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# THE LANDS OF WARRISTON

ZELLA ASHFORD

THE LANDS OF WARRISTON lay in the Barony of Broughton, in the Parish of St Guthbert's, in the Shire of Edinburgh. They are roughly outlined now by the Ferry Road on the north, the Water of Leith on the south, and Inverleith Row on the west; the eastern boundary lay just east of Chancelot Grove and to the east of the trees on the Crematorium land.

The Barony of Broughton was granted to the Abbey of Holyrood in 1128 by David I of Scotland, and the name of Warieston first appears in the stent rolls of the Abbey.<sup>1</sup> The old house of Warriston, sited where Warriston Crematorium is now, is shown on a number of old maps. The earliest is a sketch plan of 1560 where 'Wareston' is marked and shown as a house with tower adjoining, enclosed in a red brick wall. This map was drawn the day after the Treaty of Leith was signed and shows the disposition of the English troops at that time (see *Book of the Old Edinburgh Club*, 32, p. 4).<sup>2</sup> On either side of Warriston there are groups of tents, one close to the ford at Puddocky (labelled No. 21, Sir Francis Leake) and one by the ford at Bonnington (No. 24, Sutton and Capell). This emphasises the strategic position of Warriston for giving early warning of the approach of enemy armies, with a view northwards from its tower to the Firth of Forth, and the two fords to the south offering access to the City of Edinburgh.<sup>3</sup> John Adair's manuscript map of Midlothian of 1682 shows a more stylised Warriston (fig. 1), but again bearing the same relation to the Water of Leith, i.e. north of the right-angled bend in the river above the ford at Bonnington.

The area north of the city in Kirkwood's 'Ancient Plan of Edinburgh' was based on a survey made by John Fergus and Robert Robinson in 1759 (fig. 2).<sup>4</sup> It

shows the collection of buildings which constituted Warriston Mains, at this stage feued by the Governors of Heriot's Hospital to William Grainger, and again shows Warriston equidistant from the two fords and in the same position in relation to the bend in the Water of Leith as in the earlier maps.

A plan made for James Balfour of Pilrig in 1765 (fig. 3) shows the old and new Warriston roads. The original winding road from Leith to Cramond Brig and Queensferry ran by Bonnington Ford to Bangholm, passing to the north of Warriston House. This road was condemned; the new road from Leith to Queensferry was made straight in 1755-59 and survives as the present Ferry Road. Because of this alteration Warriston House would have been left without an access road, but instead of making the new road on the east border of Grainger's property where the boundary with Bonnington lay the Governors of Heriot's Hospital agreed that 'it is more for the interest of all concerned that the road should be cast upon the west side of Mr Grainger's possession than as it presently runs - and interponed their authority to the changing of the road in terms of said report'.<sup>5</sup> So the present Warriston Road was built, running from the Ferry Road south by Warriston and Puddocky to Canonmills, ultimately reaching Edinburgh by Leith Wynd and the Nether Bow Port (this new road is shown in figs 2 and 3). Puddocky is the stretch of the Water of Leith between Canonmills and St Marks; the name is a corruption of Paddock Hall, which was a hamlet in that vicinity, referred to in the Burlaw Court Books.<sup>6</sup> The crossing, near the foot of Logie Green, was still made by stepping stones until 1863, when an iron bridge was built at St Mark's (itself replaced by the present pre-stressed concrete bridge in 1956).<sup>7</sup>



Fig. 1. Part of the manuscript map of Midlothian by John Adair, 1682. (National Library of Scotland, Map Room, Adair MSS. No. 9.)

In early times the lands of Warriston must have covered a much wider area. Lands near Newhaven are mentioned as belonging to the Laird of Warestoun in the Exchequer Rolls in 1550.<sup>8</sup> In 1581 a petition by the heritable feuars of the lands of Warriston includes the name of John Kincaid, complaining that 'Adame, bishop of Orkney, commen-

dated of the abbay of Halyrudehous', was unjustly trying to make them pay the whole tax on the land, whereas they should have paid only the feu duties. The judgement shows that Kincaid also had land in Stirlingshire as it gave 'the said Johnne Kyncaid the sowme of £6 for releif of the said taxt for his landis of Warestoun, being £12 land as the said



Fig. 2. Part of Robert Kirkwood's 'Ancient Plan of the City of Edinburgh' (published 1817), showing the area to the north of Edinburgh according to an original survey by Fergus and Robinson in 1759. (National Library of Scotland.)

Commendatar allegeis, and mair of the sowme of £3 for the said Johnnes landis of Huik, extending as the said Commendatar allegeis, to £6 land lyand within the baronie of Kers and schirefdom of Striveling'.<sup>9</sup>

Though they were probably at Warriston very much earlier than this, the earliest reference to the Kincaids is found in 1546:<sup>10</sup>

Ane Licence maid to Johnne Kincaid of Waristoun, - makand mentioun that he is of greit aige, waik of complexioun, and vexit with divers infirmiteis and sekenes, sua that he may nocht gudelie indure travell in weris [wars] without danger of his life and increasing of his sekenes; thairfore oure soverane lady gevis him licence to remane and byde at hame fra all oistis [hosts - military

service], and fra all compering and passing upoun inqueistis or assisis during his lifetime.

In 1600 occurred the notorious murder of John Kincaid, probably a grandson of the John Kincaid mentioned in 1546, which is summarised in the contemporary diary kept by Robert Birrell:<sup>11</sup>

The 2 of Julii: the same 2 day, Johne Kinland of Wariestone murderit be hes awin wyff and servant man, and her nurische [nurse] being also upone the conspiracy. The said gentilwoman being apprehendit, scho was tane to the girth crosse upon the 5 day of Julii, and her heid struck fra her abodie at the Cannagait fit, qua diet verie patiently. Her nurische wes brunt at the same tyme, at 4 hours in the morning, the 5 day of Julii.



Fig. 3. Plan of the public roads leading from the Netherbow Port to Newhaven, made for James Balfour of Pilrig, 1765. The new Warriston Road has the figure 1444 against it; the road marked 1259 is on the line of Inverleith Row. (Scottish Record Office, RHP 712/1.)

After this the Kincaids appear fairly frequently in old records, often in feuds with the Logans of Bonnington, their near neighbours.<sup>12</sup> Warriston was fertile ground and in 1616 the King's Master of Works authorised payment in compensation for damage to crops during quarrying operations:<sup>13</sup>

To Alexander Symsonne fermorar of the Laird of Wareistounis land quhair the querrall wes win betuix Sanct Cuthbertis Kirk and the Quhythous [Whitehouse] and in consideratioun of the vaisting of his grund and destroying of his cornes and grase for this present yeir in his beir [barley] land and the last year in his aittis [oats] land, being estimat be four honest men to four boillis of aittis and sex furlettis of beir the aittis at vi lib. the boill the beir at vii lib. the boill.

The Kincaids remained at Warriston till 1671, when the lands were bought by James Cockburn of that ilk, and soon after they were acquired by James Gray, a merchant in Edinburgh and portioner (holder of a subdivided feu) of Leithshead in Kirknewton.<sup>14</sup> Although Cockburn died in 1682 his wife and young son Robert remained at Warriston till 1706 when the lands were bought for 'fiftie thousand six hundred merks scots as the purchase thereof' by the City Chamberlain on behalf of George Heriot's Hospital, and a new phase in the history of Warriston began.<sup>15</sup>

Heriot's Hospital let out their lands in tacks of 19 years to various tenants, and so it came about that 'all and haill the lands of Warristoun with the manour place house biggings yards orchyards pairts pendicles and haill pertinents thereof' were occupied by a number of families farming the land and paying their rent in produce to the Governors of the Hospital, or in grain which had to be ground at the Canon Mylns before being supplied as bread to the Hospital. The subdivision and changing uses of the lands of Warriston during the eighteenth century are recorded in the Heriot's Hospital Minutes.<sup>16</sup> Two main properties emerged in time, East Warriston based on the site of the original house, and West Warriston on a new site beside Inverleith Row. The succession of tenants is summarised in the Table.

On 13 February 1710 Robert Kay, with his wife Elizabeth Henderson and their son Alexander, took a tack for 19 years of a large area of land 'bounded towards the east parts of Warristoun near the lands of Bonnington. The high road or way that leads from Warristoun to Inverleith march upon the west and south – with all the grass beneath the brae lying at the foot of the said lands – also with the grass haugh – sett house byer barn and that part of the Barn yeard of Warristoun'. The area described would take in most of what is now Warriston Cemetery and on the west marched with Inverleith, approximately on the line of the present Inverleith Row. It included the barnyard at Warriston, and houses presumably built by the tenants (the area where the original manor house had stood was separately leased to John Dougall – see below). The Kays remained as tenants till 1752. Alexander married Sara Young, who later figures in the Sasines as Widow Kay. The name Stephen Lithgow appeared in 1729, possibly having a sub-tack of part of the Kays' ground after Alexander died, as his name occurs linked to Widow Kay's in the subsequent Sasines.

On 1 August 1710 the Heriot's Minutes record receipt of:

A petition given in by John Dougall gardner in Warriston – They for the reasons therein contained Granted and hereby grants an tack of all and haill that house byre yeard and little piece of Ground lying at the manour place of Warristoun ... as the sameson is presently possessed by him To and in favour of the said John Dougall and Bessie Newtoun his spouse and longest liver of them two in Liferent and John Dougall their son his heirs in fie for the space of 19 years from and after the terme Whitsunday last by past for payment of the sum of £30 Scotts money yearly ... by their acceptation hereof binds and obliges them [to pay] and to maintain and uphold the said house and byre in all reparation necessar and to leave the same ... in a good and Superior Condition.

