscounts Archibald and Hugh—each of whom completed titles to the prebendary of Whitehouse.<sup>5</sup> Viscount Hugh died in 1741, when, owing to the failure of male issue of his father and grandfather, the baronetcy and the family estates devolved upon his cousin and heir male, James, second Earl of Rosebery. Hugh, the last Viscount Primrose, sold the superiority of the lands of Whitehouse in 1725 to Sir James Justice of Crichton, from whom it was conveyed in virtue of the titles undernoted to John Davidson of Whitehouse in 1746.<sup>6</sup>

<sup>1</sup> Brunton and Haig.

<sup>2</sup> *Great Seal*, lxi. 191.

<sup>3</sup> *Retours*.

<sup>4</sup> *Scots Peerage*, vii. p. 110.

<sup>5</sup> *Great Seal*, 10th April 1706; *Retours*; *P. R. of S. Edin.*, 30th Nov. 1716.

<sup>6</sup> Disposition, Viscount Primrose to Sir James Justice, dated 31st July 1725; recorded in *Books of Council and Session*, 3rd August 1725.

Disposition, Sir James Justice to George Livingstone, Depute Clerk of Session, 8th February 1735; recorded in *Books of Council and Session*, 1st March 1735.

Retour, James Livingstone, Advocate, heir in general to his father, George Livingstone, 29th August 1745.

Disposition, James Livingstone to John Davidson, 7th and 23rd December 1745, and 13th January 1746.

In the royal charter to Davidson of the lands of Whitehouse, the King 'disunites, disannexes and disjoins the fore-said lands of Whitehouse and pertinents (being a part of the said Provostry of Crichton and Prebendary thereof) from the Lordship and Regality of Primrose belonging to the said Hugh, Viscount of Primrose, whereto the said Provostry and Prebendaries were formerly united in terms of said Disposition by said Viscount to said Sir James Justice, and from the Barony of Crichton whereto they were also formerly united. . . . Giving therefor yearly for the lands of Whitehouse, being a part of the said Provostry of Crichton, Prebendaries and Chappels thereof, and the lands of the same, the sum of *one penny Scots money*, yearly in name of blench farm, *if asked only*.' <sup>1</sup>

We now turn back to the right of property in the lands of Whitehouse as held from the patron of the prebendary of Crichton. The last vassal mentioned was Robert Herreis,<sup>2</sup> and the next known was Alexander Clerk of Stenton, sometime Provost of Edinburgh, who completed his title by Sasine recorded 14th July 1627.<sup>3</sup> His nephew, James Clerk of Pittencreeff, disposed the estate of Whitehouse in 1663 to James Christie, W.S., who was confirmed therein by Gideon Penman,<sup>4</sup> described in the charter as the 'Prebendary of Whitehouse.'<sup>5</sup> He was the minister of the parish church of Crichton, and was apparently accepted as the superior of Whitehouse in ignorance of his own legal position. He had a somewhat unfortunate career as a minister, as he

<sup>1</sup> *Register of Signatures*, 9th Sept. 1746.

<sup>2</sup> *Infra*, p. 189.

<sup>3</sup> 14th July 1627, Sasine, Alexander Clerk. On Confirmation by Gilbert Gourlay of Grange.—*P. R. of S. Edin.*, vol. 8, f. 209.

4th July 1644, Retour, Alexander Clerk, of Pittencreeff, as heir of Sir Alexander Clerk, of the teinds of Whitehouse.—*Retours*, 18, 137.

26th June 1665, Sasine, James Clerk, as heir of Alexander Clerk, his uncle, in the lands of Whitehouse.—*P. R. of S. Edin.*, vol. 8, f. 335.

<sup>4</sup> 1st Dec. 1663, Sasine, James Christie. On Disposition by James Clerk.—*Ibid.*, vol. 5, f. 358.

