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# CACHEPELL AND TENNIS IN EDINBURGH IN THE SIXTEENTH AND SEVENTEENTH CENTURIES

Thomas Brochard

## Introduction

The game of *cachepell*, or hand tennis/squash, probably came from the Netherlands, rather than through England, at the end of the fifteenth century. In its simplest form, it involved striking a ball against a wall. This Scottish version of the handball game has affinities with the continental *jeu de paume*, real tennis, and similar games played in Belgium, the Netherlands, France, and Italy.<sup>1</sup> In its etymology, the origins of the *cachepell/kachepele* game in Scotland are still debated, with a Picard or possibly Flemish source.<sup>2</sup> The scholarly interest in the hand version of the game in Scotland has been heavily driven by its trophies, the silver balls, uniquely those of Rattray in Perthshire.<sup>3</sup> Having said that, the distinction between the various usages of *cachepell* has been recognised as not being that clear cut, hence the inclusion of these various forms of the game in the present article. One of them included playing with rackets, akin to modern-day tennis.<sup>4</sup>

This short article will initially explore the location of these tennis courts in Edinburgh, with a particular focus on the private courts. The initial section will shed light on the social categories of the recreational owners of these courts and help our understanding of their running, albeit in a limited fashion. In the second section, the perspective will shift towards the game itself, bringing into play its equipment as well as the personnel and legislation making an impact on the game. The article's novelty is that it draws its sources essentially from unpublished burgh and notarial records.

## *Cachepells* and tennis courts in Edinburgh

The following burgh and notarial records greatly expand our knowledge of the private courts for the game of tennis beyond the royal arenas mainly at

Falkland Palace (built 1539–41) and Holyroodhouse and their courtly players.<sup>5</sup> The Scottish capital was not deprived of its own facilities for people lower down the social scale to enjoy a game of *cache*. This section will delineate the location and some specifics of these private tennis courts, divided into two main areas, that is north and south of the High Street.

The first of these ball grounds belonged to John Young of Harperdean, Writer to the Signet, and Margaret Strang his wife and was set within the Youngs' (larger) tenement. The property then passed on 'for ye maist part' to their son, local skinner, John Young, who in turn sold it to Robert Bauchop, burgess of Edinburgh, and his wife Janet Abernethy in December 1608. The Bauchops took actual possession of it in February 1609, but the couple later ran into financial hardship and were sued in court. The property was eventually divested in favour of merchant John Smith the elder and his wife Margaret Hart. In May 1620, the Smiths thus enjoyed this waste-turned-built land, a 'kaitchpull/kaitchepell' below that land, and a garden attached to that tennis court, adjacent to the North Loch of Edinburgh (present-day Princes Street Gardens) on the north side of the High Street.<sup>6</sup>

Bauchop was no ordinary tennis-court proprietor, being himself a 'kaichpeller' (also 'kaichpill[er]'), that is, a keeper of or attendant at a tennis court. Tennis was thus central to him in both a professional and proprietorial capacity.<sup>7</sup> The historian is fortunate in that the owners of property in Edinburgh in 1635 have been calendared through the indefatigable work of C. B. Boog Watson in an earlier issue of this journal. In it, merchant John Smith the elder's *cachepell* is listed. It lay at the foot of the close which bore its name, 'Little Caichepoole' Close (between present-day Fleshmarket Close and Cockburn Street).<sup>8</sup> It appears from the tax roll that the Smiths actually rented the 'Caichepool' to none other than the said Janet Abernethy for a £50

annual mail (i.e. rent).<sup>9</sup> One wonders if, in her old age, Janet would still have carried out the duties of her husband as keeper of the *cachepell*.

Very interestingly, that particular tennis court was bounded by various other lands, including the lands and 'kaitchepell' of Walter Adamson to the east. That second tennis court had been in the hands of Walter's father, merchant-landlord James Adamson the elder of Cowthrople (present-day Dolphingstone, Prestonpans parish). When he died in January 1594, it passed to his widow, Margaret Gibson, in liferent. Margaret herself passed away in August 1608. But during all these years the said Walter, a burgher of Edinburgh, and his wife Christian Kirkcaldy failed to pay the rent for the *cachepell* which they occupied. That rent was set at 120 merks annually. Its location was given as above or opposite ('foirment') the salt tron.<sup>10</sup> Later in the century, its precise location was given as being in Bauchop's Close (present-day Cockburn Street), in all likelihood named after the above tennis-court keeper or at least after a family connection. By December 1668 its proprietor was Francis Hepburn of Beanston, who sold the property with the 'Catchpell' to his second son, Robert Hepburn.<sup>11</sup>

A third site could similarly be found on the north side of the High Street at the north end of Brown's Close. It was part of some tenements on lands formerly held by Gedeon Russel, which then passed to Alexander Dick, a writer.<sup>12</sup> In February 1618, as his wife lay 'havilie seik', Dick set up a yearly payment to their children, George and Agnes, to be drawn from these tenements with 'the kaitchpule zaird [and] taill'.<sup>13</sup> In May 1638, it belonged to Alexander Downie, a merchant, and his wife Jean Gibson.<sup>14</sup> The property remained within the Downie family for several decades.