This smaller tack, which passed on in feu to Humphrey Colquhoun on 23 July 1733, included what remained of the manor house. Other tacksmen mentioned include John Angus (5 November 1709), who had ground 'in that spot of land called the lock

**Table: Occupancy of the Lands of Warriston under Heriot's Hospital after 1707.**

| West Warriston                                                                                     | Farm of Warriston                                                                                                                                                                                                                                                                                                                          | East Warriston                                                                                              |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <p>1771 6 acres 3 roods 22 falls<br/>in feu to William Ramsay.<br/>1784 in feu to Thomas Mure.</p> | <p>1710 in tack to Robert Kay and<br/>his wife Elizabeth Henderson,<br/>and his son Alexander and his<br/>wife Sarah Young.<br/>1729 Widow Kay and<br/>Stephen Lithgow.</p>                                                                                                                                                                | <p>1710 in tack to John Dougall and<br/>his wife Bessie Newton.</p>                                         |
|                                                                                                    | <p>1753 in tack to Gavin Waugh.<br/>1763 in tack to Peter Ramsay.</p>                                                                                                                                                                                                                                                                      | <p>1733 2 acres 2 roods 35 falls in<br/>feu to Humphrey Colquhoun.<br/>1737 in feu to William Grainger.</p> |
| <p>1815 in feu to Alexander Henderson,<br/>now 21 acres 21 falls.</p>                              | <p>1811 in tack to Robert Dickson,<br/>now 44 acres 34 falls.</p>                                                                                                                                                                                                                                                                          | <p>1792 in feu to Andrew Bonar,<br/>now 13 acres 2 roods 9 falls.</p>                                       |
|                                                                                                    | <p>1820 in tack to Matthew Hutcheson.<br/>1837 the Railway Company feus<br/>upwards of 9 acres.<br/>1841 Edinburgh Cemetery Company<br/>feus 10 acres northwards from the<br/>Water of Leith with a reserve up to<br/>the Ferry Road.<br/>1843 Joseph Stewart takes up the<br/>remainder of the tack as nursery or<br/>garden grounds.</p> |                                                                                                             |

*Note:* The dates given are those for the principal changes of occupancy recorded in the Minutes as they appear in the text. The total area was between 80 and 85 Scots acres. It is important to differentiate between tacks and feus. A feu was held in perpetuity for the payment of a small annual feu duty to the Superior; a tack was land leased for a definite number of years for the payment of a rent. The Kays and John Dougall may well have been tenants of the former owners, and thus merely legalising their new position with Heriot's Hospital in 1710.

Shott',<sup>17</sup> apparently lying between Bonnington and the house and farmyard of Warriston, and Katherine Thompson, 'relict of Thomas Shedd' (13 February 1710), who had 'a tack for 13 years [of] another part of the lands of Warriston ... together with an Roum in the Barn Yeard of Warristoun for Stacking and felling her corns growing upon the said lands'. The appearance of all these new tenants with rights to space in the 'barn yeard' led to new houses being built around the original manor house, eventually forming the

farmtoun of Warriston Mains, as it is named on Kirkwood's plan (fig. 2).

It would seem that the Hospital did not keep a very close watch on the people farming their lands, as tacks were sometimes granted when the tenant was already in possession. For example, on 16 April 1733 the Minutes record:

Several Petitions of Steven Lithgow, Wilson, Kay and Widow Dougall tenants in Warriston ... Craving Tacks of their respective possessions. The Committee on the Treasurer's accounts

Recommending it to them to inspect the former tacks of such of them as had any and to visit and consider all their possessions and Report their opinion to the Council.

On 15 October 1733 a charter was granted to Humphrey Colquhoun, a glover or skinner in Edinburgh, 'of the house yard and piece of arable land at Warriston formerly possessed by Widow Dougall extending as measured to two acres two Roods and thirty-five falls for payment of two hundred merks as the value of the growing trees'. The charter included the standard clauses about 'thirlage to the Canonmills and attendance at the Courts', but in addition it specified particularly 'that this and all subsequent original feus do contain a clause whereby it shall not be leisome to the feuar to dig for stones Coal sand or any other thing within the said ground nor to use the same in any other way than by Plough and spade' (this was a new clause, the committee at an earlier meeting having become aware of the possibilities of wealth below ground). The charter makes clear that this feu lay on the east march with Bonnington, and was surrounded on the other sides by tacks let to other tenants:

[by] the house and yeard presently possessed by Bessie Newton and on the east side of the dwelling house bounded by the houses and barn yeard presently possessed by Stephen Lithgow and Widow Kay both tenants in Warriston on the north – the arable land possessed by Widow Kay on the south – that piece of arable land formerly possessed by Bessie Newton with the growing trees on the east side bounded by the Ditch and arable lands of Bonnington on the east and the arable lands pertaining to the said Hospital presently possessed by Widow Kay on the south north and west parts.

It is sad to note the subsequent petition (29 March 1734) from Bessie Newton 'Relict of John Dougall Gardener at Warriston craving Charity from the Council in regard she and her predecessors had been old tenants of the Hospital', which was refused 'lest it should be precedent to others to ask charity of the Council in time coming'.

It is probable that the Courts mentioned in the

charter were the Burlaw Courts of Leith, of which Humphrey Colquhoun was a member, as were also Widow Kay and Stephen Lithgow.<sup>18</sup> These sorted out the petty annoyances of the run-rig system and had the power to impose fines, impound goods or even imprison. Sir John Sinclair explained that 'arable land held in common was known in Scotland under the name of Run-rig or Run-dale, being a number of small allotments, either in narrow or broad irregular strips, interspersed among each other, with divisions between them, consisting of slips or patches of uncultivated land. The narrow strips were termed run-rig and the broad ones run-dale ... There were also certain regulated rights in common pasture which sometimes embraced neighbouring estates and entitled the feuars and tenants, after the crop was carried home and until the period of seedtime in spring, to graze their cattle in common on the arable land.'<sup>19</sup>

From the Burlaw Court records it appears that corn, wheat, lint, bear (barley), peas, beans, cabbages and clover grass were grown at Warriston. Owing to the open nature of this type of farming, complaints about horses, cows, sheep, geese, turkeys and hens eating and treading down the growing corn are frequent. The fleshers were particularly troublesome as they allowed quite large herds of cows and flocks of sheep to wander over the rigs. People also trespassed; those mentioned at Warriston came from Newhaven, Leith, Wardie, West Pilton, Calton Hill and Broughton.<sup>20</sup> The *Caledonian Mercury* reported on 6 October 1746 that 'Yesterday William Hamilton Biss-maker in Potterrow [a biss was a straw mat], was committed to Prison for stealing Plough-Irons that very day from a Farmer at Warriston', adding that 'in his Custody, when apprehended, several more were found'.<sup>21</sup> A follow-up on 14 October recorded that Hamilton had been 'sentenced to be whipt through this city and banished'.

On 6 May 1736 the *Caledonian Mercury* intimated that 'On Tuesday night died of an



Apoplectick Fit Mr Humphrey Colquhoun Macer to the High Court of Justiciary, leaving a very fair character', and on 4 March the following year Robert Colquhoun of Camstradden took over his uncle's feu. On 15 March 1737 Robert sold to 'Mr William Grainger wryting Master in Edinburgh [his feu] of two ackers two roods and thirty-five falls of the lands of Warriston, that piece of ground or yeard sometime possessed by Bessie Newton relict of John Dougall gardiner in Warriston with the house lately possessed by her and also the house lately built by the said Humphrey Colquhoun'. The Heriot's Minutes also added (9 October 1738) 'that Mr Grainger should be obliged to enclose a Kaill yeard of the like extent with the present to Mrs Kay the present Tenant upon his own charges and that the Charter do contain a Servitude of a road to the present well at the north end of Mr Grainger's park, untill he find another sufficient well which he must also make on his own charge'.

On 6 June 1743 there was a petition from Grainger 'to purchase a small piece of ground at Warriston consisting of about thirty-five foot in length and fifteen foot in breadth'. On 10 July they agreed 'to give the ground to Mr Grainger upon payment of 1/- Sterling of feuduty for the same yearly ... also visited the well which Mr Grainger set down for the use of the Tenants, were of opinion that Mr Grainger should furnish three trees and a pulley to the Well, and that the Tenants should make use of the water in the well made by him, while there is sufficient water therein; but that the Tenants should have access to the old well when they cannot be provided with water from the other'. Although this small piece of ground for the annual feu duty of one shilling is not marked on any plan it is mentioned in all later Sasines.

Sir James Rothead of Inverleith seems to have been a difficult neighbour on the west, and to have paid little attention to the wishes of the Governors of the Hospital. On 10 February 1724 they received a

petition from him about 'enclosing a part of the land of Innerleith on the Eastermark which divided his lands and the Land of Warriston belonging to the Hospital, and the said March having many cracks and burns so that the Petitioner could not make his dyke straight without a part of the ground belonging to the Hospital'. This was considered by the Committee who 'found that the haill land of Warriston was under Tack and many years thereof yet to Runn, therefore were of opinion that the Council could not Dispone upon any part of the said lands without consent of the Tacksman'. However, Sir James evidently went ahead, because on 10 July 1743 there was a 'Petition of Stephen Lithgow and Widow Kay Tenants in Warriston craving that the treasurer might be empowered to deduct out of the charge made against them in the Hospital books for the ground taken off them by Sir James Rothead'. The matter was not put right until 11 July 1748, after the death of Sir James: 'Agreement with the heirs and executors of Sir James Rothead for the five acres and thirty-two falls of Land taken from the Hospital into Sir James Rothead's park. They should pay to the Treasurer for the behoof of the Hospital £149. 10/- Sterling as rent since 1724 with £7. 10/- as damages sustained at that time by the Several Tenants who possessed the ground - To be divided amongst them according to their several properties.'