<sup>5</sup> 16th Aug. 1665, Sasine, James Chrystie, W.S.—*Ibid.*, vol. 8, f. 413.



was deposed for immorality and imprisoned for some time on a charge of witchcraft.<sup>1</sup> Christie was succeeded by his son,<sup>2</sup> who disposed the lands of Whitehouse in *principal*, and lands of Pittenerieff in *warrantice*, to James Aikenhead, Advocate, one of the Commissioners for Edinburgh 'to be holden of me or of my immediate lawful superiors of said lands and teinds, or of both as he shall think convenient.'<sup>3</sup> This extraordinary holding points to the state of confusion then existing regarding the *persona* of the correct immediate superior of Whitehouse. The title next passed to Gilbert Robertson of Muir-toune, Merchant in Edinburgh, and Janet Grahame, his spouse,<sup>4</sup> and thence to his son, John Robertson,<sup>5</sup> by whom the lands were conveyed to Jean Livingstoun,<sup>6</sup> who married Alexander Biggar of Gairnshall. In 1708 she completed her title to Whitehouse by Sasine proceeding on Charter of Resignation by the tutors to Archibald, Earl Primrose, who is correctly designed Patron of the Prebend of Whitehouse.<sup>7</sup> Her son, Captain James Biggar of Colonel Middleton's Regiment,<sup>8</sup> sold the estate of Whitehouse with the manor place, etc., to the before mentioned John Davidson, in whose hands, therefore, both the immediate superiority and the right of property were now combined.<sup>9</sup>

Now, as previously explained, there was also a plot of

<sup>1</sup> Scott's *Fasts*, i.

<sup>2</sup> *Retours*, 25th April 1671. Sasine, 15th Feb. 1673, James Chrystie, son and heir of umquhile James Christie. On Precept of Clare Constat by Adam Hepburn of Humbie, superior of the lands of Whitehouse, and patron of the prebend of Whitehouse.—*P. R. of S. Edin.*, vol. 21, f. 306.

<sup>3</sup> 12th May 1674, Sasine, James Aikenhead. On Disposition by James Christie of Stentoune.—*Ibid.*, vol. 23, f. 197.

<sup>4</sup> 6th April 1678, Sasine, Gilbert Robertson and Janet Grahame his spouse. On Disposition by George Aikenhead, son and heir of James Aikenhead.—*Ibid.*, vol. 29, f. 57.

<sup>5</sup> *Retour*, 25th March 1701, recorded 16th Aug. 1735.

<sup>6</sup> 29th Aug. 1707, *P. R. of S. Edin.*, vol. 73, f. 100.

<sup>7</sup> 14th Dec. 1708, *Ibid.*, vol. 74, f. 426.

<sup>8</sup> Infected by Sasine, recorded 20th June 1723.—*Ibid.*, vol. 96, f. 62.

<sup>9</sup> 20th Aug. 1723.—*Ibid.*, vol. 96, f. 196.

5 acres 3 roods and  $1\frac{1}{10}$  falls which undoubtedly did form part of the Burgh Muir, and which is described as adjacent to, and now included within, the lands of Whitehouse. This plot originally formed a portion of 'these twelve acres of arable land and three grass wards on the east thereof, bounded by the high road (i.e. Morningside Road) on the west, the Muir commonly called the two parts of the back Muir on the east, the lands now called Canaan upon the south, and the lands commonly called Andrew Stevenson's lands on the north;<sup>1</sup> as also these twelve acres of land, lying towards St. Gillie Grange, bounded by the foresaid two parts of said back Muir on the west, the lands of Grange upon the east and south-east, the Chapple commonly called St. Rollocks or Simon Rollock's Chaple or Kirk, with the acres thereto belonging upon the south-west, and the lands of Whitehouse upon the north.' These two lots of twelve acres each and the three grass wards were acquired by John Davidson from James Grieve and John Young<sup>2</sup> in 1734, and, with the exception of the two laigh parks of 5 acres 3 roods and  $1\frac{1}{10}$  falls, were sold by Davidson or, after his death, by trustee for his creditors in 1756, and became merged in the Estates of Canaan and Blackford. In the Decreet of Sale John Ross, evidently a surveyor, deponed 'that the foresaid two southmost laigh parks . . . are part of the Burrow Mure purchased by Davidson from James Grieve, that the deponent at Davidson's desire had the overseeing of the enclosing of the Lands of Whitehouse before the foresaid purchase from James Grieve, and, after the said purchase, he remembers well the enclosing of said two parks and adjoining the same to the parks of Whitehouse.' The two southmost parks must have formed part of the easter lot of twelve acres, and the present Grange Loan may, probably, have been altered in 1762 so as to become the southern boundary of the lands of Whitehouse. By licence, dated 22nd September 1630, Alex-

<sup>1</sup> Now by Newbattle Terrace on the north.