In 1664, however, that very structure is described in two distinct ways within a few months. In March, Thomas Downie, Alexander's grandson, secured Margaret Campbell, daughter of the late merchant George Campbell, into the annual sum of £96, drawn out of the large tenement called the 'croce hous', an added built tenement, and the adjacent 'tinnice court' and its little 'croce hous'. This served as collateral for a debt owed by Thomas Downie's father to George Campbell, Margaret's father, which Thomas Downie was bound to repay her.<sup>15</sup> Within a month, in late April, Downie used not the annual dues, but the actual property as collateral for a borrowing of £1,000. In

that contract, the court appeared this time as 'the tinnies or ketchball' thereof.<sup>16</sup> In June of the same year, to fulfil a matrimonial contract with Margaret Dobbie, Downie infested her in these properties in liferent. Within the notarial protocol, the '*Spheristerium*' was this time designated a 'Bowling allay'.<sup>17</sup> It is very unlikely that the notary made a mistake, if only because he was actually within the premises when he drew up his instrument. This leaves the possibility that the court was a multi-purpose one, serving as either a tennis court or a bowling alley at the request of its users. Alternatively, though less probably, this was a structure large enough to contain *both* courts. A third possibility is that the name of the structure (*cachepell*) was kept, at least initially, even though a different game (bowling) was played in it. Two years later, Downie threw in the towel. In February 1666, he sold the whole complex, including the 'Cahpell' [sic], to Mr Mungo Murray of Carlaverock for an undisclosed sum.<sup>18</sup>

Still on that northern side of the High Street, another structure for the game lay at the foot of Dunsyre's Close (present-day Chalmer's Close). In April 1613, Clement Russel, a merchant, let the property, a 'Caichpell' and adjacent low-lying ground, to Andrew Wood, a gardener, on a five-year lease to begin at Whitsun 1613. Most informative in that contract was the added lease of 'ye north zaird' lying at the north end of the court. The purpose of this garden lease was to enable Wood to undertake the 'gathering & vptaking of all ane sundrie ye caichpell balls that salbe cassin down and playit y[er] intill allan[er]lie [i.e. only]'. Wood was not to damage any trees, flowers or herbs, or take away any fruits, flowers or herbs 'Bot sall onlie gether and bring furth ye ballis yt salhappin fall thairin strikin furth of ye said kaitchpell.' Wood's annual rent was set at 80 merks Scots. So, this court, at least, was not fully enclosed and covered. There would have been a space above the inner walls (or at least one wall) allowing the balls to fall into the garden below ('cassin down'). In this particular instance, it is difficult to reconcile the concept of a barehand game being played on this court with the version being played with some rackets ('strikin furth').<sup>19</sup> Effectively, Wood acted as the groundsman in charge of retrieving these lost balls. It was thus not the players' responsibility to pick them up; a point which shall be reinforced below.

In August 1603, a burgh court had sentenced Mr

Hector Rae to pay Thomas Johnson and Andrew Wood the rather large sum of £12 3s 4d for ‘caitche spell balls’, which the latter had furnished to Rae since the previous Yule.<sup>20</sup> In all likelihood, Wood is the same gardener who received the said five-year lease of the *cachepell* later, in 1613. He would simply have renewed an earlier lease, or earlier leases, on the facility. In addition, the document points to players of the game being able to rent balls directly from the tenants each time they played. Another possibility is that Rae purchased these balls in bulk, perhaps on separate occasions, from the two sellers. But the fact that the two known Raes were recent graduates means that the first scenario was more likely, that is, a young player rather than a ball dealer/merchant.

That north side of the High Street enjoyed still another *cachepell*. The playing ground was found within the tenement of the late Adam Turing, which subsequently passed on to goldsmith John Gilbert. The ball court itself had belonged to John Arnot, eldest son of provost Sir John Arnot of Birswick. Subsequently, Thomas Brown the elder, royal master smith, and his wife Margaret Lyell secured its possession. In April 1638, the Browns disposed of the same (presumably through mortgage) to William Sinclair of Broughton and Canongate burgess John Paterson. In July 1640, Sinclair and Paterson, with the consent of the Browns, sold it for £600 to Edinburgh pewterer James Monteith.<sup>21</sup> Although no precise location is available, the collation of information from another notarial protocol book seems to point to an area to the south of Trinity College, that is very near the *cachepell* mentioned just above (Dunsyre’s Close/present-day Chalmer’s Close).<sup>22</sup> Indeed, the 1635 tax roll pinpoints its precise whereabouts to the foot of Monteith’s Close.<sup>23</sup> Even if Thomas Brown the elder possessed it during that fiscal census, it was then in a very poor state, being entered in the record as ‘a Caichepoll & a yard all rouynous’ – so much so that no rent figure was set against it.<sup>24</sup>

But this was not all. The south side of the High Street benefited from comparable sporting and recreational facilities. There, burgess William Elphinstone had in his possession the land ‘commounlie callit ye kaitchpell’ since prior to January 1551/2.<sup>25</sup> In the 1570s, book dealer George Ker came into possession of it.<sup>26</sup> In January 1616, the paperwork to half a share of that property was delivered by local merchant Robert Napier to Captain

James Hunter, merchant, and Robert Telfer, cutler, of the Canongate.<sup>27</sup> There, ‘outw[i]th’ (i.e. outside) the Netherbow, local baker Robert Telfer and his spouse Elizabeth Park sold in May 1622 to maltman William Lowes, and Agnes Wilson, a ‘meikill kaitchpell’ and other lands bounded on the east by the tenement of the late William Bog. Lowes and Wilson furthermore acquired from the Telfers additional properties within the said late Bog’s tenement, including ‘ye littill kaitchpell’, for the total price of 3,200 merks.<sup>28</sup> These two courts remained in the Lowes family since William’s son, Thomas, mortgaged both, alongside other properties, to stable-keeper James Macaulay and his wife for 3,300 merks in May 1637. Their location would have been at the intersection between present-day St Mary’s Street and the Canongate, north-west of Gullan’s Close.<sup>29</sup>

