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reduced their holding of the 'auld feuit pairts' of the Muir to 23 acres. These remained in the possession of the Dicks, and subsequently of the Dick Lauders of Grange and Fountainhall, down to 1885, when Sir Thomas North Dick Lauder, by disposition recorded 24th July of that year, conveyed a portion, extending to $9\frac{725}{1000}$ acres, to the Edinburgh Suburban and Southside Junction Railway Company. The remainder is in course of being laid out for villas.

XV. THE FELLOWSHIP AND SOCIETY OF BREWERS OF ALE AND BEER IN EDINBURGH

In the early years of the sixteenth century, William Dunbar, the great Scottish poet, praised Edinburgh as a place for 'merriness' and for good living. King James IV. had shown a marked predilection for Stirling and its Grey Friary—a fact which greatly displeased his courtiers and the members of the Roman hierarchy who hung about the precincts of Holyrood—and their feelings found expression in a comic poem in the form of a dirge, in which Dunbar parodied a portion of the funeral service.¹ The Grey Friary with its meagre fare he terms purgatory or Hell, and he beseeches the King to leave it and return to Edinburgh, the 'mirry toun'—

'Ze may in Hevin heir with ws dwell,
To eit swan, cran, pertrik, and plover,
And every fische that swymis in rever,
To drynk with ws the new fresche wyne
That grew upoun the rever of Ryne,
Fresche fragrant clarettis out of France,
Of Angers and Orliance,
With mony ane cours of grit dyntie;
Say ze Amen, for cheritie.'

¹ *Domine . . . meos dirige in conspectu tuo viam meam.*—Psaln v. verse 8.

And he, therefore, urges him to

'Cum hame and dwell no moir in Striulling;
Frome hiddous Hell cum hame and dwell.'¹

But, despite this apparent plenitude of the fresh Rhenish wines and the fragrant clarets, the taste for the humble beer prevailed among the burghers of Edinburgh during the whole of the sixteenth century. Hence the city fathers, as already narrated, imposed by their Act of 1510 an obligation on all feuars of portions of the Burgh Muir to build kilns for the manufacture of beer; and this Act continued in force for many long years. It was also the practice of the magistrates, before the Reformation, to pay the Black and the Grey Friars an annual *pension* each of six barrels of sowens beer—beer of poor quality in which fluff or the refuse of oatmeal was mixed—in return for their services in preaching in the open streets of the burgh. This was a drink greatly relished by the poorer classes; and these friars, although famous scholars, lived under the vow of poverty. Lastly, at the end of the sixteenth century, there was established in Edinburgh under the auspices of the Town Council a public company for the manufacture of beer on a large scale. This was the first commercial public company to be incorporated in Scotland—the second being the unfortunate African or Darien Company—and as its operations extended over the Burgh Loch, Bruntsfield Links, and several portions of the South Muir, it is, perhaps, necessary to include a brief account of its story.

This company for the brewing of beer bore the somewhat pompous title of 'The Fellowship and Society of Ale and Beer Brewers of the Burgh of Edinburgh,' and the magistrates were its promoters and exponents. Despite their efforts by way of proclamation by tuck of drum, only nineteen of the

¹ Dunbar's Poems, ed. Scott. *Text Soc.*, 1893, ii. p. 122. Doubtless the friars 'received the poem with laughter and loud applause when the King communicated it to them in the refectory.'—*Altenglische Metrik* von Dr. J. Schipper.

leading burghers were found willing to join the new Society; and, on the 20th February 1597-8, a formal contract or agreement was entered into between the Right Honourable Henry Nisbet, the provost, the bailies, and other members of the Town Council, and the deacons of the various crafts, for themselves and in name and behalf of the whole Body and Community of the said Burgh, on the one part; and 'the haill nineteen persons afternamed, all Freemen and Burgesses of the said Burgh trafficking, indwelling and having actual Residence within the same, to witt, George Herriott Goldsmith elder, Alexander MacMath Merchant, Francis Napier of Pitliver, Patrick Somerville Merchant, Alexander Napier, John MacNaught, Andrew Craig, John Lawrie, Hugh Brown, Thomas Lumisden, James Ker, Patrick Morrice, William Balfour, John Johnston of Newbie, Thomas Hunter, Samuel Burnet, James MacMath, William Mauchan, Merchants, James Herriot Baxter, for them their Heirs and Assignes as representing the under written Society and Fellowship of Brewers of Ale and Beer within the said Burgh, on the other part.'¹ This Contract was followed by a Charter, dated 2nd March 1597-8, granted by the Town Council in favour of the Society, which again was confirmed by James VI. on 8th September 1599.² These writs are too lengthy for insertion, but notice is here taken of their more interesting features.³ It was intended to establish, at the croft or piece of arable ground at the Grey Friars Port from which Sister Beatrix Blacater drew her rents, and henceforth known as the 'Society,' the necessary vats and other houses in connection with the work of brewing, and to bring thither the water from the Burgh or South Loch in leaden pipes by means of one or