<sup>2</sup> Disposition.—*Books of Council and Session*.



ander Clerk, for some time Provost of Edinburgh, was permitted by the magistrates to enclose that part of the loaning—*i.e.* Whitehouse Loan—which leads to his house and lands of Whitehouse, and upon the west of said lands.<sup>1</sup> Then, in 1738, the Council granted 'liberty to John Davidson of Whitehouse to build his stone dyke from St. Geill's Grange to the Loan or Avenue leading betwixt the North and South Burrow Muirs now called Broomsfield Links and Canaan Muirs, and to join the dyke of the Lands of Whitehouse, taking four or five fouts of the Loan; Mr. Davidson leaving out part of his ground to widen the entry to the road leading from thence to St. Geill's Grange' [*i.e.* Grange Loan].<sup>2</sup>

Of the portion of the lands of Grange extending to 16½ falls and enclosed with a stone dike within the south park of the lands of Whitehouse, no explanation is necessary. It was sold by William Dick of Grange in 1751 to John Davidson,<sup>3</sup> and the Grange has been held for centuries from the Prince and Steward of Scotland.

It will be noticed, therefore, that John Davidson, Principal Clerk of Justiciary, acquired in the course of time the properties which now comprise the lands of Whitehouse, viz. :—

1. The *Superiority* of Whitehouse, as transferred from the Crown and representing the Prebendary of Whitehouse, by Crown Charter under the Great Seal, 26th July 1746.
2. The *right of property* to the lands of Whitehouse by Sasine in his favour, recorded 20th August 1723.
3. The *right of property* to the 5 acres 3 roods and 1½ falls, which formed part of the lands of the Back Muir disposed by James Grieve and John Young to John Davidson, Sasine in whose favour is recorded 26th October 1734.

<sup>1</sup> MS. T. C. M., xiv. 174.

<sup>2</sup> *Ibid.*, lix. 45.

<sup>3</sup> Sasine, 18th Sept. 1752.—*P. R. of S. Edin.*, vol. 140, f. 407; Disp. dated 26th April 1751.

4. The *right of property* of the 16½ falls, forming part of the lands of Grange, disposed by William Dick of Grange to John Davidson, Sasine in whose favour is recorded 18th September 1752.

At his death Davidson's financial affairs fell into difficulties, and after prolonged litigation, his creditors in 1756 sold the lands of Whitehouse, with its component parts and rights as above mentioned, to Norman M'Leod of M'Leod,<sup>1</sup> who in turn conveyed them on 7th November 1779 to Alexander Fraser of Strichen, afterwards Senator of the College of Justice, in whose favour Charter of Resignation under the Great Seal was expedited on 6th August 1765. Lord Strichen disposed the property to James Newbigging, writer, Edinburgh, who completed his title by Sasine recorded 12th April 1786.<sup>2</sup> From Newbigging Whitehouse passed to Richard Woolley, in whose hands the whole of the subjects now forming the lands of Whitehouse merged in virtue of several Sasines in his favour as well as a Resignation *ad remanentiam*, consolidating the rights of superiority and property previously mentioned.<sup>3</sup>

In 1816 the magistrates sold the superiority of the 5 acres 3 roods 1½ falls to Archibald MacKinlay, whose title was completed by Sasine recorded 5th August 1816;<sup>4</sup> and it is now vested in Jane Caroline Potter, residing at Marine House, Tyne-

<sup>1</sup> *Decree of Sale*, 1 Dec. 1756.—*Dur. Office, Acts and Decrees*, 481, 1.

<sup>2</sup> *P. R. of S. Edin.*, vol. 297, f. 1.

<sup>3</sup> 14th Sept. 1804. Sasine, Richard Woolley. On Disposition by James Newbigging.

14th Sept. 1804. Sasine, Richard Woolley, in the right of property of 5 acres 3 roods 1½ falls. On Charter of Sale by Magistrates of Edinburgh.

24th July 1813. Sasine, Richard Woolley, in lands of Whitehouse. On Charter of Resignation under the Great Seal.

26th March 1819. Sasine, Richard Woolley, in lands of Whitehouse and manor place. On Charter of Confirmation and Sale by himself.

