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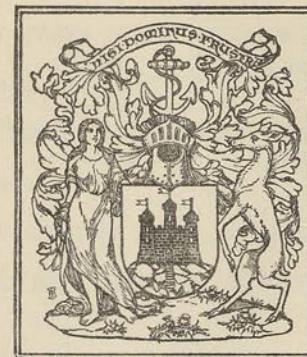
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THE BOOK OF THE
OLD EDINBURGH CLUB

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THE BOOK OF THE
OLD EDINBURGH
CLUB

FIFTEENTH VOLUME



EDINBURGH

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THE DOMESTIC AFFAIRS OF THE BURGH, 1554-1589
UNPUBLISHED EXTRACTS FROM THE RECORDS

WHEN any volume of extracts is made, the difficulty must be to know what to omit. The existing selection of extracts from the Burgh Records of Edinburgh gives the greater part of the older records up to and including the first part of the sixteenth century. Thereafter the idea seems to have been to dwell most upon entries referring to the Town's connection with national history and to the growth in self-government of the Burgh. This does not mean that all of the more domestic details have been omitted, but serves to account for the number which have remained unprinted. Much which illustrates the ordinary life of the Burgh is already accessible, but among the great quantity of material there still remains enough to add interest to the picture.

These less important entries, besides showing the life of the neighbours of the Town, show the variety of matters which came within the province of the Council of Edinburgh. Their King was known as the modern Solomon : after a study of the multitude of things with which they dealt, the conclusion is reached that they were not far behind their royal master. It is true that the reader sees only one side of the case, that which the Common Clerk or his Deputy scrawled more or less hastily in the register, but it is surprising how few of the entries give any impression of a judgment flagrantly biassed or unfair. The only qualification which might be necessary would be in respect to the Council's treatment of Leith, but

there were definitely two sides to that question and much to be said for the Town.

The work of the Council was incessant, and included keeping order in the Town, enforcing, amending, and enlarging the statutes which regulated trade, dealing with political affairs in so far as they touched the welfare of the inhabitants, and taking a prominent part in the administration of the affairs of the Royal Burghs of Scotland, particularly as regarded foreign trade. One thing is conspicuous. No matter what part the Town played in times of national disturbance, and in spite of its being so frequently the centre of those disturbances, the magistrates never slackened their grip on the internal government. The result is that even at the most troublous times it is often necessary to turn up a history book at the date of the entries in the Council Record in order to be certain that the Realm or even the Town was not at peace. On the few occasions when the Council was too occupied otherwise to meet regularly, abuses might and did creep in, but no sooner had some measure of quiet been restored than the Council proceeded with no light hand to set their house in order. This is illustrated in the case of the relations of Edinburgh and Leith. During her regency it was the policy of Mary of Guise¹ to support the inhabitants of Leith against Edinburgh and to encourage that unfree town with hopes of independence. The result is that, during the reign of Queen Mary and the early years of the reign of her son, the Council were at pains to restore their lost privileges by inquiry into cases of unlawful trading and of undue privileges assumed by craftsmen and would-be traders, likewise by curbing any tendency of Edinburgh burgesses to settle in Leith. They were helped by their acquisition of the superiority of Leith, in security for a loan to Queen Mary and Darnley; but before that they had started their work.

¹ Mary of Guise, wife of James V. and mother of Mary Stuart, is known more correctly as Marie de Lorraine, daughter of the Duke of Guise.

In smaller matters they were no less zealous, and disturbed times were followed by a crop of minor prosecutions, usually for the breach of Town statutes by taverners and others, merchants, and craftsmen. The taverners are named because they appear to have been quick to take advantage, but others were little behind them. The study of such entries fosters a suspicion that the Council's aim at such times was two-fold, to enforce obedience to their statutes and to replenish the common purse or supply the wherewithal for common works, which the Town could not have afforded otherwise.

Another cause for the varied activities of the Council is found in the fact that Edinburgh was the capital. This is seen in various ways. It accounts in some measure for the expenditure of the Council on building and repairs. The Court of Session sat in the Town, while the Conventions of Estates and of Burghs met there frequently, and for these accommodation was necessary. At the instance of Queen Mary, ground had to be found on which a new Tolbooth was built in haste. This building involved the Town in considerable expense, even though some of the material of the Old Tolbooth and the shops abutting on it was appropriated for the work. Frequent entries narrate how the building was retarded by lack of funds. The master of work, or overseer, made repeated complaints that he was liable to lose his masons and other workmen for lack of money to pay them. Yet, in spite of this drain upon their finances, it never appears to have occurred to the Council that such work might be outside their province.

The Council Records and Treasurer's Accounts contain many items concerned with the upkeep of the buildings used by the Lords of Session and of Exchequer, with items varying from lighting and heating to cushions, table-cloths, and even flowers. The entries are practically the same in wording (with a gradual increase in cost) and record payment to the jailer for coals and candles furnished for the use of the said

Lords. Other items included without question by the Council among their expenses were the provision of the 'wardhouses' or prison, the wages and livery of the executioner and jailer, and the cost of all executions, whether for lesser crimes (dealt with by the Burgh Court), witchcraft, or treason. It is true, in the case of the executioner, that he was bound to fill in his time in the service of the Town by supervision of the cleansing and keeping clear of all streets and wynds, but that does not alter the fact that he was as much a servant of the State as of the Town. Apart from that, the Town was for these reasons a centre to which many people came, and the influx of strangers (for every one not of the Burgh was a stranger) laid a burden on the magistrates for the maintenance of order and for the supervision of unknown visitors. This is shown by statutes compelling taverners and hostellers to give in the names of those lodging with them nightly to a bailie, regulating prices of board for man and horse, and providing for the keeping of peace on days of law between rival parties. For when a case was being heard in the Court of Session both parties concerned brought their retainers and friends in force to the Town, a habit which accounts for several entries for quarter-staffs for the Provost and bailies. Another duty which devolved upon the Council was the entertainment of notable visitors and ambassadors, which seems to have been fulfilled in hospitable fashion and at considerable expense, the guests being lodged in the houses of the richer merchants, and entertained to dinners, which, judging by the accounts, were no mean feasts.