Still on the south side of the High Street was another playing ground. It was situated west of ‘that great Ludging’ in the Netherbow, possessed by three generations of the Hamiltons of Redhouse, the latter being buttressed by the town wall of present-day St Mary’s Street. In February 1658, the ‘Catchpool and yaird’ were held by Sir James Carmichael, a former Lord Justice Clerk.<sup>30</sup>

The Haliburtons owned a tenement in that area, within which was a ‘caitchepull’. This would have been the court dignified by the presence of royal player King James V, who happened to lose balls on the day on which he played.<sup>31</sup> Katherine Haliburton inherited it from her father Mr James Haliburton. It then passed to her son, advocate Mr Alexander Livingston. In May 1582, Livingston made a contract with fellow advocate Mr John Learmonth, which saw the latter taking possession of a ‘nather Ludgeing’ and adjacent ‘zaird’ bounded at the north by Livingston’s ‘catchepell’. To preempt any potential source of future conflict, a clause indicated that ‘incaise ony ballis cu[m]ming out of ye cachepell fall w[i]t[h]in ye clois or boundis’ of Learmonth’s, then Livingston would be allowed ‘to caus knock at ye zett, and to seik ye sadis ballis at ye induellaris of ye sadis Ludgeing quhatsumevir and yai to delyuer ye samyn to ye said mr alex[ande]r his airis or tennentis w[i]t[h]out payment of ony price or dewite yairfoire’.<sup>32</sup> Fundamentally, the players were thus not responsible for retrieving any lost balls. rather this responsibility fell to the proprietors or tenants/keepers of the *cachepell*.

Carpenter Robert Wilson subsequently took over the destiny of that tennis court. In October 1630, his daughter Rachel Wilson and her husband, writer John Gilbert considered that playing ground as theirs. The Gilberts mortgaged it, alongside other lands, in July 1643 for 2,000 merks.<sup>33</sup> Its exact position was revealed in the 1635 tax roll as situated in Halyburton's Close (a subsidiary close on the east side of present-day Dickson's Close), and giving rise to the eponymous close, 'Caichepoole Close' (Dickson's Close).<sup>34</sup> During the said Robert Wilson's tenure, he put in place (or simply renewed) a keepership of the ground. The 'kaichpeller' there was George Thomson, who passed away in June 1635, shortly after the drafting of the 1635 tax roll. According to his testament, Thomson was not well off and only declared £40-worth of ready possessions, and an additional £180 7s 2d of debts that were due to him. By the same token, he stood £119 6s 8d in the red. This meant that he had roughly £100 of disposable income. Among these arrears, Thomson actually mentioned that rent of the 'kaichpeller' amounting to the annual value of £20, which he still owed to Wilson.<sup>35</sup>

The game was likewise played within the property of Richard Blacklock, which he held on the south side of the High Street. The location of that *cachepell* is not clear. Suffice it to say that it was adjacent to the High Street, on its northern boundary. By October 1556, former bailie Blacklock was dead and his widow, Helen Towers ('tovris'), had become conjunct fear of that court. However, that month, she decided to renounce her right in favour of Margaret Blacklock, undoubtedly one of Richard's kinswomen, for the sum of 40 merks. To be more precise, the *cachepell* proper might have been owned by someone else entirely and merely been abutting to Richard Blacklock's building. This can be surmised from the entry, as the description of Richard's tenement only mentioned the land, 'kachepullzard', and pertinents within the same.<sup>36</sup> The present writer suggests that Blacklock's tennis ground was actually located at the head of Kinloch's Close (between present-day Niddry Street and Dickson's Close), through the presence of a Richard Blacklock in that close in 1529. Ancillary notarial instruments confirm that position.<sup>37</sup>

Finally, the Bassendeans equally enjoyed another 'caichpule' very early on by the 1520s, or early 1530s at the latest, as William Bassendean was granted a sasmine of some lands as heir of his late father, James

Bassendean, in June 1533. A tenant, John Crombie, notified the notary that he still had some terms of his tack yet to run for the house and 'cachepell'. The tenement within which the *cachepell* was found was surrounded on all sides, except the south, by the king's common ways.<sup>38</sup> With the protocol book of John Foular clarifying the area where the Bassendeans and John Crombie resided as near the Netherbow, this helps bridge the gap until the next known owner in the 1630s.<sup>39</sup> This *cachepell* must be the one owned by the unnamed widow of John Barton in the tax roll of 1635. It was situated at the bottom east side of John Barton's Close (present-day Fountain Close), one of whose former names had been Bassenden's Close due to the family possession within it.<sup>40</sup>

Although the following is not sourced from the burgh or notarial records consulted for the present article, it is apposite to note an additional *cachepell* in the now defunct Con's Close (to the east of present-day Old Assembly Close) on the south side of the High Street. This tennis ground formerly pertained to James Gordon of Blackhillock and became the property of writer James Scougal in July 1620.<sup>41</sup>