29th March 1819. Resignation *ad rem.* to himself.

The above five writs are recorded in the *P. R. of S. Edin.*

<sup>4</sup> *P. R. of S. Edin.*, vol. 784, f. 72.





mouth, widow. Having adjusted his title, Richard Woolley then sold his whole lands of Whitehouse to Mrs. Ann Oliphant or Grant, widow of Francis Grant of Kilgraston, by Disposition dated 16th November 1819;<sup>1</sup> and in 1834 she disposed to the Rev. James Gillis, R.C. Clergyman, for £3000, parts of the lands of Whitehouse marked on plan (dated 1809) as the 'Pleasure Ground No. 7' and 'Farm Yard No. 8,' bounded on the north by the wall separating the lands and Estate of Whitehouse from lands and property of Sir George Warrender commonly called Warrender Park; on the south by a new stone wall 8½ feet high running from east to west, the small house called the tool house being inclosed on the east by the garden wall separating the property sold from that of Sir George Warrender; on the west by the high road from Edinburgh by the Meadows and Wrights House Toll to Canaan, which subjects extend to 2 acres;<sup>2</sup> with the mansion house of Whitehouse, gardener's house, farm offices, coachhouse, stables, etc., all parts of the lands of Whitehouse. On this piece of ground Mr. Gillis, afterwards designed Bishop Gillis, founded the Convent of St. Margaret. In 1858 Mrs. Grant also feued to Bishop Gillis a triangular piece of ground consisting of 3 acres 2 roods 5½ poles,<sup>3</sup> part of the lands of Whitehouse, the superiority of which was acquired in 1903, by the Trustees for the Convent,<sup>4</sup> who at once consolidated the two rights now in their own hands.<sup>5</sup> On the death of Mrs. Oliphant or Grant, her Trustees conveyed the whole property by Disposition, recorded 1st November 1867, in favour of Lieutenant-General Sir James Hope Grant, Sir Francis Grant, and Catherine Ann Grant or Speirs. The General was a celebrated cavalry officer who distinguished himself during the Indian Mutiny at the taking of Delhi, and commanded the British Forces

<sup>1</sup> Sasine, 22nd November 1819.—*P. R. of S. Edin.*

<sup>2</sup> Sasine, 11th June 1834.—*Ibid.*

<sup>3</sup> Sasine, 17th Feb. 1858.—*Ibid.*

<sup>4</sup> Disposition, 18th May 1903.—*G. R. of S. Edin.*

<sup>5</sup> 27th June 1903.—*Ibid.*

during the Chinese War of 1860. His brother, Sir Francis Grant, a distinguished painter, was appointed President of the Royal Academy in London. The Grants also feued out, in 1869, to the Trustees for the College for Daughters of Ministers of the Church of Scotland and Professors in Scottish Universities, the plot of 2 acres 3 roods 22 poles situated to the east side of Kilgraston Road, between Dick Place on the north and Grange Loan on the south.<sup>1</sup> Of this plot these Trustees have sub-feued two small pieces on which villas have been built facing Dick Place. The triangular piece of ground at the corner of the Loan and Kilgraston Road, measuring  $1\frac{88}{100}$  acre, is a part of the lands of Blackford.<sup>2</sup> On 17th May 1890 the Trustees of the Grants and Dame Ann Oliphant Home Speirs sold the lands of Whitehouse for the sum of £18,500 to Robert Reid, William Crambe Reid, Thomas Guthrie Reid, and John Reid, all of 28 Blacket Place, Edinburgh. The sellers, however, reserved the long strip of ground on the east side of Kilgraston Road, between Beaufort Road on the north and Dick Place on the south, which they sold to the Edinburgh Southern Cemetery Company. The lands of Whitehouse are still vested in the hands of the two surviving brothers, William Crambe Reid and John Reid.

The Order of Ursulines of Jesus, of which the Convent of St. Margaret is an off-shoot or congregation, was founded in 1802, at Chavagnes, in France, by the Venerable Louis Marie Baudouin, a priest of Luçon. The Rule is that of St. Augustine with the Constitution of St. Ignatius, and was expressly chosen by the Bishop from its modern touch as 'the one most likely to suit the requirements of this country.' Like other religious congregations the Sisters of St. Margaret are bound to devote a certain portion of their time to the direct worship and praise of Almighty God; but they also combine the active with the contemplative phase of life. They undertake

<sup>1</sup> Feu charter recorded 10th June 1869.—*G. R. of S. Edin.*, vol. 46, f. 189.