¹ Contract recorded 27th May 1598 in *Register of Deeds*, Gibson, vol. lxiii.

² *Great Seal*, vi. 959.

³ It may be mentioned that among the Society papers in the City Chambers there is an excellent transcription of all the deeds and papers of the Society which were handed over to the Council at its dissolution in 1619.

more windmills. To carry out this undertaking the city fathers conveyed to the Society—

(1) All and Haill the Lands or Croft of arable land belonging to the Common Good of said Burgh and which formerly pertained to the Nuns of the Seynis, lying within the common walls of said Burgh between the street or passage of 18 foot breadth at the head of the said Croft near the Town Wall on the South, the dykes of the Yeards of David MacGill, James Harlaw and certain others on the north, the yeard dyke of John Adamson on the east, and the public way leading to the Grayfriars Port on the west.

(2) All and Haill the lands and bounds as well within as without the said Burgh on the west of the said highway betwixt the great port of the Kirkyeard and the South Loch of the said Burgh :

(3) All and Haill the said common South Loch called the Burrow Loch lying betwixt the arable lands of Archibald Graham and a piece of land of the Common Muir on the south, the arable lands of Herbert Maxwell and Lawson of Boghall on the north; the lands of David Crichton of Lugtoun on the east, and the common passage leading from the West Port to the Lands of Wrights Houses and to the Common Muir and Lands of . . . on the west parts.

(4) All and Haill that piece of land of the Common Muir of said Burgh lying contigue to the said South Loch, on the south thereof, betwixt the said arable lands of Arch^d. Graham on the East, the said common way leading from the West Port to the lands of Wrights Houses and to the great stone quarries near to the Lands of Brownfield on the west, the dyke of the said Lands of Brownfield on the south and the said Loch on the north parts. Together with the grass of said Kirkyeard and Inclosure thereof and with the use and convenience of the East Wall or Dyke of said Kirkyeard. Reserving to the magistrates (1) a common passage or public street of 30 feet breadth to be laid with stones leading in

length from said Great Gate of the Kirkyard to the said Loch, with the said Grayfriar Port and the Wall of the Burgh situate within the bounds and lands before described; (2) another way and back passage going from west to east without and along the said Town Wall to the Port of the Kirk of Field (now called the Potterrow Port); (3) the entry or passage or back way also going from west to east by the head of the arable land called Herbert Maxwell's on the north thereof; (4) the lands ways and roads in the east part of the public way and street leading from Kirk of Field Port to said Loch with the street on the east of said Loch; and (5) a common gate in the head of said Kirkyard near the said Town Wall to be used in all time coming as it then was by the said Provost, Bailies, Council and Community and their successors, and the said Society of Brewers, with free ish and entry through the same for a convenient passage for horses and carts to the Milns to be built upon said Town Wall within the said Kirkyard in the South West Round Tower of the said Town Wall.

For the croft and arable lands within the burgh, the Society undertook to pay 100 merks annually during the first four years, and thereafter, annually, 19 bolls of *charity* victual—half wheat, half beer—as well as an augmentation of the sum of 6s. 8d. Scots annually. For the Burgh Loch, the piece of the Muir (Bruntsfield Links) and other lands foresaid, the Society was to pay an annual duty of 20 merks; but they were forbidden to alter the run of the water of the Loch, the superplus of which was to be adapted for the inhabitants. It will be noticed that the portion of Bruntsfield Links included on the east, that on which Meadow Place, with part of Roseneath Place and of the Meadow Walk, are now built, and that it extended as far westwards as the James Gillespie Higher Grade School. The Society, however, was restricted in its use of the Links to cleansing out the springs or wells of water found therein, searching for quarries, and 'casting' or forming one or two sewers for conveyance of the water from said

quarries to the Loch. The Society further agreed to pay 10 merks Scots yearly for the grass of the Greyfriars Burial Ground, except during the period when burials of infected persons took place.