Further east, the game of tennis was played in the Canongate. This was the location of the *cachepell* belonging to the wealthy Canongate burgess and merchant Henry Kinloch, who subsequently achieved fame by hosting the French ambassador in 1565/6.<sup>42</sup> In late May 1562, a number of individuals appeared before the Edinburgh notary Mr Gilbert Grote to testify to the whereabouts and activities of Edinburgh baker Hercules Methven on Sunday 10 May 1562. In the evening, having left the house of the former box-master to the masons, Gilbert Cleuch, in the Canongate, Methven, alongside fellow baker Adam Carnbee ('carneba'), a John Sinclair, and, indubitably, the said Kinloch, went to the latter's 'cachepill' where they stayed for about an hour before heading home to Edinburgh.<sup>43</sup> From that short testimonial, one can infer that the *cachepell* was situated within the Canongate. It is known that Kinloch held properties at the corner of present-day New Street and Canongate (at/near the present-day site of Canongate Venture).<sup>44</sup> However, this was not the site of the *cachepell*. Rather, its whereabouts can be found at the bottom of the Canongate, on its south side, opposite the old Girth Cross.<sup>45</sup> This fascinating notarial insight testifies that this sporting facility was used for socialising, as a place to be in company of



friends or acquaintances. If the party ever played a game that night, it would not have been of the highest sporting quality as the group had earlier ‘remanit and Drank c[er]tane tyme’ in Cleuch’s house.<sup>46</sup> At the other end of the spectrum of this facility’s social use, the mood would have been much more solemn. Later on in the seventeenth century, during the troubled times of the civil wars, the minister Mr John Weir rallied the scattered congregation of South Leith and preached to them in late November 1651 ‘in the Caitchhall’ at the foot of the Canongate.<sup>47</sup>

Beyond these specific facilities, identifying the exact location of a couple of others becomes very problematic. As a result, it could well be that the following grounds, or a number of them, are actually identical with (some of) these courts already discussed above. As one would expect, these *cachepells* mentioned above changed hands between various proprietors. One feature that has not been commented upon in the sports historiography until now, but touched upon earlier in the present article, is the fact that these sporting facilities were leased to tenants. Certainly, in July 1602, mace-bearer Robert Stewart went to the Edinburgh burgh court to force his tenant William Maccalzean to pay him the £40 owed him for the 1601 rent of ‘ane kaichpell’.<sup>48</sup>

Very little information is available concerning the final *cachepell*. In November 1564, it was described as the property of the late Robert Fleming, an Edinburgh burghess and, in all likelihood a former bailie. Although Fleming had passed away, the playing ground still had its caretaker, Master Thomas Ramsay, ‘kepar’ of that ‘cachepele’. That notarial entry is interesting in that it shows that the keeper had a ‘chalmer at ye said cachepeill end’ from where Ramsay conducted his other business, comparable to the use of the royal *cachepell* in Linlithgow, from where land conveyancing could be managed. In this instance, Ramsay acknowledged the payment of a debt on a money loan. Besides, Ramsay was then currently enjoying in his chamber/private room some ‘warklwms belonging to ye binding of buks’ which he had borrowed from the same debtors, namely writer William Stewart and Margaret Atkin. Ramsay thus combined multiple activities to supplement his revenues as keeper of the *cachepell*.<sup>49</sup> Unfortunately, no additional details transpired concerning Fleming’s court, except that it was located on the north side of the burgh, very likely in the area west of the Netherbow.<sup>50</sup>

## Game on!

The game became such a landmark in the burgh that it entered the conscience of local residents as an eponym, a name that defines a place to be enshrined in a street name. This is what happened in Edinburgh. Edinburgh had two of its closes named Caichepoole Close and another one called Little Caichepoole Close.<sup>51</sup> What is even more remarkable is that an illustration of the game as played in Edinburgh has survived dated 1672–3, as sketched by Edinburgh student Archibald Flint. The version depicted by Flint is akin to modern-day tennis, as a rendition of *cachepell* current at the time, that is, a game between two players with rackets and across a net between them.<sup>52</sup> Perhaps this was drawn by Flint as a witness to the sport that was practised in yet another tennis court in Edinburgh, located within the precincts of the university. In late August 1596, a terse note in the town treasurer accounts mentioned the payment of 2s 6d to a workman for his half a day spent at ‘the colledg in helping vp the catchpull’.<sup>53</sup>

Once the court was up and running, all that was needed was the equipment for the game. This was not overly difficult to obtain. In May 1599, William Bannerman in Edinburgh bought ‘c[er]tane Catchepule balls’ from a John Rodger. Not being forward with his money, Rodger judicially pressed him to pay up in February 1600. In fact, this John Rodger can be identified as the town’s contemporary fencing master, as inferred from his stock of ‘cachpeill ballis’ and ‘new rakettis’ listed in his deathbed inventory.<sup>54</sup>

The provision of tennis equipment would have been a most natural thing for Alexander Piers. In March 1618, he was appointed ‘keiper of his majesties Tinnes courte’ in Scotland and ‘furnisher of Rackets Balls and vther Necessare provisione’ for an annual salary of £40. The Exchequer was also to provide Piers with an additional £100 per year ‘for furnishing of Rackets and Balls to his majestie playing When he was within the kingdome [of Scotland]’. This was not all. In July 1625, King Charles I issued a warrant to the Scottish Treasury to pay him £50 sterling ‘towards his charge in building of a Tenniscourt neare o[u]r pallace of Halyrudhouse’. This remained a dead letter. In 1635, the Crown yet again directed the Treasury to pay Alexander Piers £300 sterling to cover his ‘great charges ... In building the Tinnes court at his majesties pallace of Halyrudhous’. Unfortunately for Piers, his

employer was not forthcoming with the money. Upon notification from Piers, the king renewed the order for payments in August 1646. These would defray Piers' costs, that is, the said £300 sterling for the tennis court, and £800 Scots for his fees and 'furnishing Rackets and Balls' when the king was in Scotland.<sup>55</sup>