In June 1760 'William Grainger of Wariston house and Agnes daughter to Robert Barclay tailor, burgess in Tolbooth' were married.<sup>22</sup> They presumably had no children, as when William died Warriston House was left in February 1781 to 'Ellen Grainger only surviving child of the deceased Mr James Grainger Physician of the Parish of St George Bassetterre on the Island of St Christopher's in America who was a Brother German to the also Deceased Mr William Grainger'.<sup>23</sup> This feu was subsequently acquired by Andrew Bonar on 17 July 1792.<sup>24</sup>

Meanwhile, a number of entries in the Heriot's Hospital Minutes show that the Water of Leith was causing trouble at the edge of the land.

6 June 1748: Petition of Sarah Young relict of Alexander Kay Tenant in Warrieston and of John Kay her son. Setting forth that there is near two acres of the ground she possessed disjoined from her possession by the violence of the water and that this ground is at present possessed by the Corporation of Skinners and their Tenants and craving a tack of two or three nineteen years to come with allowance for the ground which the water has taken away.

11 July 1748: Petition granted for the rent she now pays to continue for three nineteen years. But refuse any allowance for what of the ground the water has carried off allowing her either to recover what is so disjoined by such methods as she shall think most expedient agreeable to Law or to pasture thereon as she shall think fit. The Tack to contain a clause by which She and her Son shall have no allowance for what the water shall carry off in time coming.

Mrs Kay persevered in petitioning the Governors of the Hospital for an allowance for the land removed by the river, but it was not till 1763 that a scheme to cut a new channel for the river was adopted by the Governors and the neighbouring proprietors.<sup>25</sup>

Meanwhile, Widow Kay and Stephen Lithgow were growing old, and on 20 April 1752 the Minutes record the Committee's opinion that 'the lands of Warriston possessed by Mrs Kay and Stephen Lithgow should be set up in Tack by public roup as there are already Several applications for Tacks in the Clerks hands'. A number of offers were received on 16 April 1753, that from 'Gavin Waugh Baxter in Edinburgh far the best', and he was given the tack for three nineteen years of 'the hail Lands of Warriestoun with Set houses Barns Stables Byres and others built thereon as the same are presently possessed by Widow Kay and Stephen Lithgow', with the following conditions:

1. The house to be maintained in good order.
2. That the Tacksman shall be obliged to enclose the whole ground and to divide it into proper enclosures not exceeding ten or twelve acres at most which enclosures shall be made either by Stone Dyke or Ditch and hedge as the

ground will allow.<sup>26</sup>

3. That Mr Waugh be obliged to defend the water on his own charges so as he can have no claim of damages against the Hospital.
4. That the kain [rent paid in kind] and Carriages be all rated in the Tack that the Hospital may exact them in kind or money.<sup>27</sup>

A couple of entries in the Heriot's Hospital Minutes describe the end of the association of Widow Kay and Stephen Lithgow with the lands of Warriston:

26 January 1756: Widow Kay allowed £10 Sterling because she is old Tenant and the great distress she is in at present.

19 April 1756: Petition of Stephen Lithgow sone to the deceased Stephen Lithgow sometime Tenant in Warriston, Craving certain allowances to be made to him out of the balance of rent due by his father to the Hospital on account of damages sustained by him from Mr Grainger when the road to Warriston was altered.

Gavin Waugh found that he had taken on a considerable burden in the upkeep of the farm houses at Warriston as the following minutes show:

17 October 1757: Petition from Gavin Waugh Baxter in Edinburgh and Tenant of Lands of Warriston, Setting forth that he took over in 1753 That at that time he found the dwelling house and office houses in a ruinous condition that notwithstanding all expence they are still in exceeding bad condition and even the great and Small timber of the roof of the dwelling house is quite gone, Craving the Council would enquire. Remitted to Committee.

5 June 1758: Considered that in original Tack he not only accepts of the hail houses as they were at that time. But likewise obliges him to keep up in good condition one Steading at least and to leave it so at the end of his Tack – referred – but some difficulties having casten up will reconsider.

4 June 1759: Opinion of Council: Mr William Johnston Advocate and one of the assessors of the City as follows. I think the obligation to repair as exprest in the Tack would not oblige the Tacksman to rebuild if by any extraordinary accident the houses fell to the ground as by a Hurricane or even if they were destroyed by accidental fire or became ruinous by any *latens vitium* or natural waste of time provided the fall of the houses could not be computed to the Tacksman having neglected proper repairs. In this case it is probable the houses have fallen without any fault of the Tacksman

as his entry was only a few years ago. My opinion is that if the Tenant has bestowed the proper repairs he will not now be obliged to rebuild them. Remitted to Committee.

*21 April 1760:* Having visited the Sill house and office houses upon the farm of Warriston – of opinion that it is in a ruinous condition and must be rebuilt and recommend Mr Jameson and Mr Heriot to execute the same.

Then on 6 June 1763 there was 'a Petition of Lieutenant John Waugh of his Majesty's sixty first Regiment of foot eldest lawfull son of the deceased Gavin Waugh tenant of Warriston pray council to agree to Petitioner selling and disposing of the Tack of Warriston for the years yet to run'. This was allowed and Peter Ramsay, Stabler in Edinburgh, became the tenant of the farm of Warriston for the remainder of the tack. It was not long before he too began to petition the Governors of the Hospital, this time in connection with the laying out of Inverleith Row after the bridge was built at Canonmills in 1767:

*1 June 1767:* Petition Peter Ramsay Tenant in Warriston, Praying the council would order a Dyke to be built upon the west side of the Lands of Warriston, the mutual dyke betwixt these lands and the Lands of Innerleith with which he was formerly enclosed having been brought down by the Trustees of the Queensferry District laying out a high road from the Water of Leith leading into the great Road betwixt Leith and Queensferry and thereby prevent the great damage which must otherwise ensue he having improved the ground now laid open at a very great expence.

*15 June 1767:* The committee visited the ground. Found that at the Petitioner's Entry to the said Farm the same was enclosed on the west by a Stone dyke: that upon application to the Trustees of the Queensferry district by the proprietors of Innerleith they were allowed to make a high road from the Water of Leith into the great road leading from Leith to the Queensferry which road is now interjected betwixt the Lands of Warriston and Innerleith and applied the stones thereof for building a dyke enclosing the Lands of Innerleith upon the east, and that neither the Hospital nor the Petitioner, their Tenant, were made parties to these proceedings. They were therefore of opinion that the Petitioner's farm ought to be enclosed upon the west at the Sight and a protest raised against Innerleith to obtain reparation for the damage they have sustained.

On 12 October 1767 an estimate for a 'sunk fence four feet six inches high: £76. 12/–' was presented

but it was agreed that the fence should be five foot high 'as no less height seemed a proper fence on so public a high road'.

Another petition had been received on 1 June 1767 from the Trustees of the Queensferry District:

Praying that the Council would concur with them in securing to Mr Thomas Sharp merchant in Edinburgh that part of Broughton Loan which he has taken into his enclosure which they apprehend belongs to the Public upon his paying what may be reasonable to the Petitioners to be applied towards building a Bridge near the Cannonmilns, to give the Petitioners liberty to work the Broughton quarrys for Stones to be employed in building the aforesaid Bridge they making good any damage that may be done to the Surfaces and to give such further aid to the Petitioners as might seem reasonable in carrying on a work so useful and beneficial to the Hospital Feuars and Tenants.

This refers to the building of the first bridge at Canonmills and the laying down of Inverleith Row to join the Ferry Road at Goldenacre. The Committee of the Trustees of the Queensferry and Cramond District had been considering a suggestion first made to them by the Heritors of Inverleith for 'the making of a road upon the East side of Inverleith Parks' in August 1765. In December 1766 they paid 'Mr William Milne architect the sum of Five Pounds Five Shillings Sterling for his trouble in making out a Plan of the Bridge to be built over the Water of Leith at Canonmilns'. Alexander Steven, Mason at New Preston, was awarded the contract. On 10 November 1767 he produced a report by Milne 'that he having visited the Bridge now finished at Canonmilns and measured and compared it with the Plan Is of opinion the same is well executed'.<sup>28</sup> This bridge, with 'but one high arch', was replaced by a three-arch bridge in 1840, which was widened in 1896 to produce the bridge as it stands today.<sup>29</sup>

On 22 July 1771 William Ramsay, a leading Edinburgh banker,<sup>30</sup> taking advantage of the new bridge and road, petitioned the Heriot's Governors to grant him a feu 'of such part of the south west park of the Lands of Warriston sett in Tack to Peter

Ramsay his brother for the purpose of building a House as the Governors should Judge proper, and upon such terms as they should think fitt he being willing Immediately upon Granting the Feu to pay an additional Feu duty to the Hospital over and above the Rent'. The Governors agreed to divide the land. 'Having also seen a Plan and measurement of the said Parks under the hand of James Richmond Land Surveyor whereby it extends to ten acres three Roods and twenty-two falls, of which one Acre two Roods Eight falls on the south side of the same is a Bogg and brae, were of opinion that four acres of the north-most part of the said Park should continue in Tack as at present. The remaining six acres three roods twenty-two falls to be granted in feu to William Ramsay.'<sup>31</sup>

William Ramsay gradually built up his new feu to around 21 acres by taking on neighbouring feus. Thus, for example, the Heriot's Hospital Minutes record:

*12 October 1772:* Roup of three acres of ground Scots measure belonging to the Hospital lying on the east side of the Turnpike road leading from Canonmills bridge to Cramond presently possessed by Sir James Rothead of Innerleith were exposed to Roup within the Exchange Coffee House upon Friday 2 October, and were set up at nine Bolls good and sufficient Barley of yearly feu duty and one hundred pounds Sterling of purchase money, the victual above mentioned to be paid to the Hospital in name of feu duty yearly in all time coming and the feu to commence at the term of Martinmas next, and what more was to be offered was in addition to the purchase money ... Mr William Ramsay merchant in Edinburgh offered the aforesaid feu duty and £125 Sterling purchase money and he being the last and highest offerer at the out-running of the Sand glass was preferred the feu.