Again, we are reminded that Edinburgh was the largest trading centre in the Kingdom. It bore 28 per cent. of the taxation imposed on the Burghs, and possessed a rich merchant community engaged in trade with France, Flanders, the Baltic, and Norway. This involved the larger share of the responsibility for Scottish interests, and frequent entries show how the Convention of Burghs delegated to the Town the

dispatch of commissioners to look after their common interests and particularly the duty of raising money for such purposes when it was difficult to come by the money otherwise. It is a matter for regret that information concerning trade is dealt with so irregularly by the Council. There is a fair amount of information about the trade in wine, carried on chiefly with Bordeaux, in which prices of cargoes and cost of freight are dealt with. For a few months the Records give a consecutive series of entries concerning the overseas trade in 1555. Whether it is a coincidence or not that this was during the regency of Mary of Guise, who showed great interest in the development of the Kingdom, cannot be proved, but the information given as to the outgoing trade, even for a short time, is interesting.

In connection with trade, a question of much importance to the Council was the position of the Burgh with regard to seaports. More than once schemes were laid before the Council for bringing the sea up to the North Loch, a feat of engineering which proved to be beyond the power of the promoters. That such an idea should have been entertained was proof of the difficulties presented by the unfree town of Leith. Newhaven harbour belonged to the Town by gift of James IV., but cannot have been sufficient for its purposes in spite of the money spent on it. The anxiety of the magistrates to prevent any independence of Leith is explicable, for, had that town become a Royal Burgh, as was more than once suggested, it would have harmed the export trade of the freemen of Edinburgh by causing them to lose control of their 'port and haven of Leith' and of the customs due therefrom.

The Reformation brought new responsibilities to the Council. The accession of the Kirk lands belonging to the different religious foundations was to prove a source of much anxiety. It was only after various experiments that the administration of these lands was settled. More fortunate

than those of other Burghs, the magistrates of Edinburgh appear to have contrived to secure a large part of the treasure of the Kirk, which they disposed of for the benefit of the Common Good. The Kirk lands were a more difficult matter, and it is evident from the Records that much income in the early days of the Reformation must have been lost to the Town. This is shown by the acts of Council of the year 1579, when, as the Burgh was comparatively peaceful, the Council set itself to look into the matter of the revenue obtainable from these sources. The lists of arrears and the sums for which they were commuted prove that in the confusion resulting from the change much money due to the Kirk could not be recovered. Another proof of the difficulties the Council had to face in the collection of Kirk money is that the sums collected were not always adequate to pay the stipends of the ministers. On more than one occasion appeal was made to the Lords of Session and the Advocates for financial assistance towards the support of the ministers. Unfortunately, the Records do not chronicle the result of the appeal. Collection of the teinds on Kirk lands in various parts of the country and of annualrents owned by the Kirk on Town property was certainly unsatisfactory and the accounting more so, but another reason for the shortage was that the chaplains and prebendaries were allowed to enjoy during their lifetime the income of their benefices.

The Reformation and the dissolution of the monasteries with their almsgiving and hospitals brought upon the Council the duty of caring for the poor. Their own poor, the 'decayit' burgesses and their families, were provided for by their own funds, 'weekly pennies' and other dues, but the beggars of the Town had also to be supported. For a time this seems to have been met largely by the Council, who dealt with particular cases on their own merits. Then a tax was levied on the neighbours for that purpose, and the number of entries concerning such cases becomes smaller and deals

principally with emergencies. It is not possible to be definite on the subject, however, for it may be dangerous to draw conclusions from the Records and from their omissions, while it may be a coincidence that the recorded cases of charity increase so greatly after the Reformation. Still, it is so.

But the bulk of the unprinted Records deals with the more intimate life of the Town. Without historical importance, they yet serve to give a detailed picture of the place, till the old streets seem repeopled with the old inhabitants. It is a reason to bless the Council for the minute care with which they chronicled small beer when little pictures of the life of the neighbours show in every page. One minute gives a list of the owners of forty-two booths round the Old Tolbooth, with names known in the Records of the Town, while another explains the need for rebuilding the dyke round the Kirk of Field. Others show that the neighbours were no respecters of burial-yards, which they made public thoroughfares; and that, if they coveted a public path, they annexed it by making a dyke and a 'fowsie' round it.

The amenity of the Town was a constant care. Whether it was the overcrowding of the High Street by open booths, or the common habit of encroaching on the street when rebuilding houses with forestairs, advantage frequently was taken by the inhabitants. The attempts of the Council to keep the main streets and vennels free from middens, stones, and swine were praiseworthy, though crowned with small success save on the great occasions of royal entries. Statutes were framed for that purpose with increasing penalties, and it was part of the lokman or executioner's duty to remove these encumbrances. But even that awesome figure, advancing in his grey livery, and armed with sword and iron-bound staff, does not appear to have been sufficient. Judging by some of the complaints of the neighbours, the statutes were more honoured in the breach than in the observance. Whatever the individual standard of cleanliness, forcibly

worded complaints were common enough, in which the inhabitants of a wynd explained exactly how uninhabitable their particular wynd was made by the lack of ordinary decency on the part of their neighbours.

Even the lists in the Records afford amusement, which is quite apart from the purpose for which they were compiled. As these succeed each other at intervals of a few years, an interesting study can be made of the approximate places where different members of a family lived, of the number of servants they employed, and of the amounts they were taxed. Inhabitants of the Town traced through two or three lists become old friends to be recognised with pleasure as their names occur in the acts of Council. Some are exemplary citizens and holders of office; others are pleasant people, but very human, as minor breaches of the law may show; while a proportion are simply ne'er-do-wells. But they are all people with characters of their own.

The great difficulty in dealing with these miscellaneous records is classification. The subjects, as already indicated, are so diverse that they have sometimes to be connected by the slight link of being found together in the Council Records. Hence any grouping of them may appear forced. For the purpose of quotation the extracts which follow are collected loosely under headings. First, some acts of Council are grouped to show the regulation of markets, streets, and buildings, more or less the outward aspect of the Town. Then follow those acts dealing with trade and merchants, Scots and foreign. As a natural sequence come entries dealing with the freedom of the Town, followed by a few acts to give an idea of the taxation, which formed one of the obligations of burgess-ship. Other acts show the effect of the Reformation. The Council, at all times discreet and apparently not inclined to anticipate or initiate changes, put little on paper with regard to the 'troubles,' and much of what they record is already printed, but few acts shed fresh light. The charities

of the Town, although not so numerous as a few years later, are mentioned as worthy of notice. Then the Council is shown sitting in judgment upon a variety of offences, ranging from impertinences to the magistrates to cases of assault. The administration of justice and the keeping of the King's peace occupied much of the time of the magistrates, and seems interesting as showing the nature of their difficulties and the way they dealt with them. A country may be happy which has no history, but a town with no record of minor offences would be a dull place. Lastly, a few entries seem to show the effect of battles, the difficulties under the changing regencies of James VI.'s reign, so small as to be mere echoes of far-off trouble, yet perhaps still suggestive.