A portion of the old Flodden Wall which was erected from the Potterrow Port towards the Greyfriars or Bristo Port can still be seen, with houses built on it, in the *cul-de-sac* now designated Bristo Port, and it extended through the aperture in Forrest Road to the south-western corner of Greyfriars Churchyard, where it was strengthened by a round tower.¹ Now, the eastern wall of the Greyfriars Churchyard at this date joined the Flodden Wall at a point near the middle of the entrance to the present Forrest Road, and here, under the Contract, it was intended to make a gateway, common to both the Council and the Society for 'a convenient passage for horses and carts to the milns to be built upon said Town Wall within the said Kirkyard on the south west round Tower of the said Town Wall.' No windmill or mill of any kind was ever built on this or any other portion of the Flodden Wall; but the notice is of importance as the first distinct official statement that the Flodden Wall, with the south-western tower, formed the southern boundary of the graveyard.² Nor was any gateway ever erected at the place above indicated on the eastern wall of the churchyard.

The Greyfriars or Bristo Port was a simple, unpretentious structure, and the *cul-de-sac* above referred to is what may be termed a fragment of the roadway, 30 feet wide, mentioned in the Contract. North-east of the Port was the quarry hole in which, during the first half of the sixteenth century, some women were executed by drowning for concealment of the plague.

¹ 'The Flodden Wall,' by W. Moir Bryce, *Book of Old Edinburgh Club*, ii. pp. 75, 76, and map; the round tower 'at the Greyfriars' is referred to in *Burgh Records of 1578*.

² It strengthens the accuracy of the map in vol. ii. of the *Book of the Old Edinburgh Club*.

From the Port the track for the leaden pipes proceeded along the southern side of Bristo Place, Bristo Street, and Chapel Street; and the graveyard attached to the Buccleuch Parish Church now forms the site of the windmill which pumped up the water from the Loch as well as of the cistern in which it was stored. This cistern measured 180 feet in circumference, and the details appear in a charter, dated 24th August 1768, granted by the Town Council in favour of the Kirk Session of the St. Cuthbert's Church, of which the Buccleuch Church formed what was then known as a chapel of ease. In that writ¹ there is conveyed—the ground right, area, and property of the Reservoir or Well for reserving and preserving the water which runs from the Burrow Loch or Meadow, with space of ground around said well whereon the Windmill, now demolished, was built, and which area and Reservoir extended in circumference without the wall of said Windmill to 180 feet, lying south from Edinburgh on the west side of that street which leads from Hope Park to the streets of Potterrow and Bristo opposite to the west front of the dwelling house purchased from William Reid, Merchant; only to be used as Burying Ground in all time coming; and said Kirk Session shall erect no buildings thereon or upon any part of the adjacent Church yeard which may obstruct the view of the Dwelling House in Chapple Street belonging to the Earl of Glencairn fronting said Church yeard and stance of said Windmill; but have right to build Tombs over the graves of common and ordinary dimensions.' The grant was authorised by Act of Council on 24th June 1768, for an annual payment of sixpence. The windmill to which reference is made—the only one known to have been erected—was built at the expense of the City under the terms of the Contract. In this cemetery several citizens of note have found their last resting-place, including Dr. Thomas Blacklock, the blind poet, on whose invitation our national poet, Robert

¹ City Chart., iv. p. 306, N.S.

Burns, made his visit to the Scottish capital, and Mrs. Alison Cockburn, the authoress of the more popular version of the 'Flowers of the Forest.' Within recent years an ugly mission hall has been erected over the centre of the graveyard, despite the restricting clause in the above conveyance, but a high rough rubble wall mercifully shuts out the enormity from sight. Both hall and wall are an offence to the *culture* to which our City lays claim. Of the rights granted to the Society of the Burgh Loch and Bruntsfield Links full descriptions have already been inserted.