Eventually Ramsay sold his new house at Warriston to Thomas Mure and moved to Barnton House. According to the Register of Sasines, 'Thomas Mure late of the Island of Jamaica, now of Wariestoun', was already at West Warriston by 18 September 1784,<sup>32</sup> while William Ramsay was 'Seized in April 1786 in the Baronies of Barnton and Cramond and others'.<sup>33</sup> Peter Ramsay continued to live in his house at Warriston Mains until his death on

1 January 1794.<sup>34</sup>

In the meantime the original feu made to Humphrey Colquhoun in 1733, and later held by William Grainger, had been acquired by Andrew Bonar in 1792, and on 12 October 1795 he petitioned for an additional feu of about three acres 'which had belonged in tack to Gavin Waugh'. A charter was granted, with 'particular Clause for relieving the Hospital of all Multures [fees for grinding grain] and to be obliged to defend the ground against any encroachment by the Water of Leith and no deduction of feu duty on that account'. By the year 1816 he had increased his feu to around 13 acres. He continued to live in the old house till 1808 when he built a new house and demolished all the other old buildings, adding a stable for his coach and horses and cottages for his coachman and gardener at some distance south of the house.<sup>35</sup> Bonar's new house (fig. 4) is the house which has since been converted for the Crematorium. Warriston Road, running from the south side of Canonmills Bridge past East Warriston to link with the Queensferry Road, was improved in 1810. On 29 August 1806 Bonar, with other feu-holders along the line of the road, wrote to the Governors to say that the road, 'much frequented in the Summer time particularly, has for a long time past been complained of as very incommodious and sometimes dangerous not only for Foot Passengers, but for Horses and Carts, because of run of back water from the mills to the Water of Leith'. The Governors agreed to promote the plan for a new drain and to contribute £15 towards the expense.

There were now two main properties in Warriston – Andrew Bonar in East Warriston, the original feu on the site of old Warriston House, and Thomas Mure in West Warriston, the house built by William Ramsay in 1772, with the lands between enclosed and let out by the Governors of Heriot's Hospital for market and nursery gardens. Mure died in 1806, and in January 1815 West Warriston was acquired

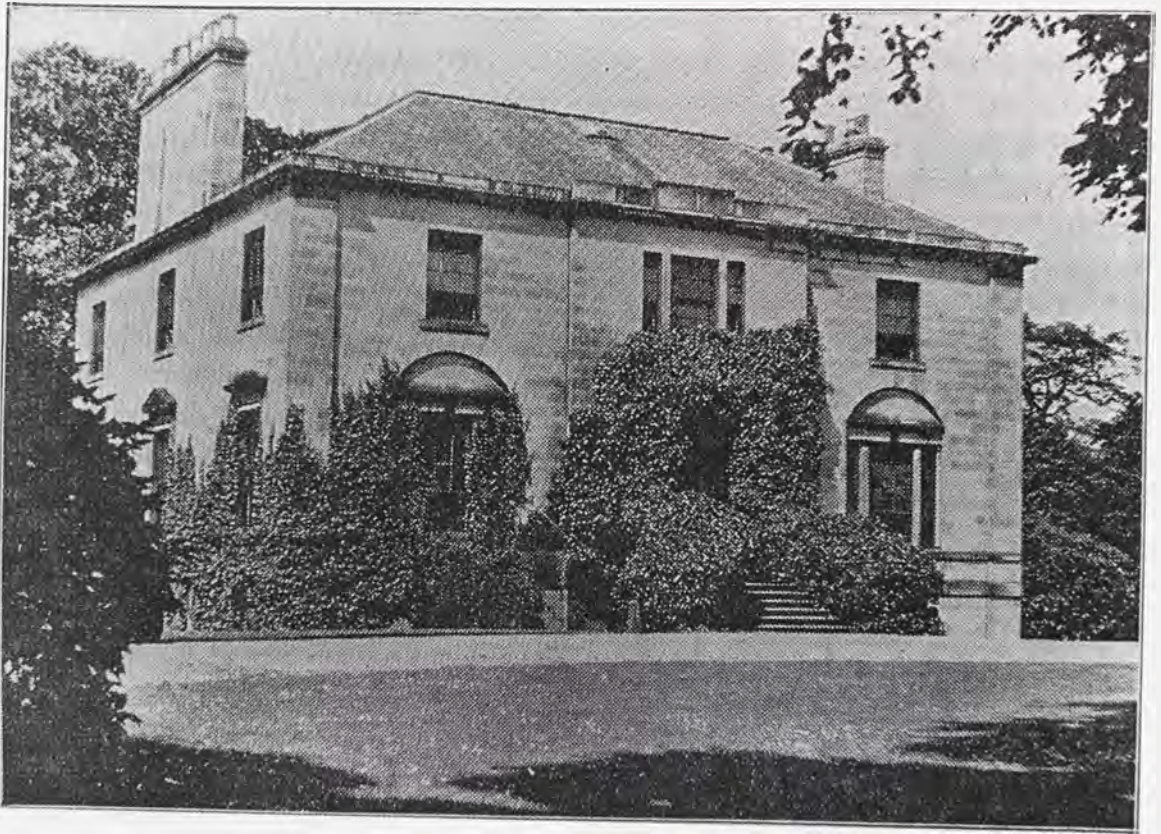


Fig. 4. Photograph of the south side of Easter Warriston before conversion into Warriston Crematorium, from the *Weekly Scotsman*, 13 February 1932. (*Edinburgh City Libraries.*)

by Alexander Henderson, a member of the Ramsay Bonar Bank.<sup>36</sup> This is the position recorded in Kirkwood's plan of Edinburgh in 1817 (fig. 5), where both properties are labelled simply Warriston.<sup>37</sup>

This was a time of great anxiety among the Tories over the Parliamentary Reform movement which was being promoted by the Whigs. In 1812 the Tory MP for Midlothian, Sir George Clerk of Penicuik, had barely retained his seat, with a vote of 59 against 50 for the Whig candidate Sir John Hamilton-Dalrymple. This resulted in a great number of new applications for enrolment as freeholders,<sup>38</sup> and in 1816 both Bonar and Henderson applied to the Governors of the Hospital to be allowed to buy the superiorities of their respective properties in Warriston in order to have a right to exercise a Tory

vote in the county.

Both applications were put through together. In order to separate the lands from the superiorities (which gave the votes), a Trustee had to be appointed to hold all the land, from both estates, for a short period while the necessary legal formalities were observed. Originally this was to have been Robert Hall, a merchant in Edinburgh, but by the time action had to be taken Hall had become a Governor of the Hospital, and William Ramsay was made the Trustee in his place. Thus in the Extracts from the Register of Sasines it appears that 'William Ramsay, Banker in Edinburgh, was seized on 29 January 1817 in the lands of Warriston comprising Easter and Wester Warriston and Tiends, parish of St Cuthberts on feu charter by the Governors of George Heriot's



Fig. 5. Part of Kirkwood's Plan of Edinburgh and its Environs, 1817. (National Library of Scotland.)

Hospital'.<sup>39</sup> This William Ramsay, a nephew of William Ramsay the original builder of West Warriston, really had no interest in the estate, but it seems likely that it was his appointment as Trustee that led James Grant to assume in *Old and New Edinburgh* that he had been overall owner of the land<sup>40</sup> (see *Appendix* for details of this vote creation

exercise).

In the 1820s villas began to appear along the west side of Inverleith Row, on the lands of the Rocheads of Inverleith. The land on the east side belonged to West Warriston and it was developed by Alexander Henderson to plans drawn up by James Gillespie Graham from 1807.<sup>41</sup> Howard Place, a terrace of



Fig. 6. Part of Lancefield's Plan of the City of Edinburgh, 1850 (Cowan, *Maps of Edinburgh*, 1932, No. 96). (*Edinburgh City Libraries.*)

small houses along the main road, was started first, with the tenement at Warriston Place beside Canonmills Bridge added around 1816. Warriston Crescent, more a curved street following the line of the river than a formal crescent, was built between 1816 and 1830; the original plan to extend the street further north (see fig. 5) was abandoned after the arrival of the railway in the 1840s. Eildon Street, completing the triangle of terraces around Warriston Park, was not built till 1879.<sup>42</sup>

In 1810 the remaining part of the tack originally granted to Gavin Waugh in 1753 fell vacant (i.e. most of Peter Ramsay's tack that had not become part of West Warriston).<sup>43</sup> The Governors of the Hospital decided to let the farm for one year from Martinmas 1810, stipulating that it was for grass and pasture only, and then advertised the 44 acres 34 falls of Warriston along with the adjacent farm to the north at Bangholm Bower with possession at Martinmas 1811. The best offer, of £9. 1. 0 per acre, came from Robert Dickson at Renton Hall near Haddington, who was given a tenancy to end in 1820.<sup>44</sup> Before long Dickson began to complain of the state of the buildings at Bangholm and then of the fall in the price of crops, asking for a reduction in rent. This was backed up by a letter from Sir John Sinclair in 1815, which seems to have had a good effect as Dickson stayed on:<sup>45</sup>

Sirs, you will herewith receive a description of an improved mode of drilling Corn, and in particular an account of the experiments made by Mr Dickson of Bangholm, which do him great credit. I will trouble you to communicate this letter and the papers which accompany it, to the Governors of Ordinary Committees of Heriots Hospital, who I trust will do everything in their power to encourage a Farmer who is so anxious to promote the improvement of the Estates under management and the cause of agriculture in general.