The original Records of the Council are legible enough, but they avoid punctuation, are quite arbitrary in the use of capitals, and, whenever possible, employ contractions. To make the extracts more readable those matters have been altered so far as possible. Hence any mistakes in punctuation or rendering are not attributable to the Common or Depute Clerk of those days. The question of spelling presents another difficulty. To modernise it completely would take much of the savour from the record, but one hint may be given to such as are not well versed in old Scots spelling. In any case of difficulty the solution is to pronounce the word audibly, for, in nearly every case, the spelling gives a phonetic rendering.

No attempt has been made to annotate the extracts, though much might be said about some of the persons and places mentioned. To have done so would have altered the character of the contribution, which attempts to tell the story not of individuals who may have acquired fame or notoriety, but of the Old Town of Edinburgh and its 'honest neighbours.'

THE TOWN

Part of the old life of Edinburgh which was of great importance was the market. To it freemen of the city and 'outland men' brought their goods, and the places allotted for the sale of different articles were situated up and down the High Street and the wynds issuing from it. The magistrates possessed the right of setting the prices of all goods sold there, particularly the prices of food. These varied during the year, tending to be less in autumn when stocks were plentiful, and more in early summer, before the new harvest. The cost of living varied from year to year, and it would be an interesting study to note the gradual rise in the prices of commodities during the period covered by the Council Records of the sixteenth and the early part of the seventeenth centuries. Roughly speaking, prices for the latter period were four or five times as great.

The cost of bread was regulated according to the price of wheat. A table drawn up about 1555 gives the sum to be charged per loaf according to the price of the unground grain per boll. Bakers were among the craftsmen difficult to handle, and two acts of Council illustrate the treatment of them. '11 January 1554-5: Statutes that all the bakers of this burgh baik thair breid gude and sufficient stufe, and the fowre penny laif to wey xxx unces, under the pane of xvijjs. for the first falt, the secund falt eschete of thair stufe and the thrid spanyng of thame fra thair occupatioun for ane yeir and uther unfremen to be put in thair place.' To deprive men of their trade seems an unusually drastic punishment, though whether it ever was more than a threat is not known. But the bakers, when intent on their own way, could give much trouble. An entry of 5th February 1583-4 narrates the steps taken by the Town to avoid what in modern language would be called a strike. Upon the suggestion of trouble the Council issued a proclamation that the bailies were empowered

to seize all the supplies of flour in Edinburgh and Leith, and distribute it as they pleased. The threat was sufficient. 'In consideratioun that the baxteris of this burgh hes maist contemptuouslie and frawdfullie upoun ane commoun collusion amangs thame selffis abstenuit fra all baiking of breid and using of thair occupatioun as thai aucht to do for serving of the Kings graces lieges, tending thairby to mak the town skant of breid bot als to lay the commoun mylnis idill as thai haif done this tym past,' the Council ordered the action narrated. The result is not known, but the offence was twofold and, as it touched the mills and the revenue from them, was serious. There were other bakers probably only too anxious to supply bread: the outland bakers were allowed to sell it on market days at a price lower than that of the Town bakers, but they did not use the common mills. Many of the burgesses also possessed ovens, so that the shortage would be more apparent than real. Still, nothing diminished the fault of the bakers in their attempt to hold up supplies.

No details were too small for the magistrates' attention, as is shown by the following directions anent the disposal of a catch of herring. Probably the conditions laid down at the end of the act saved the salesmen much trouble. '7 February 1587-8: Thai callit before thame ane number of the hering men of this burgh and ordanet thame to sell thair hering in the merkat at na darrer nor auchtein schillings the hunder, and to sell thame as thai by, unwaillet owt.'

The same care for details is shown in all matters concerning the Town, both as regards economy and the appearance of the buildings, streets, and lanes. It is almost impossible to classify these, as they deal with so many different matters, but in all the magistrates' zeal is the same. The first of these acts records a somewhat high-handed proceeding on the part of the Council. '15 February 1554-5: Ordanis the thesaurer to by tymmer to the tounis werkis quhair it can be apprehendit within the toun, and quhair the awner thairof refusis to sell

the sam to tak thame and gif him ane writing for deliverance of als mony gude treis thairfor.'

Another entry proves that, whatever the condition of the streets, it was not for lack of effort on the part of the magistrates that they were not presentable. It is only one of many regulations, whose frequency leads to the conclusion that the neighbours did not on the whole mind dirt very much. '8 March 1558-9: Ordanis the heritous and occupiaris of the landis in Peblis wynd, every ane of thame for thair awin part, to mak ane cobill forgane thair awin landis for serving thairof and the common syour, gif ony hes been throw the said wynde, discendand down to the Cowgaitt to be closit and distroyit for evir.' They were ordered to pave the wynd as other wynds had been paved, and 'becaus thay have bene oft and divers tymes of befor charget and requyret till have avoydet the said fylth, bigget the said cobills and calsay,' it was stated that, if the work were not done at once, the Council would have it done by others and charge them double the price. The Dean of Gild's *Neighbourhood Book* gives other cases somewhat like this one. '23 September 1540: Fynds that Jonet Andersoun hes done wrang in the halding and feding geis in the chalmers of the land pertening to hir . . . lyand at the Ovir Bow and thairthrow hes rottin the samyn in ane part thairof.' Poor Jonet must have found it unsafe to keep geese in the streets, but apparently could not call her house her own. The book bears out the care with which all building in the Town was supervised. In 1584, John Dowglas, tailor, promised to stancheon with iron his windows overlooking the burial-yard of the Grayfriars so that no bairn or beast could get into the burial-yard, and this because the Council had given him permission to heighten his roof and windows. On the same day as the previous entry the Gild Court again showed their care: 'Fynds that William Smyth, ane of the beidmen of the Magdalen chaipel, and his spous hes done wrang in kendling

of fyres in ane laich sellare of his lyand at the Grayfreiris in Jhone Dowglas close, the said sellare haveand na chimney nor vent, quhairby the said Jhone is trublit with the reik thereof and his landis in hasard of byrning.' One more extract from the *Neighbourhood Book*. A complaint was made in 1587 by Nowie Bruce, surgeon, that Jhonn Robertsoun, bailie, had put certain steps of stone at the back of the yard of his lands in the Cowgate, 'quhairby nocht onelie all men in his yaird stands and seyis all things done and thairby brekkis his fruit treys and takis away his flouris and herbis contrar all guid nichbourheid.' The bailie was ordered to heighthen his yard dyke so that Bruce's yard should not be overlooked.