<sup>2</sup> Disposition recorded *ibid.*, 9th July 1898, vol. 3483, f. 56.



the education of young ladies of the upper and middle classes, and of women of every condition who come to them for instruction, and also visit the sick and poor. Here, also, ladies find every facility for making spiritual retreats. Four hundred years ago—in the early months of the year 1517—the Convent of Siena was built at the east end of the long ridge that overlooks Bruntsfield Links and the South Loch, now represented by the Meadows. This was the last conventual building erected in Scotland in pre-Reformation times; while St. Margaret's, which is situated at the west end, possesses the distinction of being the first convent established in our country subsequent to the Reformation. Both were nunneries, but in the former, the Black Sisters led a cloistered life, shut out from the world. The worthy Bishop also regarded the name 'Whitehouse' as a happy omen, as it is a literal translation of the Latin 'Candida Casa,' the name of the most ancient Christian establishment in Scotland.<sup>1</sup>

A few further additions have been made to the conventual grounds. In 1863 the Bishop's Trustees acquired from Sir John Warrender a small piece of 476 square yards, part of which has since formed the site of the tower; and in 1875 the Sisters feued from Sir George Warrender a strip extending to  $3\frac{362}{1000}$  acres of ground, situated on the south side of Thirlestane Road, for the purpose of preserving the amenity of their grounds. Following the example of Sir George they feued out the present line of flatted tenements forming the north side of Strathearn Road, and, as a prior measure, they disposed to the magistrates two strips of ground, one of 721 feet and the other of 100 feet, along Strathearn Road. Strathfillan Road so far was also feued. In 1909 the Convent also acquired the turreted villa with its grounds of 1 acre 1 rood 2 poles  $6\frac{1}{4}$  yards situated to the west of these tenements, and this villa is now utilised as a boarding-house by the Sisters.

<sup>1</sup> Whithorn in Wigtownshire.

#### V. THE MUIR—DAVID I. TO JAMES IV.

Despite the excepted portions—the Grange of St. Giles, and the lands of Bruntsfield and Whitehouse—the Burgh Muir was sufficiently spacious in extent to give the gift a prominent place in the memory of the burghers of Edinburgh. The earliest detailed description occurs in an action raised by David Preston of that ilk, laird of Craigmillar, against the magistrates regarding the gushet at Cameron, which was decided in their favour on 26th January 1593-4.<sup>1</sup> The magistrates in their counter action define the boundaries thus—

'Begynnand at the west neuke of the dyke upoun the south syde of Sanct leonards loneing qr the grund of the croce stands, and thairfra passand south and south eist as the said dyke gangis be the heids of the airbill landis of Sanctleonards and Preistisfield respectively until it cum to the end of the dyke forsaide, and to the gait that passes to the Priestisfield, Peppermylne, and Nidrie, and fra the south wast syde of the said gait, as ane oyr dyke passes south and south wast, be the sydes of the airable lands of Camroun qll it cum to the south wast neuk of the said dyke, and thairfra doun as the said dyke passes south south eist to the end of the Grene end of the said Commoun Mure by and contigue to the passage and hie street (i.e. the Dalkeith Road) fra the said burgh of Edr. to the brig end betuix the lone dyke of the saids lands of Camroun, and thairfra ascendand the waster lone dyke be the edge of the said commoun mure, and as the said waster lone dyke gannis to the end thairof, quhair it meets wt the croce dyke by and upoun the eist syde of the aikers of the said commoun mure pertenening to (blank), and sa linalie be the said dyke qll it cum to the Powburne, and sua up the said Pow burne qll it cum to the loneing that passes to the lands of Newlands pertenening to the laird of Braid, and thairfra wastwart as the dyke gangis to the south neuk of the dyke situat upone the eister pt of the lands of Tipperlinn, and sua northwart as the said dyke gangis by the yet of Tipperlinn, and thairfra northwart to the dykes of the corne land heids thairof, passand north

<sup>1</sup> *Reg. of Acts and Decrees*, vol. 145, fol. 229.