This document thus not only helps date the building of the Holyroodhouse tennis court to between 1618 and 1623, but also establishes its overseer in the person of Piers, keeper of the royal tennis courts in Scotland.<sup>56</sup> The dating of the initial Crown grant in 1618 is very important in that it matches the monopoly for the manufacture and sale of golf balls, gifted to James Melville that same year.<sup>57</sup> These two grants should be seen within the broader context of the royal rebuttal of the suppression of Sunday sports by Puritans in England, crystallised in his *The Kings Maiesties Declaration to His Subjects, Concerning lawfull Sports to be vsed* published that very year (1618), and commonly called *The King's Book of Sports*.<sup>58</sup> The king thus promoted sports through writing, but also through executive actions. Later on, that royal venue, Holyroodhouse, was used to host theatrical plays after the Restoration.<sup>59</sup> It is important to remember that, unlike our present-day tennis courts, these sporting facilities fulfilled various functions. Indeed, the queen's 'kaichpell' in Linlithgow was the location where notaries carried out some of their conveyancing in the 1560s, just as some of the private courts were put to other social uses, as noted above.<sup>60</sup>

Time and again, the local authorities were forced to ban sporting practices as these infringed upon the sacred. The town magistrates acted in cooperation or in unison with the Kirk in this matter as has been well demonstrated across the country.<sup>61</sup> Generic legislation passed by burgh councils shows the concern of the local authorities to protect the sanctity of Sundays, regardless of the type of non-religious activities.

In a strange way, the game moreover fell within the scope of the activities which the University of Edinburgh banned. In December 1628, the council registered the statutes governing the university. Among the laws to be enforced upon the students was a ban on them 'speiking scottes' or resorting to 'tavernes' and other 'vnseemelic plaices'. However, the proscription read that 'non frequent kaitchpulle' as well or 'vse vnlauffull gaymes, as cairtis, or dyce'.<sup>62</sup> It is hard to reconcile the prohibition with the fact that the college

had its own *cachepell*, as seen above. The association of the sport with these condemnable games of chance might underline the fear of bets on the tennis court on the part of the authorities, or merely their endeavours at curbing absenteeism from classes rather than a condemnation of the sport as such.

## Conclusion

The research into *cachepell* and tennis as found in Edinburgh in the sixteenth and seventeenth centuries has underpinned a few salient points for our understanding of the sport in the early modern period. This study has uncovered seventeen courts in total (fifteen private ones, a university court, and the royal court). First and foremost, this sheer number of courts then present is indicative of the sport's popularity in the Scottish capital. This is confirmed by its specific mention in the statutes of the university. Additionally, that sport struck and captured people's imagination, if only in a practical way that led to the naming of some of its closes after the game. The location of the *cachepells* reveals that they were not confined to remote places at the outer edges of the burgh across the burgh moor or the links, but were actually evenly spread across the burgh from the periphery (adjacent to the then North Loch) to a very much central position. The sporting and working environments were not visibly separated, these courts being mixed in with residences and businesses.<sup>63</sup> In terms of ownership, the Edinburgh social élite (landlords, civic magistrates, and higher echelons of the legal profession and of the trades) possessed a number of these courts. Others were held by burgesses, merchants, and tradesmen. The control of these courts therefore lay not with royalty and the nobility, but lower down the social scale through a broad range of professions. A number of these *cachepells* were rented out to tenants. From these tenants, players could purchase balls on a pay-per-game basis. The appointment of Alexander Piers as master of the royal tennis courts in Scotland in 1618 is critical *per se* but also in that it establishes a time frame for the cost of, and a supervisor for, the building of the royal tennis court of Holyroodhouse. Further research and a greater scrutiny of these burgh and notarial sources would uncover additional *cachepells* in the city, pinpoint the exact locations of a few problematic ones, and delete potentially duplicate

playgrounds. It would add individual owners and tenants/keepers, filling in gaps in biographical terms but importantly in chronological terms as well to give a much more precise time span for these structures and their sporting and alternative social usages.