In 1579 the Council took order with the matter of the shops or booths round the Old Tolbooth and St. Giles' Kirk. A list of forty-two is given. There had been difficulty about the ownership and the conditions on which those places were held, and all the occupiers were examined as to their titles. Several men, including George Heriot and James Cokky and one or two other goldsmiths, made good their claims. The majority, however, were declared to be only yearly tenants, holding their booths at the pleasure of the Council. In view of the number of the shops and their closeness to the Kirk and Tolbooth, it would be interesting to know where the Councilhouse garden lay, for the tidying of which 20s. a year was paid to a gardener.

It was not only in the High Street that order had to be taken with abuses. That has been shown by the *Neighbourhood Book*, which dealt with minor cases. But occasionally the Council interposed, as when in 1579 they took steps to prevent the inhabitants making free with the Kirk of Field yard. '4 December 1579: Understanding that the Kirk of Feild yard to be made ane commoun passage as the samyn of befoir was wont to be dykit about and na hors with muck or other laids quhilk of lait to have had passage thair throw,'

the Council order that a new dyke be erected round it to keep it from becoming a thoroughfare. It was possibly in view of the building of the Town's College that the step was taken, although the next entry concerning the Kirk of Field is nearly three years later. '26 April 1582: Constitutes Androw Sclater, baillie, and David Kinloch, baxter, maisters of wark to the bigging of the wallis of the Colledge to be maid at the Kirk of Feyld and to tak compt of the warkmen, feyng of thame and payng of thair owlkie wedges ilk Setterday at evin.' Here again is evidence of the same love of detail,—the precision which gives the day and hour at which the workmen must be paid. The Treasurer's Accounts record the name of every man engaged in the work and his wages each week.

'10 August 1583: Gevis licence to Jhonn Gilcryst, smyth, to set up ane traveis of tymmer for schoeing of hors besyde his smiddy at the new well, swa that he pas nocht ower the gutter nor be west the eising drop of his said smiddy.' The Council always made it clear that the bounds of a man's right to the land in front of his house was the drop from the eaves of his roof, a point which occupies a place of importance in disputes about adjoining houses.

30 October 1583: Ordanis the thesaurer to caus tak doun the cran standand on the schoir of Leyth and to sell and roupe the tymmer wark thairof and to be compaibill for the money gottin thairfor, and to tak and keip the braysin schales and irne wark to the behuif of the guid toun.

18 November 1583: Ordanis James Ros, thesaurer, to remit and tak doun the tymmer at the gavill of the auld Tolbuith stair, and to keip the sam to the tounis behuif; als thai dischairge the flescheouris of all hinging of flesche at the goldsmythis chops and exoneris thame of twa merk yeirlie maill payet to the toun for the sam in tyme cumming.

With such care the Town was bound to prosper, and the last-quoted clause shows interest in the appearance of the street. Perhaps the goldsmiths had objected, or was it that

the Council thought the place would look better? Assuredly the last thing they thought of was the condition of the meat.

MERCHANTS AND TRADE

Although many limitations hedged both import and export trade, Edinburgh seems to have carried on tolerably large and prosperous ventures with the Continent. The name 'Wild Adventures' given to them says all that need be said of the difficulties. It would be exceedingly interesting if the Records gave more precise data, but they are provokingly incomplete. At one time they give particulars as to imports of wine and then for many years no attention is paid to the matter, so that no average can be arrived at.

At one period, between June and October 1556, the Council noted all the ships sailing for foreign ports from the port of Leith, with their owners, skippers, destination, and passengers, merchants or otherwise. Whether these months may be taken as giving an average of trade or whether they were exceptional, the figures are interesting. Nineteen ships sailed from Leith during the period mentioned. Of these, seven were bound for Dieppe, four for French ports generally. The ships to Dieppe carried thirty-four Edinburgh merchants with their goods, and three passengers. Those bound for other French ports carried sixteen Edinburgh merchants, four from Glasgow, three from Dumfries, and one passenger. Three ships made the voyage to Danskyn or Dantzig with twelve Edinburgh merchants, one from Dumfries, one from Ayr, one from Wigtown, and three servants of the Edinburgh men. The remaining five ships sailed for Flanders, carrying thirty-three merchants, of whom twenty-one were from Edinburgh, nine from Glasgow, two from Dumfries, and one from Stirling. With such figures, comment is needless: it is evident whence came the bulk of the trade of Leith.

Apart from actual trade, the Record gives in scattered

entries the names of different ships. These are a delight. We have the *Poist* (Post) of the *Ferry*, the *Marlycon*, the *Pelican*, the *Esperance*, the *Mary Fortoun* (Fortune), the *Gift of God*, the *Mary Grace*, the *Grace of God*, the *Hairt*, the *Trinity*, the *Angell* (a very popular name, differentiated by the town whence the ship came), the *Prodigall* and the *Huguenot* (whose owner was surely a modern of the moderns in his own day), the *Sea Catt*, the *Skoure-the-Water*, and many others more sedate and less suggestive.

There were bound to arise difficulties in connection with trade. Some of these are interesting. In 1561 Dionece Trynpyk, Frenchman, and Johne la Faveir, master of a French ship, were accused of conspiring with a burgess of Perth to alter the price of salt. They were fined ten crowns of the sun and the salt was confiscated and sold to the neighbours, the Council presumably pocketing the proceeds. In 1575, at the request of the Regent Morton, the Council took up a case of *spulyie* by certain Scots of the *Michael of Bristol*, owned by Walter Dowll. The case was tried before the Admiral Depute, with the result that payment was made to Doull's procurator, Nicholas Gainsfurde, merchant of Bristol, of 103*li.* 13*s.* 4*d.* Scots in complete settlement of the loss.

An entry of December 1579 gives the price of freight for that year. For each sack of goods sent to Flanders the charge is 36*s.* great with the *avericie*; for each sack to Dieppe, 6 francs with the *avericie*.¹

In 1579-80 the minutes record: 'Fyndsthat Robert Wilsoun, merchant indweller in Deip, suld pay extensis insafer as he ventis wyne, traffiques in merchandice and usis all liberteis within this burgh that ane frie burges and gild dois within the samyn and ordanis him to pay all extensis bygane.' So far as has been found this is the only case of a resident in France being taxed as a burgess of Edinburgh. It seems to indicate

¹ The word *avericie* or *avarise* is used for insurance or allowance on cargo.

a certain amount of hardship, for Robert Wilsoun probably was also taxed in Dieppe.