A letter from Dickson in 1818 gives an idea of some of the difficulties in farming the land:<sup>46</sup>

I beg also to suggest what has been frequently recommended to me by agriculturalists who have visited my farms. It would be a great

improvement and saving of expence to the management of said farms, if the Governors would allow me to remove all the interior moss fences upon the farms, they have been all planted upon high Earthen mounds, and no care has been taken to keep them clean when the thorns were young, now they are so *much matted with Quick-grass*, that the more they are cleaned the faster they grow and owing to the Earth falling from them the fields are all of improper size for a proper rotation of management, and none of them square, which adds a constant additional Expence, both in plowing, harrowing and cleaning the Crops, and in each field there is a considerable proportion of Land, that will not bring grain Crops to maturity, which should be kept constantly in a rotation of Green Crops, were the interior fences removed, it would remove this inconvenience, and the soils of equal quality land if to be cropped as described, which would be a permanent improvement to the property and possessor of the said Lands, would not have the mortification after a great expence being incurred in manuring the Land, to see his grain crops failing completely before coming to maturity, and having nothing to raise after all his expence and trouble, and which some of the Governors have been witness to what I paid out.

At the end of 1819 the Governors decided to find a new tenant, accepting the offer of Matthew Hutcheson, flesher in Leith, and proceeding to take steps to remove Dickson. However, by the end of 1822 Hutcheson was asking that the Governors should take off his hands certain buildings that he had erected on the farm for the purpose of feeding cattle, with him paying interest on the value thereof should the Governors agree. He followed this on 24 January 1823 with a plea for reduction in rent because of the depressed state of every kind of agricultural produce. By 3 March 1823 the buildings had been valued at £280. The Governors agreed to allow Hutcheson £200 on this value and that he should pay 5% on this sum in addition to his rent during his tack. They also allowed him a 15% reduction in his rent for the last crop and year only.

In January 1836 came the first proposal of a railway from Edinburgh to Leith and Newhaven, which was planned to pass through the lands of Warriston and Bangholm. The Newhaven branch ran on the east border of the West Warriston feu (fig. 6). On 5 May 1837 the Governors had decided that the Railway



Company should make an offer for the land, and they would then judge if it was adequate. But the Railway Company found this too slow and on 28 July 1837 the Heriot's Minutes report 'operation of the Leith and Newhaven Railway Company on the farm of Warriston, they have taken possession of upwards of nine acres of land and made no offer therefore the Hospital should call upon the company to pay down £5000 which can be adjusted later'. This was quite amicably reduced to £2000, but Matthew Hutcheson did not give in so easily, and in 1840 was still making 'exorbitant claims against the Hospital because of the Railway'.

On 2 July 1840 the Governors were approached by the Edinburgh Cemetery Company. They initially sought land immediately to the west of Donaldson's feu on the Coats estate, but the Governors felt that this was not an appropriate place for a public cemetery, and the Company then accepted the offer of ground at Warriston. Various requirements had to be met before the deal went through. On 12 April 1841 the Cemetery Company wrote to say that:

they are at present looking out for suitable grounds for their purpose and among many eligible situations the grounds belonging to the Hospital to the Eastward of the Edinburgh and Leith railway from the Water of Leith northward to the extent of ten, twelve or fifteen acres (with a reserved power to acquire on the same terms the remainder of the field down to the Queensferry Road) appear to the Directors well adapted to the purpose in view, provided the price and other stipulations can be made to answer their objects ... they will require that good roads be constructed to the Cemetery and maintained without expense to the Company, one parallel to, and as near as possible to, the northern march of the Warriston Garden from Inverleith Row continued from thence by a Bridge over the Railway on a line with said roadway and that the roadway be returned Southward up the eastern side of the railway until it shall reach the Cemetery ground ... and another road along the eastern March and communicating to the Queensferry Road by Eastern Warriston ... Although not indispensable a suitable access from the City across the Water of Leith to the southern end of the proposed Cemetery or by Warriston Crescent.

The Governors recommended a feu of £20 per Scots acre. Although Hutcheson was initially reluctant to cede his lease an agent of the Cemetery

Company finally reached agreement with him. Later on, in September, the Cemetery Company was granted right of access from Warriston Road on the south side of the Water of Leith, and 'power to cast a Bridge of Iron or other substance over said Water'. The iron bridge into the cemetery near the end of Logie Green survived until it was washed away in a flood on the night of 12 August 1948.<sup>47</sup>

The cemetery opened in 1843. Its *Prospectus*, dated 1842, noted that 'in the Under Cemetery, now in course of being laid out [the southern portion], the Directors are able to sell ground at a rate still more reduced and as low as in any other Burying Ground, in consequence of a favourable arrangement made by them with the Directors of the Edinburgh, Leith and Granton Railway Company'.<sup>48</sup> The branch of the railway that ran by Bonnington to Leith passed through the cemetery on an embankment, cutting off a portion of the burying ground along the river on the southern edge. An ornamental Gothic arch through the embankment linked this southern section with the main cemetery, forming part of the entrance route from the bridge on Warriston Road.<sup>49</sup>

Warriston Cemetery, beautifully laid out by the architect David Cousin, was described as the 'Père La Chaise' of Edinburgh,<sup>50</sup> and proved so popular that by 1845 the Directors were negotiating for further land at Warriston, north of the original feu. On 8 January 1846 the Heriot's Governors had it in mind to extend the road at the west entrance to the cemetery from Inverleith Row right across to join Warriston Road at East Warriston, with 'planting of trees and shrubbery [on the south side] to skreen the Cemetery from said road and the houses to be built on the north side of it', though nothing came of this at the time.

By then Matthew Hutcheson was bankrupt; in April 1843 the farms of Warriston and Bangholm reverted to the Heriot's Governors and the remainder of the lease was subsequently let to Joseph Stewart as

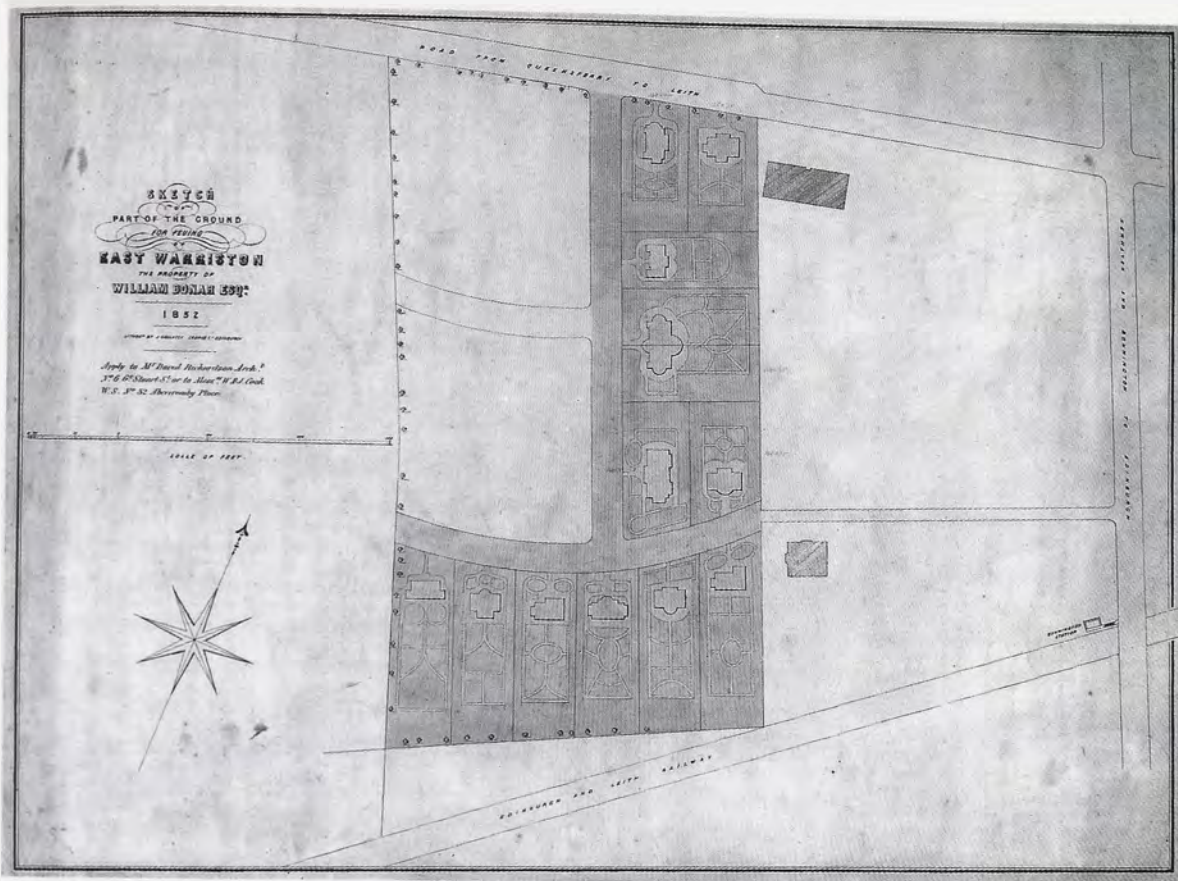


Fig. 7. Proposed feuing plan for William Bonar's development at Chancelot, drawn by David Richardson, 1852. The existing house shown to the east of the new plots was Taap Hall. (*Royal Commission on the Ancient and Historical Monuments of Scotland, NMRS, Notman Collection, C 33021.*)

'Nursery or Garden grounds' (5 October 1843). The Governors were reasonably considerate to Hutcheson, making at least two advances of £20 to him 'owing to peculiar circumstances', as he was 'confined to bed and in consequence ... unable to do anything for his support' (5 June 1845).