NOTES AND REFERENCES

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- 2 R. Morgan, 'The Silver Ball of Rattray: A Note on an Early Form of Tennis', *The International Journal of the History of Sport*, 8 (1991), pp. 420-5; J. Burnett 'A Note on the Silver Ball of Rattray', *Proceedings of the Society of Antiquaries of Scotland*, 128 (1998), pp. 1101-104. Throughout the present article, the author uses the term 'cachepell'. It had many different spellings at the time. But this is the head form, alongside its alternative 'kachepele', adopted by the Dictionary of the Older Scottish Tongue: W. A. Craigie et al., eds., *The Dictionary of the Older Scottish Tongue: From the Twelfth Century to the End of the Seventeenth*, 12 vols (Chicago, London 1937-2002), dsl.ac.uk, accessed 25 March 2019.
- 3 Morgan, 'Silver Ball', pp. 420-25; R. H. Rodger, 'The Silver Ball of Rattray: A Unique Scottish Sporting Trophy', *Proceedings of the Society of Antiquaries of Scotland*, 122 (1992), pp. 403-11; Burnett, 'Silver Ball', pp. 1101-104.
- 4 Burnett, *Riot, Revelry and Rout*, p. 50. Hence the use throughout this publication of the terms 'cachepell' or 'tennis' interchangeably, for convenience's sake. This usage does not preclude an acknowledgement that these terms do not cover the same meanings.
- 5 P. Wordie and L. St. J. Butler, 'Tennis in Scotland', in L. St. J. Butler and P. J. Wordie (eds.), *The Royal Game* (Stirling 1989), pp. 18-23; and T. Puttfarken and M. Crichton Stuart, 'The Royal Tennis Court at Falkland', in *ibid.*, pp. 26-35, with a fleeting observation on these private courts on pp. 21, 27; J. G. Dunbar, *Scottish Royal Palaces: The Architecture of the Royal Residences during the Late Medieval and Early Renaissance Periods* (East Linton 1999), pp. 207-8. In the early 1540s, there were royal tennis grounds in St Andrews, Falkland, Linlithgow, Edinburgh, and Stirling: *Registrum Secreti Sigilli Regum Scotorum: The Register of the Privy Seal of Scotland*, eds. M. Livingstone et al., 8 vols (Edinburgh, 1908-82), ii, no. 3394; iii, no. 77.
- 6 Edinburgh, National Records of Scotland [NRS], Edinburgh Register of Deeds, B22/8/17, fos. 300v-3v; B22/8/18, fos. 137v-9r; B22/8/20, fos. 305v-13r, 317v-9r, 332v-3v. The May 1620 sale was made by George Abernethy the elder, but with Bauchop and Janet's consent, as well as that of George's son, George Abernethy the younger.
- 7 NRS, B22/8/17, fos. 300v-3v; B22/8/20, fos. 317v-9r. The profession was not unknown in contemporary Edinburgh, again attesting to the relative popularity of the sport at the time: C. B. Boog Watson, ed., *Roll of Edinburgh Burgesses and Guild-Brethren, 1406-1700* (Edinburgh 1929), pp. 305, 335, 489. Bauchop is mentioned earlier, in 1604, as a merchant: T. Thomson, ed., *Inquisitionvm ad Capellam Domini Regis Retornatarvm, Qvae in Pvblicis Archivis Scotiae Adhvc Servantvr, Abbreuiatio* [Retours], 3 vols (London, 1811-6), vol. ii, Inquisitionum Generalium, no. 170.
- 8 C. B. Boog Watson, 'List of Owners of Property in Edinburgh, 1635', *Book of the Old Edinburgh Club*, 13 (1924), p. 112.
- 9 Edinburgh City Archives [ECA], Edinburgh Housemails Taxation Book, 1634-1636, p. 175; A. Allen and C. Spence, eds. *Edinburgh Housemails Taxation Book, 1634-1636* (Edinburgh 2014), p. 192. Strictly speaking, the cachepell was rented out by Robert Bauchop's widow. Janet had married Robert in December 1596: H. Paton, ed., *The Register of marriages for the parish of Edinburgh, 1595-1700* (Edinburgh 1905), p. 2.
- 10 ECA, Edinburgh Burgh Court, Register of Decrees, 1606-1613, SL234/1/7, 25 July 1609, 4 December 1610.
- 11 ECA, Moses bundle 62, no. 2800. The name of that close does not appear as a head form in Harris, nor was the ill-defined Wauchope Close in its vicinity: S. Harris, *The Place Names of Edinburgh: Their Origins and History* (Edinburgh 1996), pp. 267, 624; C. B. Boog Watson, 'Notes on the Names of the Closes and Wynds of Old Edinburgh', *Book of the Old Edinburgh Club*, 12 (1923), p. 125. However, collation of topographical details makes it clear that Adamson's Close, Bull's Close, Caichepoole Close, and Bauchop's Close were all one and the same (present-day Cockburn Street): Harris, *Place Names of Edinburgh*, pp. 131-2; Boog Watson, 'List of Owners of Property', p. 112.
- 12 Russel was undoubtedly the merchant who, along with his father, Mungo, established Scotland's first paper mill at Dalry in 1590: A. G. Thomson, *The Paper Industry in Scotland, 1590-1861* (Edinburgh 1974), pp. 9-10.
- 13 NRS, B22/8/21, fo. 89r-v. The name of the close appears when the court was used as a bowling alley later in the century. 'Taill' describes a piece of land attached to a larger portion or to the end of some lands.
- 14 ECA, Moses bundle 19, no. 785. A feature of the building was its 'littill crocehous', that is a house standing crossways, at the head of the cachepell.
- 15 ECA, Moses bundle 47, no. 2051.
- 16 ECA, Moses bundle 48, no. 2080.
- 17 NRS, Edinburgh Protocol Books, B22/1/87, fos. 305v-6r.
- 18 ECA, Moses bundle 55, no. 2428. It is also spelt 'Cakball'. Murray was or went on to become an advocate.