The Council were at all times careful about harbour dues and customs on ships entering their port with goods. It would be interesting if their judgment on the following case had been recorded, but history, as too often, is silent as to the result. '22 November 1583: Jhonn Dummo, skipper in Leith, being accuset for losing of guidis furth of his schip laitly aryvet fra Deip befor entres gevin to the toun, confess that thair wer loset ix or x gentilmenis cofferis quha wer passengeris in his schip before the said entres wes maid.' It is probable that the gentlemen were not bound to pay customs for their private possessions, but there is no indication whether the skipper's excuse was held valid.

The next quotation, taken from the Register of Burgh Charters, is irresistible. It is an extract from a contract concerning a gift to the Trinity Hospital, dated the 28th September 1587, which begins as follows:—

Forswamekill as certane zelous and godlie personis, inhabitants of the said burgh, viz., William Rig, William Cunningham, Robert Gray, James Nisbit, Nychole Young, Symoun Marjoriebankis, Androw Craig, Archibald Ramsay, Hector Raa, Henrie Hoope, William Mauchane, James Speir, James Dalgleishe, William Watsoun, James Carnmure for performing of the vow and promise maid be thame this last wynter upoun the sey within the schip callit Jhonn Wykyneis bark, quhen as thair schip and guidis war in extreme parell and danger upoun Guddane (Gullane ?) sandis, out of the quhilk the almighty God of his grit mercy delyverit them miracoulis far by manis expectatioun, hes gevin, payit and delyverit liberallie and with ane frie hairt efter thair saife arryving within this realme certane soumis of money sum mair and sum les to the said ministeris eldaris and deaconis and put in thair commoun boxe, quhilk extendis to the soume of ane thousand merkes . . . to be bestowit or layit upoun land or annual rent to the behuif of the said hospital . . .

Thereafter follow the arrangements for the disposal of the money.

Another allusion to a storm at sea and the consequences is found in the acts of Council dealing with a ship whose name has been mentioned, the *Huguenot*. She encountered a storm on her way from Dieppe to Leith in March 1531 and, in order to lighten the ship, goods were thrown overboard. Upon her safe arrival at port, according to custom, the lost goods were assessed and their value shared among those merchants who had escaped loss. The proceedings are too long to give, but they show in detail how the value of the lost merchandise was divided in strict proportion among those who had lost nothing and those who had lost only a part.

Occasional entries remind us that the dangers to which merchants were subject were not only storms and shipwreck but pirates and enemy ships:—

24 March 1586: Comperit Andrew Craig, merchant, and oblist (himself) to procure and schaw befor thame ane sufficient certificate from the parts of France testefeyng the guids quhilke he schippett in Jhonn Wilkynes Flie boitt at Burdeulx wes pillet furth thairof and quhilke hes scattit and littet with the rest with sufficient customes in the said parts, and this to be shawin.

13 September 1587: Understanding that for the V^c merk for the bark aganis the pyratt . . . wes gottin fra Mr. Jhonn Craig, minister, and the contract maid betwix thame and him for LX*li.* annuell upoun the commoun mylnes being red in thair presens thai agreeitt thairof.

The ships arriving at the port of Leith were watched carefully lest there should be any evasion of the customs. So large a part of the Town revenue was derived from the tack of the 'Wild Adventures' that such care is not surprising. Occasionally details of the cargo are given:—

24 April 1555: Ordanis Johne Dalmahoy, elder, serjand of the port of Leyth, that quhen ony boittis, craeris or schippis arryvis thairat furth of ony partis within this realme ladynit with guidis that he bring the inventar thairof to the thesaurer or customer or he thoill ony of the guidis to be lossit.

25 April 1555: In presens of Johne Sym and James Lyndesay, baillies, James Lowry is becum souerty that the thre tunis wyne now beand in brocht in Thomas Wilsonis schip . . . or the availl thairof salbe furth cumand to the toun of Edinburgh and the Quenis grace respective gif thai haif ony richt thairto.

In 1587 and 1589 the Council set prices for quantities of wine which had arrived from Bordeaux. The merchants declared the prices they had paid, and the Provost and Council, after estimating the value of the franc, assessed the leakage and settled the price in Scots money. In 1587 the merchants paid 33 crowns and 36 crowns a tun of wine. The value of the franc was taken at 20*s.*, the leakage at 12*li.* the tun, and the prices were fixed at 127*li.* 5*s.* and 185*li.* 5*s.* respectively:—

23 January 1588-9: Comperit James Aichesoun and William Makmath, merchants, and produceit ane testimoniall in Frayne fra Burdealx for the wynes beand in thre schips laitly arryvet at Leyth fra Burdealx, that is to say the schip callit the Guid Fortoun of Leyth . . . and the schip of Leyth callit the Pelicane . . . and the schip of Leyth callit the Hairt. . . .

The entry is a long one and may profitably be abbreviated. The merchants made their declaration of the price paid, 32 crowns a tun. The Council settled the exchange at 22*s.* to the franc, the freight at 16*li.*, the leakage at 10*li.* 8*s.*, and the price in Edinburgh at 132*li.*

The following refers to the vexed question of the Scots staple port in Flanders. Study of the question forces the conclusion that the Scots merchants did their best to drive a hard bargain with the authorities of Veere, and that it was no wonder that the latter should require the Scots to keep their part of the bargain. '27 September 1537: Ane lettre come fra the Campehir being red and considerit, quhill buir ane complaint upoun the violatioun of the staipill, ordanis ane answer to be pennit and thairin to promeis that the toun will keip for thair part and adverteis the burrowes

thairof, and for this purpose ordainis cautioun to be tayne of every schip that passis to Flanders that na staippill guidis sall pas to ony uther part bot to the Camphair under the payn of ane hundredth pund of ilk persoun that failyeis.'