Andrew Bonar had made one large addition to the estate of East Warriston, when he acquired the adjacent land of Chancelot in 1818. This lay to the east of East Warriston and stretched from the ditch which still divides Warriston and Bonnington to the Newhaven Road on the east, the Ferry Road on the north and the Water of Leith on the south (see fig. 6). The name arose because two large adjacent areas of land came up for roup at the same time and were sold

as a 'chance lot'.<sup>51</sup> Three plots of this land had already been feued. Those belonging to Thomas Taap, shipmaster in Leith, and James Wyld, merchant in Leith, lay side by side along the Ferry Road, with Newhaven Road on the east side of Wyld's feu. The road now called Bonnington Grove divided them from the third feu, belonging to Dr John Cheyne, surgeon in Leith, which was separated from the Water of Leith on the south by a twelve foot 'stripe' of land.<sup>52</sup> The rest of the land was let out as nursery gardens initially, but in the 1840s the railway to Leith cut across the southern edge, beside the river, making it less suitable for cultivation.

In 1852 William Bonar, a son of Andrew Bonar, had a plan drawn up by David Richardson, architect,

showing a road leading south from the Ferry Road towards the Water of Leith with plots marked out for villas down one side and across the bottom near the railway (fig. 7). This idea failed to catch on, and at last it was decided to stimulate interest by building one villa on the Ferry Road at the north-east corner of the ground, next to the Taap Hall feu. When this was completed in July 1859 it was known as Chancelot Villa, but it soon became Craigends Villa and is now the Victoria Park Hotel. The villa was described in the *North British Advertiser* on Saturday 9 July 1859:

To Be Sold by Public Roup within Messrs Dowells & Lyons Rooms, No 18 George Street upon Monday 1st August next, at Two o'clock afternoon (if not previously disposed of by Private Bargain) THAT ELEGANT & COMMODIOUS VILLA, just completed at Chancelot, Easter Warriston, Queensferry Road, consisting of dining-room, drawing-room, parlour, four bedrooms, kitchen, bath-room etc. The Villa has been built and completed in the most substantial manner, and is fitted with Water and Gas. The Ground extends to a quarter of an acre, or thereby, inclosed with a stone wall. Entry immediately. Feuduty £4. 10/—, after Lammas 1861. Apply to Mr Richardson, Architect, No 6 Great Stuart Street or to Messrs W. & J. Cook, ws, 32 Abercromby Place.

The sale was not successful, and Bonar let the villa to William McKean for three years from Whitsun 1860: 'Rent £53, payable Whitsun and Martinmass. Feuduty of £6 payable 11 November 1860'.<sup>53</sup> Almost at once other parties came forward and two lots of ¼ acre each were feued on the west side of Chancelot Villa.<sup>54</sup> The feuars were David Beatson<sup>55</sup> and his sister-in-law Helen Bett or Blaikie, a widow, whose sister was Isabella Bett, David Beatson's wife. The houses were built as semi-detached villas and called Clifton Lodge Nos 1 and 2. The Sasines stated that the elevations must be approved by John Dick Peddie, Architect in Edinburgh (David Richardson had died on 7 August 1859, shortly after the completion of Chancelot Villa).<sup>56</sup>

In 1866 another buyer appeared in the form of Mrs Eliza Pentland or Thomson,<sup>57</sup> who acquired half

an acre further west again, divided from the earlier buildings by a 'stripe' 35 feet in width in case Bonar should decide to make a road. She too had to submit the elevation to Dick Peddie, and built the imposing Agra Lodge still to be seen at 223 Ferry Road (now subdivided into flats). In 1876 this house was bought by Hugo Knoblauch, a merchant in Leith, who became German Consul from 1886 to 1913.<sup>58</sup> Another pair of semi-detached villas was erected to the west of Agra Lodge by David Weir, merchant in Leith, in 1867, with much the same conditions imposed.<sup>59</sup> In 1868 the North British Railway opened the Abbeyhill line, a bypass loop that linked to the old Leith and Granton lines avoiding the steep Scotland Street tunnel to Waverley, but the junctions with the North Leith branch further encroached on the south and west sides of the Chancelot lands (see fig. 8).

By this time William Bonar had died, and when his only daughter Margaret Cunninghame Bonar married Gerald Agnew in 1870 all this land became part of their Marriage Trust. The Trustees proceeded in 1881 to feu what was left of Chancelot to Francis Briggs, timber merchant in Edinburgh.<sup>60</sup> He sold smaller parcels to builders who put up Chancelot Terrace along the Ferry Road, and then in compliance to the original owners added Agnew Terrace and Bonar Place like quotation marks at either end of the earlier feus.<sup>61</sup>

In 1892 the Scottish Co-operative Wholesale Society bought the land beside the railway behind these plots, 'for building, which erections may be used as a Flour Mill or Flour & Meal Mill'.<sup>62</sup> This was the Chancelot Mill, which was a landmark in the area with its tall tower and clock face until its closure in 1969 and subsequent demolition.<sup>63</sup> The name Chancelot Mill is still retained in the successor building at the Western Harbour at Leith Docks.

At the end of the nineteenth century the land was crossed by yet another railway line, this one belong-



Fig. 8. Part of the Plan of Edinburgh, Leith and Portobello, W. & A. K. Johnston, 1905-06, showing the eventual layout of the railways. (Edinburgh City Libraries.)

ing to the competing Caledonian Railway Company, which drove through the land of Chancelot on its way to the southern parts of Leith Docks along the 35 foot strip that Bonar had kept free, removing from its path

the semi-detached villas at Clifton Lodge. Each villa had been built at a cost of not less than £600 in the early 1860s; in 1894 the Railway Company paid compensation of £2050 for No. 1 and £1600 for

No. 2.<sup>64</sup> And now the railway has gone and a walkway and gardens take its place, flanked by Connaught Place (the original 35 foot strip) on the west and Gosford Place on the east.

In the twentieth century, between the wars, houses were built to a design by A. E. Horsfield along Warriston Gardens, the original access road from Inverleith Row opened up for the Cemetery Company in 1840.<sup>65</sup> East Warriston House was bought by the Town Council and converted into the Warriston Crematorium by Lorimer & Matthew in 1928–29.<sup>66</sup> The north side still shows the original style of the house, and the gardens around contain many of the original trees. The rest of the land feued

by Andrew Bonar had been let out as nursery gardens but in the early 1930s the north end of the estate was used for one of the Edinburgh Corporation housing schemes, along the northern end of Warriston Road.<sup>67</sup> The land to the south of the railway was amalgamated into St Mark's Park, together with other land acquired by the Town Council. West Warriston was demolished in 1966 and Miller housing was built on its site in the 1970s. For many years Warriston Cemetery itself lay neglected and under threat from developers, but it has now been purchased by Edinburgh District Council and the future of this remaining open part of the old Lands of Warriston should now be secure.

## APPENDIX

*Vote Creation at East and West Warriston, 1817*

The qualification for a vote in Scotland before the 1832 Reform Bill was based on an assessment made in accordance with a valuation of lands held from the Crown known as the Old Extent, which is generally supposed to date from the reign of Alexander III. An Act of Parliament of 1681 took into consideration that the Old Extent was no longer used as a basis for taxation, and as well as the qualification of holding a 40 shilling land of the King, freeholders were allowed to claim on an alternative qualification of £400 of 'valued rent', i.e. of the annual value of the land as determined by assessment for purposes of public taxation. This Act described the 40 shilling freeholders as 'infert in property *or* in superiority and in possession of a 40s land'.<sup>68</sup> The legal interpretation of this made it possible to separate the vote from the land.

R. S. Rait explained that 'the rule that the superiority conferred the franchise led to a practice of alienating superiorities, after rendering them pecuniarily valueless, so as to create freehold qualifications for

men who could be trusted to vote in accordance with the wishes of the donor of the superiority'.<sup>69</sup> Sir Charles Elphinstone Adam, writing of the political state of Scotland in 1788, described the procedure commonly employed:<sup>70</sup>

A proprietor holding of the Crown granted a feu-right to a friend (not the person who was to have the vote), and, having resigned the estate into the hands of the superior (the Crown), obtained a charter of resignation; he then gave a liferent of the lands to the intended voter, assigning to him the precept in the charter, and excepting the feu-right from the warrandice; the liferenter when infert on this title acquired a liferent of the superiority of the lands; and, by a reconveyance from the friend to whom the feu-right had been given, the original proprietor recovered possession of the property.