- 19 NRS, B22/8/17, fos. 271v-2v. Seemingly, this was another court belonging to Gedeon Russel at one point. On the close, see Harris, *Place Names of Edinburgh*, p. 163.
- 20 ECA, Edinburgh Burgh Court, Diet Book, 1601–1603, registered 2 August 1603. Rae might have been connected to merchant and councillor Hector Rae, about to become Edinburgh's treasurer (November 1603) for a number of years. There were two recent graduates bearing that name, one in July 1600, and the other on 29 July 1603, that is, only days before that legal case. The latter went on to become minister at Hownam, the former is as yet untraced: D. Laing, ed. *A Catalogue of the Graduates in the Faculties of Arts, Divinity, and Law, of the University of Edinburgh, since its Foundation* (Edinburgh 1858), pp. 17, 20.
- 21 ECA, Moses bundle 21, no. 874.
- 22 M. Wood, ed. *Protocol Book of John Foular, 1513–1528* (Edinburgh 1953), pp. 63, 103.
- 23 Boog Watson, 'List of Owners of Property', 116.
- 24 ECA, Edinburgh Housemails Taxation Book, 1634–1636, p. 221; Allen and Spence, eds. *Edinburgh Housemails Taxation Book*, p. 240.
- 25 NRS, B22/1/16, fos. 26v-7r.
- 26 NRS, Register House Charters, first series, RH6/2143, 2194, 2258-9, 2261-3, as per NRS online catalogue, accessed 4 November 2019. Ker was the first husband of the nefarious Barbara Napier, one of the North Berwick witches.
- 27 NRS, B22/8/17, fo. 154v.
- 28 NRS, B22/8/21, fos. 393v-6r.
- 29 ECA, Moses bundle 18, no. 731. It is to be noted that Thomas Lowes was made heir to his father in that large cachepell and other tenements in February 1623, that is, shortly after their purchase by his parents. Thomas' sister, Janet Lowes, was retoured presumably in the other cachepell in September 1625: Thomson, ed., *Retours*, vol. i, Edinburgh, nos. 498, 552.
- 30 ECA, Moses bundle 39, no. 1618. The Hamiltons' elongated lodging is clearly seen on Gordon's 1647 map, between the keys 'g' and '4': <https://maps.nls.uk/view/74475427>, accessed 10 May 2019.
- 31 Puttfarcken and Crichton Stuart, 'Royal Tennis Court', 27.
- 32 NRS, Yule Charters, GD90/1/193. More properly, the northern boundary of the lodging is described as 'ye wall of ane Lymehous qlk is biggit at ye end of ane catchepell' pertaining to Livingston.
- 33 NRS, Mylne Papers, GD1/51/6; ECA, Moses bundle 25, no. 1061. The beneficiaries of that mortgage were Mary Lauder, wife of Haddington burghess George Pringle, and her daughters Mary and Sibylle Pringle.
- 34 ECA, Edinburgh Housemails Taxation Book, 1634–1636, p. 389; Allen and Spence, eds. *Edinburgh Housemails Taxation Book*, pp. 364-5; Boog Watson, 'List of Owners of Property', p. 127, where it is noted that Caichepoole Close had a back entry to the said tennis ground. For a short topographical summary of that area, see J. Schofield et al., 'Excavations South of Edinburgh High Street, 1973–4', *Proceedings of the Society of Antiquaries of Scotland*, 107 (1975–6), pp. 163.
- 35 NRS, Commissariat of Edinburgh, Register of Testaments, CC8/8/57, pp. 733-6, confirming the £20 annual rent listed in the 1635 tax roll.
- 36 NRS, Protocol Book of Gilbert Grote, NP1/15, fos. 20v-1r. The conjunct fear denotes the co-owner of the fee-simple of a property.
- 37 J. Geddie, 'Sculptured Stones of the 'Royal Mile': II', *Book of the Old Edinburgh Club*, 15 (1927), p. 101; J. Anderson, ed. *Calendar of the Laing Charters, A.D. 854–1837* (Edinburgh 1899), nos. 547, 615.
- 38 NRS, B22/1/4, fo. 168r. William resigned these properties in favour of himself and his affianced spouse, Christine Balcaskie. It is tempting to see in this John Crombie, the person whose cachepell ('Crummis cachpuyll') served as the venue for a royal game against Lord Glamis in late June 1526: T. Dickson et al., eds., *Accounts of the Lord High Treasurer of Scotland*, 13 vols (Edinburgh 1877–1978), vol. v, p. 275.
- 39 M. Wood, ed., *Protocol Book of John Foular, 1503–1513* (Edinburgh 1941), p. 48; M. Wood, ed., *Protocol Book of John Foular, 1513–1528*, p. 49; P. Miller, 'The King's Wall', *Transactions of the Edinburgh Architectural Association*, 2 (1892), pp. 168-9.
- 40 ECA, Edinburgh Housemails Taxation Book, 1634–1636, p. 445, whose annual rent was set at £30; Allen and Spence, eds., *Edinburgh Housemails Taxation Book*, p. 410; Boog Watson, 'List of Owners of Property', p. 131; Harris, *Place Names of Edinburgh*, pp. 278-9.
- 41 J. M. Thomson et al., eds., *Registrum Magni Sigilli Regum Scotorum: The Register of the Great Seal of Scotland* [RMS], 11 vols (Edinburgh 1882–1914), vol. viii, no. 59.
- 42 T. Thomson, ed., *A Diurnal of Remarkable Occurrences That Have Passed within the Country of Scotland since the Death of King James the Fourth till the Year MDLXXV* (Edinburgh 1833), pp. 86-7.
- 43 NRS, NP1/15, fo. 80r-v.
- 44 D. Wilson, *Memorials of Edinburgh in the Olden Time*, new ed. (Edinburgh 1886), p. 284.
- 45 K. M. Brown et al., eds., 'The Records of the Parliaments of Scotland to 1707' (St Andrews 2007–2019), 1661/1/152, consulted online at [https://www.rps.ac.uk/search.php?a=fcf&fn=charlesii\\_trans&id=36526&t=trans](https://www.rps.ac.uk/search.php?a=fcf&fn=charlesii_trans&id=36526&t=trans), accessed 2 November 2019; RMS, viii, no. 1651; M. Wood, ed., *Book of Records of the Ancient Privileges of the Canongate* (Edinburgh 1956), p. 28-9; Anderson, ed., *Calendar of the Laing Charters*, no. 1545.
- 46 The party spent about an hour in Cleuch's house, according to one witness: NRS, NP1/15, fo. 80r.
- 47 D. Robertson, ed., *South Leith Records* (Edinburgh 1911), p. 93, where the playing ground is misidentified as the royal tennis court. James Gordon's 1647 map of Edinburgh lists another 'Spheristerium'/'tinnis court' in the Canongate under no. 51 [lege 31], abutting onto the water port and as a tall, large, and oblong roofed structure. This was indeed the royal tennis court at Holyrood, built on two levels and lit by a series of high-level windows. The building was still named as such when architect William Edgar published his plan of the city in 1765, <https://maps.nls.uk/view/74475427> and <https://maps.nls.uk/view/102190561>, accessed 11 August 2018.