Foreign ships arriving at Leith occasionally had difficulty with the authorities. Foreigners seem to have settled in Edinburgh for purposes of trade. Timothe Cagnioli became so far a resident as to appear in a tax roll in 1556 as dwelling in the south-west quarter. He acted as banker and merchant to the Queen Regent, according to a letter from him in the *Balcarres Papers*, in which he told how he had sent to France for thread and gauze of gold and silver for some purpose of hers. In May 1556 Cagnioli became surety for the payment of customs by a Dutch trader. A long entry of the 18th September 1557 shows that he had to learn the usages of merchants in the Burgh and that he was not a gild brother, to whom alone belonged the privileges forbidden him :—

Ordane Timothe Cangeolo to sell and distribut the guidis and merchandise laitlie inbrocht be him to this burgh to fremen and burgessis of the sam and to nane others, and that he gif in inventour to the customer or thesaurer of this burgh the names of the byares thairof quhen he sall happen to be requiret thairof, and als that he cut na maner of merchandise sic as silk and clayth to na maner of persoun bot the samyn to be sauld in haill steikis to fremen of this burgh and siclik that he sell na uther merchandise nor guidis bot in grete as said is, under the pane of confisacions of the guidis.

Another foreigner, Jehan du Moullings, must have been settled for some time in the Town before his death, seeing that he had so much to leave :—

19 March 1566-7 : Ordanis Williame Stewart, scribe, to deliver to Benoist Garroux, Frencheman, executour dative to umquhile Jhon du Moullings, Frencheman bukbinder, the haill guidis, warklumis, compts, writtingis, bukis . . . quhatsumevir pertenyng to the said umquhill Jhon or being in his chalmer the tyme of his deceis. And Sebastiane du Villour . . . becumis souertie that the guidis salbe

furtheumand to the creditouris and quhatsumevir of the said umquhill Jhone as law will.

In 1588-9 there is mention of another Frenchman, 'Isaac Vavassour, horologe maker,' but only in connection with the affairs of his wife, Margaret Gairdine, an Edinburgh woman.

In spite of the unfriendly relations with England, Englishmen were occasionally residents in the Town, welcomed possibly, as in the instance quoted, because of their trades. An appeal was made to the Council :—

Bering that William Jhonnstoun, Ingisman, bowar of his craft, hes be the spacie of vij yeris or thairby occupeit the fredome . . . of this said craft . . . and nowther will stent nor beir portabill chairges with thame, expres conter to the fredome of thair craft, quhairof he is or at leist suld be ane member . . . and thairwith beand rypelie avyset, the baillies and counsale decernys . . . the said William Jhonnstoun to mak him selff with his said craft and the dekyns to resave him thankfullie for ane resonabill diewtie, and permit . . . him to wyrk and lawbour all and sindree thingis pertenyng to the bower craft or that ony bower occupeis within this burgh . . . and he in all tyme cuming to beir all resonabill chairges with thame.

FREEDOM OF THE TOWN

In close connection with trade are always found allusions to the 'freedom and liberty of the burgh.' Properly this should have the first place, for upon the privileges of burgess and gildbrother depended all the regulation of the work of the merchants and craftsmen. It is too large a subject to discuss, but many of the extracts already given show its importance. The privilege of the freedom came either by descent, apprenticeship, purchase, or gift. It carried with it, as shown by the act of Council last quoted, responsibilities as well. The Records indicate that some persons found that the responsibilities more than equalled the privileges, and renounced their freedom, preferring the limited evils of the

restrictions on unfreemen and the payment of double customs dues, to the duties of watching and paying extents, which varied in frequency and amount. But the other side is also shown by the demands made for the freedom and the shifts adopted to attain it. A selection of the entries on this matter is given. A few figures may be quoted to show roughly the cases dealt with in the Records, which, as is seen by their inclusion there, are proved to have been cases for special treatment. The lists of burgesses made from year to year in the ordinary way are to be found in the Gild Register. In twenty-five years, from 1552 to 1577, twenty-eight free burgess-ships were given, usually by request of some particular person. Within ten years five persons renounced this privilege. In the twenty years from 1554 to 1574 there were seventeen cases dealing with those who could not retain their rights as burgesses, usually because they could not or would not live in the Town.

The following entry shows the steps taken to prevent an unfreeman from using the craft of a tailor. Apparently he had been working for an unfree woman, who possessed a shop, and they had been interfered with by some members of the craft, who without authorisation had confiscated some of their goods:—

31 July 1556 : Ordanis John Smyth, tailyeour, to desist and ceis fra forther using of the tailyeour craft without he be freman or servand to ane freman or friewoman, nochtwithstanding the contract producit maid betwix the said Johnne and Cristane Passer, and ordanis Alexander Sauchy and his collegis to deliver agane to the said Cristane the gowne of franche blak, twa pair schankis and the scheiris tane be him and thame furth of ane buith alleigit to pertene to the said Cristane.

The two following extracts show cases when the free burgesship and gildry were awarded by the Council in return for services 'done and to be done.' In the case of William Brissoun, the Council did not make a bad bargain in retaining his services permanently at no expense to themselves. The

latter extract refers to the hurried building of the new Tolbooth at the south-west corner of St. Giles', insisted on by Queen Mary:—

31 October 1561 : Havand consideratioun of the guid and thankfull service done and to be done to the toun be William Brisoun, maser, ordanis the said William to be maid fre burges and gildbrother upoun conditioun that in all tymes cuming he be in reddynes to serve the gude toun to Leyth or uther partis within fourt myles about the toun upoun his awin expensis and to pay taxt, stent, walk and waird.

25 September 1562 : It being testefeyit be the maister of wark that Nychole Andersoun and William Bell, masouns, had servet the gude toun seit the begynning of the wark of the new Tolbuith and had tynt thair rewards quhilks thai mycht haif had at that wark, in consideratioun quhairof the provest, baillies and counsale willyt the saidis Nychole and Williame to continein in gude service quhill the end of the wark of the said new Tolbuith and everie ane of thame sould haif ane burgeschip fre for thair rewarde.

In 1557 and 1560 two Edinburgh burgesses renounced their freedom, giving no reason for their action—at least none that the clerk thought worth preserving. Three years later, in 1563, one man was so anxious for the privilege that his case was brought before the Council. The trouble must have been due to one of the rare errors in the Gild Register, and was put right in an interesting way:—

8 October 1563 : The complaunt gevin in be William Fowler bering that the dene of gild had refusit to resave him for burges and gild brother be richt of umquhyle Jhonne Fowler, his fader, becaus as he allegis he could nocht fynd the said umquhyle Jhonne writtin in the gild buik. . . . Efter avyement with the said complaunt . . . thai all in ane voce decernys . . . the said Williame Fowler to be resavit burges and gildbrother . . . becaus it wes knawin to the maist part of thame selfis that the said umquhyle Jhonne, his fader, had borne the office of baillerie within this burgh be the spaice of iiiij or v yeris at sindrie tymes and had keippet oppin buith and taverne be the spaice of xx or xxx yeiris but impediment.