It would appear that the Governors of Heriot's Hospital used an adaptation of this procedure, as recorded in the Hospital Minutes. The Governors had been selling superiority at intervals from around 1710. On 18 April 1791 they agreed that it was sensible to sell superiorities 'where the feu duties are small and payable in money', but 'where the feu duty is in victuals to a considerable amount ... it is more

for the interest of the Hospital to retain the feu duty than to sell the Superiority'. They had a long tussle with William Walker of Coats who wanted to purchase his superiority but the Governors were reluctant to sell unless a safe way could be found whereby 'the superiority may be sold and the casualties reserved' (7 March 1809). Finally they took the opinion of the Solicitor General David Money Penny (2 February 1813), and it is this opinion that is referred to in the Minutes quoted below:

5 August 1816: Letter from Mr Alexr Henderson Banker in Edinburgh dated 30th July 1816 'Dear Sir being anxious to obtain a vote in the County I would be glad if the Governors of George Heriot's Hospital would sell me the Superiority of my property at Warriston with as much additional valuation as may be requisite to make up a freehold application'. The Governors accepted the offer provided the Hospital had valuation in Warriston equal to £400 Scots, and authorised the Clerk to take the necessary steps for vesting the Superiority in favor of Mr Henderson to the extent of £400 Scots agreeably to the mode followed in the case with Mr Walker of Coats upon the opinion of Mr Money Penny now Lord Pitmillly. They named Robert Hall merchant in Edinburgh as Trustee for vesting in him the property in order to separate the property from the Superiority.

12 September 1816: Same day read following letter from Mr Andrew Bonar Banker in Edinburgh viz: 'Sir as I understand the Governors of Heriot's Hospital are to sell some of its Superiorities in the county of Edinburgh, I beg leave to inform you that I wish to purchase the Superiority of my Property at Warriston Easter and in addition as much more as will make up a vote', dated 17th August 1816. Referred to Committee.

20 January 1817: Report on Petition by Andrew Bonar. Mr Bonar may get the Superiority of £203 Scots being the remainder of the valuation of Warriston. Also letter from Mr Cunningham 'Dear Sir, It is only this moment I am enabled to signify to you Mr Bonar's determination to take Superiority of Warriston £203 by itself. I beg therefore you will not loose a moment getting on with the necessary Deeds. If you are not passing a Charter for the Hospital it will save expence to have the above included in Mr Henderson's.' Agreed.

Same day: The Governors having taken into consideration that Mr Robert Hall Merchant in Edinburgh the Trustee who had been appointed by the Governors on 5th August 1816 for the purpose of separating the property from the Superiority of Warriston being now one of the Governors of the Hospital they therefor on that account hereby name William Ramsay Banker in Edinburgh [nephew of the William Ramsay who built West Warriston] for the

above purpose in place of Mr Hall.

24 January 1817: Resignation of Lands of Warriston. Disposition by Alex Henderson Esquire Banker in Edinburgh conveying to the Hospital all and whole the lands now called Wester Warriston belonging in property to the said Alex Henderson and of which the Governors of said Hospital are Superiors consisting of twenty-one acres twenty-five falls which lands were for the purpose of consolidating the property with the Superiority in virtue of a Procuratory of Resignation contained in said disposition resigned in the hands of the said Governors *ad perpetuam remanentiam*.

Same day: Disposition by Andrew Bonar Banker in Edinburgh to the Governors of all and whole the Lands now called Easter Warriston of which the Governors are Superiors, consisting of about thirteen acres two roods nine falls and which lands were also in virtue of a Procuratory of Resignation contained in disposition by the said Andrew Bonar Resigned in the hands of the said Governors *ad perpetuam remanentiam*.

Thereafter the Governors signed a Trust Charter of the Lands contained in said Disposition by Messrs Henderson and Bonar together with seven other fields and the haugh of the lands of Warriston in favor of William Ramsay.

7 July 1817: Charter of Confirmation in favour of Alexander Henderson granted in order to consolidate the Property with the Superiority for the purpose of investing the Superiority of the Land in person of Alexander Henderson. In order to restore Title to same situation as they were previous to this transaction, the present Charter became necessary. A similar Charter in favour of Andrew Bonar.

The whole procedure is summarised in the following Extract from the Register of the Feu Duties of Heriot's Hospital:<sup>71</sup>

*Note on Transactions for Creating of Votes referred to in the General Chart*

The mutual position was that Andrew Bonar held the Lands of Easter Warriston of and under the Governors of George Heriot's Hospital by Charter of Confirmation and Original Charter of 17 February 1796 for feuduties amounting in all to 10-0-2-0½ Wheat, 48-0-3-0½ Barley and 1/- sterling.

Heriot's Hospital were midsuperiors holding of the Crown under Crown Charter dated 11th December 1639 for payment (for whole lands of Warriston) of 50 Merks Scots.

1. Midsuperiority and *dominium utile* of Easter Warriston consolidated in Heriot's Hospital by disposition *ad rem* by

- Andrew Bonar to the Hospital of the above lands dated 23rd January 1817.
2. *Dominium utile* of *inter alia* above Lands of Easter Warriston conveyed in trust to William Ramsay Banker in Edinburgh by Trust Charter by Governors in his favour dated 24th January 1817. Ramsay to hold of Heriot's Hospital for a feuduty of 2/- being a proportional part of said feuduty of 50 merks to the Crown.
  3. Ramsay conveyed *dominium utile* of Lands of Easter Warriston to said Andrew Bonar by Feu Charter dated 24th February 1817 to be holden of Ramsay for payment of 10-0-2-0½ Wheat, 48-0-3-0½ Barley and 1/- stg. (as the same feuduties as Andrew Bonar was paying originally to Heriot's Hospital).
  4. Heriot's Hospital conveyed their midsuperiority to said Andrew Bonar to be held of the Crown as Superiors as the Governors held said subjects for payment of 2/- being proportional part of 50 merks Scots payable for said lands of Warriston and services used and wont in name of blench

form<sup>72</sup> stipulated in Crown Charter 11 December 1639 by Disposition and Assignment dated 24th February 1817 by Governors to said Andrew Bonar. Bonar thus holds of:

1. Ramsay for feuduty of 10-0-2-0½ Wheat and 48-0-3-0½ Barley;
2. The Crown for feuduty of 2/- (part of 50 merks).
5. Ramsay then conveyed to Heriot's Hospital his midsuperiority (i.e. the feuduty and casualties in Charter). The feuduty of 10-0-2-0½ Wheat, 48-0-3-0½ Barley and 1/- stg. for Easter Warriston by disposition dated 24th February 1817 by William Ramsay to Governors of Heriot's Hospital.

The result now is that Andrew Bonar holds the Lands of Easter Warriston for payment to Heriot's hospital of 10-0-2-0½ Wheat, 48-0-3-0½ Barley and 1/- stg. (i.e. he is restored to his original position with regard to payment of the original feuduties to the Hospital) and also holds of the Crown for 2/- proper of 50 merks Scots.

## NOTES AND REFERENCES

I am grateful to the Trustees of the National Library of Scotland, the Keeper of the Records of Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and Edinburgh City Libraries for permission to reproduce the illustrations, and to Dr Andrew Fraser for his editorial help in preparing the manuscript for publication.

The records of Heriot's Hospital are in the care of the Heriot's Hospital Trust at the Trust building at Heriot's School, Lauriston Place. The Heriot's Hospital Minute Books (HHM) and other records cited in this article are also available on microfilm in the Scottish Record Office (SRO, RH 4/152).

- 1 John Mackay, *History of the Barony of Broughton* (Edinburgh 1867, reprint 1979), pp. 12-13.
- 2 Reproduced and described in Gordon Donaldson, 'Map of the Siege of Leith, 1560', *Book of the Old Edinburgh Club* (BOEC), 32 (1966), pp. 1-7.
- 3 The name Warriston may derive from 'warys', to guard or defend (*Jamieson's Scottish Dictionary*, Paisley 1882). Alternatively, it may come from an Anglo-Norman name, plus 'tun' meaning a farm: see Norman Dixon, 'Place Names of Midlothian', PhD Thesis, University of Edinburgh, 1947.
- 4 William Cowan, *The Maps of Edinburgh, 1544-1929*, 2nd edn, revised by Charles B. Boog Watson (Edinburgh 1932), Nos 6a, 29.
- 5 HHM, 15 October 1739. The eastern boundary of Warriston is mentioned in the Sasines in 1781 as 'the high road leading straight south from Warriston to Edinburgh' (SRO, Register of

Sasines, 27/256, f. 46), but this refers to the old condemned road, which joined the Whiting Road (now Newhaven Road) at Bonnington Ford and then branched east to Leith and south to Edinburgh.

- 6 David Robertson, 'The Burlaw Court of Leith', *BOEC*, 15 (1927), pp. 171, 183, 185.
- 7 Plaque on St Mark's Bridge.
- 8 *Exchequer Rolls of Scotland*, vol. 18, 1543-1556 (Edinburgh 1898), p. 497.
- 9 *Register of the Privy Council of Scotland (RPCS)*, 1st series, vol. 3, 1578-1585 (Edinburgh 1880), p. 406.
- 10 *Register of the Privy Seal of Scotland*, vol. 3, 1542-1548 (Edinburgh 1936), pp. 325-326.
- 11 Sir John Graham Dalyell Bart, *Fragments of Scottish History: The Diary of Robert Birrell* (Edinburgh 1798), p. 49. A fuller account is given in James Grant, *Old and New Edinburgh*, 3 vols (London 1880-83), III, pp. 98-99.
- 12 *RPCS*, 1st series, vol. 14, Addenda 1545-1625 (Edinburgh 1898), pp. 443-447, paras 247-249, 254. See also John Russell, 'Bonnington: Its Lands and Mansions', *BOEC*, 19 (1933), pp. 154-156.
- 13 John Imrie and John G. Dunbar, *Accounts of the Master of Works for Building and Repairing Royal Palaces and Castles*, vol. 2, 1616-1649 (Edinburgh 1982), p. 20. See also pp. lxxix-lxxx, where it is explained that this quarry was for the reconstruction of the Palace or King's Lodging on the east side of Crown Square in Edinburgh Castle.