While the liberality of our city fathers to the Society erred, perhaps, on the material point of view, it was in their arrangements *quoad* the rights of the burghers that the elements of failure soon appeared. It was mutually agreed, *inter alia*, that

- (1) no other Fellowship or Society for the brewing of ale or beer be permitted within the burgh;
- (2) the sale or purchase by freemen or other inhabitant except from the Society be forbidden; contraveners to be fined £5, of which the Society was to receive one half, and the magistrates the other half;
- (3) freemen, or freemen's wives be forbidden to sell in greater quantity than a pint or quart, under a similar fine;
- (4) victual arriving at Leith be first offered to City Treasurer, then to inhabitants, whom failing to Society;
- (5) the magistrates appoint visitors, searchers, and officers to uplift fines;
- (6) the magistrates grant Letters of Bailiery to said Society to hold courts and punish and fine all contraveners of their Acts, and to apply the fines and unlaws to their own profit and utility;
- (7) the magistrates, at the end of four years, or sooner if asked, discharge or forbid topping of outlandish ale and Scottish beer; and that the Society furnish good and sufficient ale to all burghers willing to buy at the prices set down by the magistrates.

In addition to the lands conveyed under the Contract and Charter by the Town Council, the Society of Brewers acquired from Roger McNaught, one of the bailies, three pieces of the Muir at St. Geillie Grange. The bailie's title to these subjects was incomplete and therefore does not appear in the City Chartularies, and the deed takes the form of a renunciation, dated 22nd March 1597-8, by him of all his rights in favour of the Society, to whom 'infestment is to be given.'¹ The subjects are afterwards described as 'their twa pieces of waste lands of the Muir now arable, and also little piece land in the east end of same, and on the west part of the common passage called the Loaning (Grange Loan) near St. Gillie Grange containing eleven acres.'² It is entered also as situated near St. Roque's Chapel. The Society's charter is not on record, and of nineteen other small feus that they purchased no details have been preserved. As the Loch, under the operations of the Society, decreased in size, its banks, and particularly the southern bank, became known as the 'Society's grass,' and in the summer of the year 1604, the southern bank was let to one Peter Home, a carter. As elsewhere mentioned, this man generously assigned his lease, with the consent of the Society, to the magistrates for the purpose of erecting huts or 'ludges' in which to place the plague-stricken burghers.³ In the following year the magistrates obtained from John, the Commendator of Holyrood-house, a nineteen years' tack of the teinds of certain feued out portions of the Muir, including the eleven acres near St. Roque's Chapel,⁴ for which, two years later, the City Treasurer became security.⁵ The Society, however, sold the eleven acres in 1613 to William Rig,⁶ at that time an extensive dealer in Burgh Muir feus, and thereby terminated their holding. A difficulty occurred in 1617 in regard to the vicarage teinds due by the Society for the Loch

¹ MS. City Chart., x. 179, N.S.

² MS. T. C. M., xi. 151.

³ *Ibid.*, ii. 10.

⁴ *Ibid.*, xii. 128.

⁵ MS. Inv. of City Charters, etc., ii. 5.

⁶ *Supra*, p. 222. 18th August 1613.

and its banks to the two ministers of St. Cuthbert's kirk. The Society had paid 400 merks for their other lands; but the ministers frankly acknowledged that on no previous occasion had they or their predecessors ever received 'any rent or profit of the Burrow Loch of Edinburgh, now called the South Meadows.' With the view of avoiding legal action to enforce their claim, the ministers agreed to set in tack to said Society the small vicarage teinds due to them as 'Vicars of St. Cuthbert's Kirk of the bounds and lands of the Burrow Loch or South Loch and Meadow of Edinburgh with the piece of muir adjacent there.' The tack was to run in cycles each of three years during the lives of the said vicars at the nominal sum of 5s. Scots, 'which was more than ever was paid for same past memory of man.'¹ The Loch was now beginning to disappear, and its name altered into 'Meadows.'