The following entries furnish examples of the gift of burgesship by special request. The Laird of Grange, at whose desire one of the burgess-ships was given, was, a few months later, made Provost of the Town:—

20 May 1569: At the desyre of my lord Regentis wryting makis Michael Lyell his grace trumpetour thair burges gratis for service to be done be him to thame at all tymes within the toun quhen thai haif ado, he nocht being occupit with the Kingis service.

David Gib, baxter, servand to the laird of Grange capainte of the castell, is maid burges gratis at the said capitaines request.

30 April 1579: Ordanis Lucas Wilsoun, dene of gild, with ane baillie and ane clark to admit William Betoun, browdister, as merchant, to be frie burges and gild brother . . . and that at the Kingis Majesteis request.

28 June 1581: At the requeist of the Kingis grace admitts Jhonn Lyon, his hienes maister cuik, burges of this burgh and grantis unto the said Jhone oversicht and licence to exercse the tred of ane gild-brother in lyke maner, and the dewtie of the said burgesship gevin gratis to the said Jhone.

As shown in the case of William Fowler, much care was taken to discover the suitability of candidates for burgesship. This led sometimes to the prosecution of those who overstepped the privileges, as in the case of the apothecaries, presumably burgesses, who had taken upon themselves to sell goods which were the monopoly of gild brethren. '6 February 1567-8: Ordanis to clois up the buith durris of William Purvis, David Hoppringill and [—] Craig, ipothecars, unto the tyme thai be maid fre gild brether and that in respect thay sell spyces quhill could be sauld be gild brether onlie.' It was possibly the amount of the duty payable as gild brother which had deterred these men from securing themselves against interference. The entry, which records a mistake of the Dean of Gild in collecting his dues, gives the sum payable for burgess-ship and gildry. Subsequently it was increased for a variety of reasons, but chiefly because the

prestige of the Town was lessened by making the freedom too cheap:—

8 October 1578: Understanding that Lucas Wilsoun, dene of gild hes oursein himself in making of Thomas Bell burges and gild brother . . . for the sounme of threttie pund allanerlie, it being statut that nane sall pas the said dignitie under the sownme of fourtie pund at lest, quhairfor thai ordane the said Thomas to delyver to the said dene of gild ten pund in compleit payment of fourtie pund, and that nane heirefter be maid burges nor gildbrother except thai be admitted in presens of the provest, baillies and counsell or at the lest the maist part thairof.

The story of George Strang affords an amusing picture. On the 25th December 1583, George Strang, skinner, sometime prentice to Andro Vallange, skinner, petitioned to be received burgess. He had served four years with Vallange and his fifth year with Jhonn Clerk, skinner, for meat and fee:—

And in sa far as it micht appair that he had nocht compleitt his prentesship with his maister, in that respect he wes willing ather to enter in service for the last yeir with sic as the toun wald command or ellis to gif his said yeiris fie, extending to *vij*l.**, to the hospitall, be ressoun he micht not enter to his maister throw certane particular grudges and deidlie feid fallin furth betuix him, his father and certane of his maisteris kin and freynds and utheris quhilk war in his maisteris company.

The Council received with calmness the excuse of 'deidlie feid,' and accepted his offer of the *6*l.** in exchange for the last year of his apprenticeship, with the reservation that their treatment of him was to form no precedent.

Lastly, an example is given of one who obtained his burgesship under false pretences, a rare happening, because the Dean of Gild, as has been shown, was usually careful:—

18 October 1588: William Andersoun, merchant, beand demandet of my lord provest quhow thai callet his gudsir on his fathers syde, answerit thai callit him Lawrence and his father James. Quhairupoun Mr. Michael Chisholm, dene of gild asket instrumentis alleging that

he dissavet the toun in obtaining himself burges be ane fals tikket of ane quha wes nocht his father.

COLLECTION OF TAXES

Men of the Town, as we have seen, renounced their freedom because it was too costly. To be a freeman of the Royal Burgh of Edinburgh was a heavy responsibility, and it is doubtful whether the inhabitants found their taxes a jest. They were liable for the Crown's taxes, variable in number and quantity, for taxes for the purposes of the Burgh, gifts to the King or Queen, entertainments for great people visiting the Town, the upkeep of the watch (at first in disturbed times, later as a regular matter), and, after the Reformation, for a contribution in support of the poor. These all came in addition to the regular fees paid for becoming burgess and gild brother and the customs payable in connection with trade.

Still, in spite of these drains on their purses, the impression is left that the merchants and craftsmen were sufficiently prosperous. They could afford to, and did, build themselves fine houses, of which some, such as John Macmorane's, Clement Cer's, and Adam Fullertoun's (now about to be demolished), have remained to show how well they built. The household plenishings, as shown in the regulations made concerning the possessions which passed to the heir, were ample if not luxurious, including feather beds, linen, blankets, pots, pans, and measures of all kinds. They also possessed plate and jewels to a considerable extent. This is very apparent in the accounts of the pageants which they prepared for the entertainment of sovereigns at different times. The principal performers were arrayed in satin and velvet and decked with gold chains, which must have been some one's property, as they do not figure in the Treasurer's Accounts. But in the Records is given the other side of the picture.

Plate and jewels were pleasant possessions, but they formed convenient objects to seize when the owner might be unable or unwilling to pay tax or fine. Sometimes they were seized too readily, and instructions were issued by the Council for the return of the object pointed, as in the case when an officer was enjoined to return to Jhonn Robertsoun and his spouse the silver piece, weighing six ounces, seized by him. Perhaps such seizures were convenient because the owner apparently was always anxious for the return of his plate and paid up promptly, as did Andro Crage. '26 February 1556-7: Decernis Allane Dikkesoun to delyver to Andro Crage his signet of gold and cover of coupe of silver agane, the said Andro payand to him aucht pund for his unlaw.'