- 48 ECA, Edinburgh Burgh Court, Diet Book, 3 December 1601–29 October 1603, 8 July 1602. Regrettably, this burgh court entry does not contain any pointers as to the location of that cachepell. The relatively detailed lists of owners of the other courts mentioned above do not mention a Stewart. Given this information, at this stage, it looks more likely to have been a separate additional court located within the burgh. Robert Stewart was the son of notary William Stewart the elder, deputy-clerk of Edinburgh (1560–1581). Robert was also macer of Edinburgh and clerk to the Scottish Admiral, Francis Stewart, fifth Earl of Bothwell: J. M. Sanderson, ‘Two Stewarts of the Sixteenth Century: Mr William Stewart, Poet and William Stewart, Elder, Depute Clerk of Edinburgh’, *The Stewarts*, 17 (1984), pp. 25–46, especially p. 34.
- 49 NRS, NP1/15, fo. 110r.
- 50 Without any extra details concerning this cachepell or its later owners, it will be difficult to locate it, as can be gathered from a reconstructed map of the north side of the High Street, west of the Netherbow, at the time showing four separate properties for Fleming: P. Miller, ‘John Knox and His Manse’, *Proceedings of the Society of Antiquaries of Scotland*, 25 (1891), p. 147. A more systematic search of the burgh and notarial records would undoubtedly clarify the situation concerning these last two cachepells, either as separate courts in their own right (with their as yet unknown location) or merely as already noted playing grounds (with these owners to be added to the names of the already known proprietors).
- 51 Boog Watson, ‘Names of the Closes and Wynds’, p. 38; Boog Watson, ‘List of Owners of Property’, p. 112. Instructively, Harris does not mention any such Cachepell/Kachepell or Tennis Close as a headword: Harris, *Place Names of Edinburgh*. The situation was not unique, with a similarly named close in Dundee at the time: T. Brochard, ‘Sports in the Scottish Burgh and Notarial Records, 1500–1700’ (unpublished manuscript).
- 52 C. P. Finlayson, ‘Illustrations of Games by a Seventeenth Century Edinburgh Student’, *Scottish Historical Review*, 37 (1958), pp. 4–5, and ill. between pp. 2–3.
- 53 ECA, Edinburgh Town Treasurer’s Accounts, 1589–96, p. 1049.
- 54 ECA, Burgh Court, Diet Book, 1599–1601, 7 February 1600. There were a few active John Rodgers in Edinburgh at the time, including a merchant and a tailor, but also a fencing master: Boog Watson, *Roll of Edinburgh Burgesses*, p. 429; J. Durkan, ed., J. Reid-Baxter, ed., rev., *Scottish Schools and Schoolmasters 1560–1633* (Woodbridge 2013), pp. 175, 287, 293. At his death in July 1606, having been taken along with other infected plague victims to temporary lodgings in the lands of Sciennes on the Burgh Muir, fencing master Rodger had three ‘gross of cachpeill ballis’ (24s each or £3 12s in total) and three ‘new rakettis’ (13s 4d each or 40s in total): NRS, CC8/8/42, p. 477.
- 55 NRS, GD90/2/58; ECA, Moses bundle 52, no. 2281. There was another debt of 4,300 merks Scots owed to Piers for ‘the Watter pound’ at Holyrood, which Piers ‘ffurnished and Built’. For the tennis court at Holyrood, consult Dunbar, *Scottish Royal Palaces*, p. 206.
- 56 The second date is provided by Dunbar, *Scottish Royal Palaces*, p. 206. Dunbar’s estimate for the cost of the building as ‘at least’ £75 sterling (£900 Scots) needs to be revised upward to £300 sterling (£3,600 Scots).
- 57 A twenty-one-year monopoly for the making and selling of golf balls, including foreign ones, had been granted by King James VI in 1618 to James Melville: C. Smith, *The Aberdeen Golfers: Records & Reminiscences* (London 1909), pp. 10–11.
- 58 J. McClelland, *Body and Mind: Sport in Europe from the Roman Empire to the Renaissance* (London 2006), pp. 112–3. It is interesting to note that Bernard Lindsay of Lochhill had also just built a new tennis court for the king, in Leith, in 1617: RMS, viii, nos. 454, 2049.
- 59 C. McManus, ‘Epicene in Edinburgh (1672): City Comedy beyond the London Stage’, in R. Henke and E. Nicholson, eds., *Transnational Exchange in Early Modern Theater* (Aldershot 2008), pp. 188, 190, 195.
- 60 NRS, Protocol Book of Thomas Johnsoun, B48/1/2, fos. 10v–11r, 32v; and Protocol Book of James Foulis, B48/1/3, fo. 20r, for the royal court as a boundary marker.
- 61 M. Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven 2002), chap. 1, pp. 186, 217–19, 341–3.
- 62 ECA, Edinburgh Town Council Minutes, SL1/1/14, p. 242.
- 63 A. M. Allen, ‘Occupational Mapping of 1635 Edinburgh: An Introduction’, *Proceedings of the Society of Antiquaries of Scotland*, 136 (2006), pp. 275, 294.