In the meantime, as was to be expected, a bitter feud raged between the high contracting parties respecting the fulfilment of the singular conditions in the Contract. In 1602, the Society took the extreme step of presenting a Supplication and Petition to the Ministers of Edinburgh—at that time a great power in the land—asserting that for three years they had made, without avail, repeated applications to the magistrates for the due performance of their share of the conditions. To this complaint the magistrates made reply, pointing out certain high-handed actions by the Society, and, in particular, that 'the common good is hurt by that clause of the Contract prohibiting any person to sell ale or Scots beer except bought from the Society.' The battle waxed furious, and with the advance of time the magistrates were able to add several further charges against the Society. Their marches of the piece of the Muir besouth the Loch—Bruntsfield Links—had been broken, and they had, without the Council's consent, enclosed with a stone dike 'almost as much more of the Muir to the west.' Their feu of the eleven acres at St. Roque's

¹ MS. Inv. of City Charters, etc., ii. p. 11, 4th August 1617.

Chapel had, in a similar manner, been unwarrantably extended; while they had conveyed and drawn away almost the whole of the water of the Loch, causing it to run into the Water of Leith, instead of bringing it into the Burgh for the town's use. Halbert Maxwell and Laird Lawson, the proprietors on the northern shore, and John Robertson on the southern, had been permitted to usurp a great portion of the Loch without the consent of the magistrates; and the Society had done wrong 'in tilling and labouring (the shores of) the Loch, and in not leaving room about the same for recreation of the inhabitants.' But it was the great question of the beer and its price that stirred the deepest feelings in the hearts of our city fathers—'The Society daily contravened the Acts by selling the ale above twelve pennies the pint; and what man of sense could think that the inhabitants could buy ale from the Society at thirteen pennies the pint, and sell it again for twelve? Besides, their ale and small drink was not of sufficient strength relative to the price.' It was this pathetic touch that, no doubt, led the members of the Society to see the error of their ways, and like 'men of sense,' they offered no further opposition to the action of the magistrates. By Act of Council of 24th March 1618, it was agreed that the Society be dissolved and their lands bought in again for the common good, and this resolution was carried out under a contract of dissolution, dated 30th April, etc., 1619.¹ Entry was taken as at 1st May 1619, and the City paid over to the Society the sum of £26,666, 13s. 4d. Scots. There also followed a disposition of all the plenishings, looms, etc., of the brew and other houses, as well as assignations of the teinds and the smaller teinds. It is pleasing to notice the friendly terms with which the magistrates parted with the members of the Society. They admit that the Society had built several great works, had brought water to the brewhouse and cistern beside same, dried the Loch—from which a large yearly rent was now derived—

¹ Recorded in Books of Council and Session, 1st July 1619.

and had brought the work of brewing within Edinburgh to great perfection. Fellowship in the Society was, under a penal clause in the Contract, confined to men of substance and good behaviour and manners, and in 1599 they expelled a member, Francis Napier, who had fled to London, after having been apprised and put to the horn for debt. In these early days the word *share* in the stock was not understood; and so we find it laid down in the contract of dissolution 'that the said Society which consisted of before originally of nineteen parts should be drawn and reduced to fifteen parts and a half, and two parts of a haill part.' The partners at the dissolution and their respective shares or parts were as follows:—

George Herriot Jeweller and Servant to His Majesty,
eldest lawfull son and Heir to the deceased George
Herriot, Goldsmith, Burgess of Edinburgh—one part.

John MacNaught, Merchant—one part.

Hugh Brown, Merchant—one part.

James Nisbet, Merchant—one part.

Patrick Morrice, Merchant—one part.

James MacMath, Merchant—one part.

Alexr. Herriot, Merchant—one quarter part.

Alexr. MacMath, Merchant } one and a third parts.
Ninian MacMoran, Merchant }

George Overtane, Merchant—one and a third parts.

Isobel Mauchan or Livingstoun as eldest daughter and heir
of William Mauchan, Merchant, her father—one part.

George Todrig, elder, Merchant—one part.

Robert Napier, Merchant—one part.

Sarah Miller, only lawful daughter and heir of Alexander

Miller, Master Taylor to His Majesty—now wife of

Thomas Fleming—one part.

William Rigg, elder, Merchant—a half part
and

Dame Marion Somerville, only daughter and heir to Patrick
Somerville, Merchant, and her husband Sir Lewis Craig

of Wrightsland, one of the Lords of Session—the other half part.

Margaret Ker, eldest dr. of Mr. James Ker, and her spouse Thos. Crombie, W.S.—a half part.