- 14 SRO, Register of Sasines (RS), 27/21, ff. 89, 399.
- 15 Helen Armet (ed.), *Extracts from the Records of the Burgh of Edinburgh, 1701–1718* (Edinburgh 1967), pp. 127–128. The total area of the lands of Warriston at this time would have been around 80–85 Scots acres.
- 16 HHM, 1706–1841 (SRO, RH 4/152). Quotations in the following paragraphs are from the entries in the Heriot's Hospital Minutes for the dates cited in the text.
- 17 Lock – a small piece or quantity; shott – a piece of ground, especially one cropped rotationally (*Concise Scots Dictionary*, Aberdeen University Press, revised reprint 1985).
- 18 Edinburgh City Archives (ECA), Burlaw Courts of Leith, bay B, shelf 9, vault 9/41: Sara Young, 10 June 1728; Humphrey Colquhoun and Stephen Lithgow, 7 August 1732.
- 19 Sir John Sinclair Bart, *General Report of Agricultural State and Political Circumstances of Scotland*, 2 vols (Edinburgh 1814), I, p. 99.
- 20 ECA, Burlaw Courts of Leith, books 2 and 3.
- 21 Biss, or bass – a mat of bast, coarse straw, rushes, etc., especially a door mat (*Concise Scots Dictionary*).
- 22 Francis J. Grant (ed.), *Register of Marriages for the City of Edinburgh, 1751–1800* (Edinburgh 1922).
- 23 SRO, RS, 27/256, f. 46.
- 24 SRO, RS, 27/370, f. 283.
- 25 For example, HHM, 16 April 1751, and 8 December 1755, but always without success. The solution is recorded on 10 April 1762: 'James Hunter Merchant in Edinburgh Laughlan Hunter Bookseller there Gavin Waugh Tenant of Warriston [Waugh succeeded Widow Kay and Stephen Lithgow] and Alexander Sheills Tenant in Broughton. Setting forth that the Water of Leith on the north side of the Feu belonging to the said Lachlan Hunter runs through a Haugh belonging to the Hospital and possessed by the said Alexander Sheills. That the said River comes often down with such rapidity that it cuts out new channels for itself in the aforesaid Haugh tears away the earth and in place thereof leaves nothing but Sand and Gravel which makes this piece of Ground of little or no value to Hospital or Tenant. Petition to cut a new channel.' Permission was given in June 1763, with the Heriot's Governors paying £3 sterling as its share.
- 26 An Act of Parliament in 1695 provided that 'land belonging to several heritors, or proprietors, lying run-rig may be divided at the instance of any of the parties, on citation of all having interest by the sheriff or Justice of the Peace who are to have special regard to mansion-houses that the divisions may be made commodious for them': Sinclair, *General Report* (note 19), I, p. 100. However it was nearly half a century before this statute was generally put into practice.
- 27 Cain, kain – in old Scots law, rent paid in kind, especially in poultry, etc. (*Chambers's Twentieth Century Dictionary*, Edinburgh 1962).
- 28 SRO, Trustees for Turnpike Roads, Minute Book of Cramond or Queensferry District, CO 2/6/1.
- 29 Grant, *Old and New Edinburgh*, III, p. 87. See also the plaque on the present Canonmills Bridge.
- 30 S. G. Checkland, *Scottish Banking: A History, 1695–1973* (Glasgow 1975), pp. 158–160.
- 31 West Warriston House, built by William Ramsay in 1772, is illustrated in Ian Gow, 'The Edinburgh Villa', *BOEC*, NS 1 (1991), fig. 7. See also Grant, *Old and New Edinburgh*, III, p. 97.
- 32 SRO, RS, 27/339, f. 55.
- 33 SRO, RS, 27/297, f. 92.
- 34 *The Scottish Register, or General View Chiefly Relevant to Scotland*, 6 vols (Edinburgh 1794), I, p. 357: 'Jan. 1 1794. At his son's house of Gogar, Co. Edinburgh, Peter Ramsay Esq., formerly an eminent innkeeper at the Cowgate Port, in which station he acquired upwards of £30,000. He has left one son William Ramsay, jun., Esq., banker in Edinburgh, and one daughter, the widow of Captain Mansfield, of the South Fencible Regiment, who lost his life at Leith in 1779, when attempting to quell a mutiny.'
- 35 There are references to Bonar's new buildings in the family private papers, but the architect of the new house is not known.
- 36 Checkland, *Scottish Banking*, p. 166.
- 37 Kirkwood's Plan of the City, 1817 (Cowan, *Maps of Edinburgh*, No. 28a).
- 38 See J. I. Brash (ed.), *Papers on Scottish Electoral Politics, 1832–1854*, Scottish History Society, 4th series, vol. 11 (Edinburgh 1974), p. xv.
- 39 SRO, Index to Sasines, book 3, Edinburgh 1813–20, No. 20, 473.
- 40 Grant, *Old and New Edinburgh*, III, pp. 97–101. A further source of confusion arises with Thomas Wood, who had the farm of Broughton in the early 18th century, and who called himself 'of Warriston' (for example, see Robertson, 'The Burlaw Court of Leith' [note 6], p. 182). Wood was proud of being descended from Archibald Johnston, Lord Warriston, hanged in 1663, who took his title from 'Warriston in Curriehill', just to the west of Riccarton: Margaret D. Young (ed.), *The Parliaments of Scotland: Burgh and Shire Commissioners*, 2 vols (Edinburgh 1992–93), I, pp. 381–382.
- 41 For the development of the West Warriston estate, see J. Gifford, C. McWilliam and D. Walker, *Edinburgh* (The Buildings of Scotland, Harmondsworth 1984), pp. 580–581.
- 42 Nos 1–18 Eildon Street were designed by A. Bennet in 1879, and the rest were added by George Grant in 1906: Gifford et al, *Edinburgh*, p. 581. The street was named after Eildon Hall, another property owned by the Hendersons in Roxburghshire.
- 43 A further small portion of Peter Ramsay's land (3 acres 3 roods and 30 falls on the north side of the Water of Leith) had



- been taken in sub-tack by Robert Mylne, who also had land on the other side of the river; this was formally converted into a feu by the Hospital Governors on 6 October 1783. Ramsay also sub-let ground at the north of his tack to George Anderson, who was described as 'gardener at Warriston' when he took a feu of the lands of Bangholm on 16 April 1787.
- 44 HHM, 11 December 1810.
- 45 HHM, 9 October 1815.
- 46 HHM, 9 February 1818.
- 47 The *Edinburgh Evening News* of 13 August 1948 reported extensive damage from the flooding of the Water of Leith. At Powderhall Greyhound Stadium 20 dogs were drowned, and there is a photograph of the breached wall in Warriston Road through which the Water of Leith poured into the stadium.
- 48 Edinburgh City Libraries, Edinburgh Room, *Prospectus* of The Edinburgh Cemetery Company, 1842 (No. 13 in a volume of pamphlets entitled 'Edinburgh Cemeteries', YRA 630.43802). The railway was originally intended to link with Newhaven and the ferry to Fife, but during negotiations the ferry terminal was switched to a new harbour at Granton; the railway was swung round the coast to Granton and the name of the Railway Company was adjusted.
- 49 The Gothic bridge is not mentioned in the description of the railway in Angus Graham, 'The Edinburgh, Leith and Newhaven Railway', *BOEC*, 33:3 (1972), pp. 159–164. It was designed by J. Dick Peddie in 1845: Gifford et al, *Edinburgh*, p. 576. The line of the old railway is now incorporated into the Water of Leith Walkway from Warriston to Leith.
- 50 W. M. Gilbert (ed.), *Edinburgh in the Nineteenth Century* (Edinburgh 1901), p. 113: so called after the famous Père Lachaise Cemetery in Paris.
- 51 Russell, 'Bonnington' (note 12), p. 180.
- 52 Bonar had no control over these feus but he had acquired the superiority over them and was able to claim feu duties from them: SRO, RS, 27/1028/165.
- 53 Private Papers of William Bonar, Ledger II, p. 97.
- 54 SRO, RS, 27/2404/192 and 27/2405/3.
- 55 SRO, RS, 108/70/29. David Beatson, Merchant, Madeira Street, Leith, was the son of David Beatson of the Register House, Edinburgh.
- 56 SRO, Sheriff Courts, 70/1/106, p. 592.
- 57 SRO, RS, 27/2572/172.
- 58 SRO, RS, 108/690/153; *Edinburgh Directories*, 1876–1913.
- 59 SRO, RS, 108/129/32.
- 60 SRO, RS, 108/1338/143.
- 61 SRO, RS, 108/1891/49.
- 62 SRO, RS, 108/2508/91.
- 63 Hamish Coghill, *Discovering the Water of Leith* (Edinburgh 1988), p. 115 and photograph p. 111.
- 64 SRO, RS, 108/2802/197 and 108/2803/3.
- 65 Gifford et al, *Edinburgh*, p. 581.
- 66 *Ibid.*, p. 577.
- 67 *Weekly Scotsman*, 13 May 1939.
- 68 Infert – to invest with heritable property (*Chambers's Twentieth Century Dictionary*).
- 69 R. S. Rait, *Parliaments of Scotland* (Glasgow 1924), p. 215.
- 70 Sir Charles Elphinstone Adam (ed.), *Political State of Scotland in the Last Century* (Edinburgh 1887), p. xxiv.
- 71 Extracts from Book 1 of the Register of Feu Duties, George Heriot's Trust, Easter Warriston: SRO, RH 4/152/83, No. 27.
- 72 Blench form – the basis of payment of a nominal yearly duty (*Chambers's Twentieth Century Dictionary*).