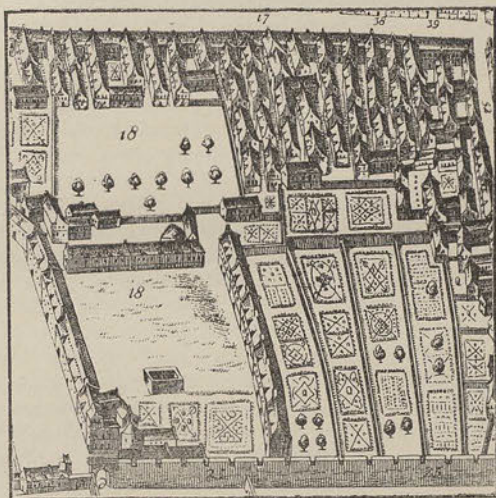
John Johnstoun, Merchant, son and heir of John Johnstoun of Newbie—three quarters of a part.

William Kelly, W.S.—one quarter.

Robert Livingstoun, Baxter	} one half.
and	
Mr. Robert Livingstoun, his son	

George Elliot, eldest son of Jas. Elliot, Maltman — one quarter.

By their action in forcing the dissolution of the Society, the magistrates eventually saved the Meadows and, generally speaking, Bruntsfield Links, for the use of the inhabitants of our city; although, during the eighteenth century, they unwisely feued off certain portions of the Links. On 5th May 1619 they set in tack for seven years the Society's buildings along with their croft and arable land situated within the Common Wall of the Burgh to William Binny and Robert Livingstoun, Maltmen Burgesses, for an annual payment of 2000 merks. This lease was assigned in 1622 to William Dick, Merchant Burgess, who in 1632 obtained a renewal of his lease from the magistrates. Sir Magnus Prince, then Provost of the Burgh, was lessee under tack dated 7th March 1677, and he and his subtenants were succeeded by Alexander Wood and Andrew Gairdner, Brewers, under a tack dated 3rd September 1690. This tack was granted for a period of eleven years at a yearly tack duty of 3500 merks, and in this writ it is stated that the magistrates set in lease to them 'that great work commonly called the *Society* with the haill Houses, Barns, Lofts, Kilns, Cobles, Wells, Cellars, Cisterns, Leads, Coppers, Brewing Looms and others, with the Kilns, Stables, Peathouses and other office houses for the use of their brewing, which were formerly built by Thos. Robertson late treasurer, and then



PLAN OF THE 'SOCIETIE' AND GREYFRIARS PORT
from Gordon's map of 1647.

The parts marked 18 represent the 'Societie,' and the gateway marked 19 Greyfriars Port.

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possest by Sir Magnus Prince, late Lord Provost, and his subtenants since the date of his Tack, which is 7th March 1677, with the haill parts within the Gates of the Society, with the house sometime possest by John Johnstoun, Piper, in the north end of the west work entering without the Gates of the Society, and opposite to the Grayfriar Yeard Tombs, with the main miln at the South end of the Potterrow commonly called the Wind-Mill of the Society, excepting the Horse-Miln.' With this tack the voluminous 'Society Papers' in the City Chambers terminate; and the only echo now left to us of the Fellowship and Society of Brewers of Ale and Beer in our ancient burgh is the name, 'Society,' which still adheres to the principal scene of its operations—now a sad, unsavoury slum. We may add that the Council by Act of 11th April 1739 paid the above mentioned Andrew Gairdner the sum of £10 'as a gift towards making a foot walk from the Meadow to the Windmill.'¹

In Gordon of Rothiemay's plan of the year 1647, there is a view of the Society's croft and buildings.

XVI. BRUNTSFIELD LINKS

The Links which, from their proximity to the old sergeantry lands of Bruntisfield, have for many centuries been designated the Bruntsfield Links, occupy an area of some 35 acres. This area forms the last unfeued portion of the once spacious Burgh Muir now remaining in the possession of the Town Council and the community of Edinburgh, and its preservation as a place of public recreation may be truly attributed to the rocky nature of its surface, and not to the fatherly care of our municipal rulers. From an early period—at least shortly after the grant, by James IV., of the charter of 6th October 1508—these Links were handed over to profes-

¹ MS. T. C. M., lx. 80.