But taxes or extents (to use their word) were a serious matter, and as such called for discussion and appeals. The extensors for each separate tax were chosen freshly each time, generally eight merchants and eight craftsmen. To them was allotted the task of assessing the neighbours according to their means. They sat for long hours at their work, as an act of Council shows which records payment of a bill for two 'disjunes' and a dinner to the extensors. Another act alludes to a breach of the necessary secrecy: '3 September 1579: Ordanis Bartilmo Somervell to remane in waird within the Tolbuith . . . on his awin expensis ay and quhill he fynd the man quha revelit to him quhat he was put to in this extent of V^m merks.' Yet another act refers to unpleasant consequences, when, on the 22nd October 1557, Johne Slowane, merchant and burgess, presented a complaint against William Aikman for maligning him as a 'false extentre' who had stented him above his substance. The Council does not seem to have considered the offence serious, for William was made only to confess his fault and to make friends again. To ensure the impartiality of the extensors, it was the custom not to allow them to assess their own contribution, a piece of work which fell to the Council. In 1583-4 an entry occurs which gives

the names of the extortors and the sums which they had to contribute. Among them are one or two familiar in the Records. Bartilmo Somervell, merchant, who previously had found himself in trouble over the same matter, and later became Treasurer of the Burgh, was assessed at $13li. 6s. 8d.$ George Heriot, goldsmith, the elder, paid only $40s.$; Alexander Naper, one of the great Merchiston family, paid $5li.$; Allane Bryntoun, merchant, $3li.$ He, poor man, some years later became incurably insane and the Council arranged for the administration of his money matters for his benefit and that of his family.

Protests were made against extents, chiefly by individuals, but in one instance by the craftsmen as a whole. '19 May 1555: In presens of the baillies and counsale, Patrik Durahame, dekin of the tailyeouris, for the haill dekinis of craftis allegeit that the tyme of the consenting to the extent of the Newhavin extending to $V^c li.$ it wes promist and grantet allanerlie under conditioun that thair suld be na ma extentis raisit thairto.'

Individuals had several ways of dealing with the vexed question. One method was to obtain exemption from the Crown, as did Archibald Dewar, tailor, in November 1557, when he presented a letter from the Queen Regent, granting exemption from being called upon to serve in raids, or to pay taxes and other dues. There is no indication of the reason for Archibald's exemption, the price he paid, or the services he had rendered. Such gifts have been known to be convenient ways of paying debts; therefore it may have been Mary of Guise's expedient for paying her tailor's bill when money was scarce. But such evasions of responsibility were not viewed with favour by the Magistrates, and rarely were allowed to take effect. A modification of this method is seen in the following case. '29 May 1579: The samyn day Maister Jhonn Provand presentit the Kingis writing desyring him to be mair gentillie considerit in his

extentis in tymes cuming: be ressoun he was extentit be men of gude fame and honestie quha wes sworne and admyttet thairto conforme to the awld ordour in sic caassis quhilk can nocht be alterit... ordanis the baillies to poynd with diligence for his said extent.' The appeal does not seem to have served Maister Jhonn, and who knows what it cost him? Most of the cases for exemption were appeals on the ground of poverty, only too easily proved, and followed by an order to the bailies to refrain from collecting the tax, whether of a few pounds or a few shillings. A few were due to mistakes of the extortors, rectified by reference to the Council. '19 July 1555: Dischargis Nicholas Ramsay, skinner, and Cuthbert Reidheid, walker, of the extentis quhilkis thai ar set to as merchandis because it wes verefeyit thai payit with the saidis craftis and wer fremen thairof.'

The Council's proceedings with regard to extents illustrate their wariness in adopting new ideas. A group of acts concerning extents at the time of the Reformation show the mind of the magistrates on current events. On the 27th January 1558-9 they elected extortors for the tax granted by the Estates for soldiers to be sent to the Border. This tax of $48,000li.$ for the support of the Queen Regent's policy, at a time when that policy was not viewed with favour by the country as a whole, is passed without comment by the Council. Much of it must have been collected, although the Records show many exemptions. Eight months later, on the 27th October 1559, the Council ventured to support the Lords of the Congregation, but only to the amount of 2000 merks. Considering the smallness of the sum, there is little wonder that on 30th April 1560 a further tax was required for the Congregation. This tax, it may be imagined, was paid with great goodwill, because it was intended 'for driving the French from Leith.' Naturally the Council approved any steps to restore to them their port, quite apart from the righteousness of the cause.

A practice of the Council, when dealing with matters of consequence, was to add to their number certain of the 'maist honest nichtbouris' of the Town. The word 'honest' in this connection does not imply any aspersion on the character of the others, but is used in the sense of 'responsible' men who had greater stakes in the Town. It does not appear to have been used much with regard to extents, but in one instance served to postpone the granting of a loan proposed by the King. Loans were forced more often than not, so that it is interesting to see how the Council attempted to evade the necessity:—

17 July 1579 : Mungo Grahame, ane of the Kingis gracie thesaureris, presentis his hienes writting to the Baillies and counsale desyryng ane fyve thowsand pund to be avanceit and lent to his hienes thesauer or comptroller quha wer superexpendit in his effayres. Unto the quhillk it wes answerit to the said maister houshald in cace he had nocht na uther thing ado in thir partis thai willit him maist humblie to depart to his hienes and thai sould write thair answer with possibill diligence, quhillk thai cold nocht do at this present becaus the opinoun, consent and gude will behuifit to be had of mony quha sould be the avancearis and giveris thairof. And thairfor betwix and this day viij dayis thai sould convene thair pepill and write thair answer thame-selffis, and the said maister houshald tuik this day of deliverance in gude part and sua departit.

In connection with their management of finance, the magistrates had to look closely to the Common Good. The practice was to farm it out yearly to the highest bidders in separate portions—the mills, the customs at the gates of the Town, the market, shore, and harbour dues, the weighing at the Trons, and the 'Wild Adventures.' Sometimes they were not able to obtain a sufficient price for some part of the Common Good and so kept it in their own hands for the year, a proceeding which usually proved less profitable. Occasionally, suspecting that their tacksmen were making

too good a thing for themselves to the detriment of the Town, they took steps, as in the following incident:—

13 November 1583 : In consideratioun that the pittie customes or wyld adventures of Leyth are to remayne in the townis hands this present yeir, thairfore ordanis that the thesaurer sall tak up the sam and the bailyes to assist and se him reddile answerit and obeyit thairof. And the said James and thai to deputt George Scott in Leyth or ony faythfull servand to collect and ingadder the sam and mak owlkie payment to the said thesaurer; and the said servand to fynd thame guid souertie for his faythfulnes and keping of the townis tabill, that the lieges haif na caus to complene of oppressioune.

EFFECTS OF THE REFORMATION

It is curiously evident that the Records of the Council are the last, not the first place to look for the accounts of 'troubles,' as they phrased great disturbances in the country. In fact, the magistrates occasionally carried discretion to such a point that they omitted any allusion to current events. Sometimes they seem to have had the intention of chronicling them, when wiser counsels prevailed and the space for the entry was left blank with only a marginal note to show what was omitted.

This is borne out at the time of the Reformation. Very little of the upheaval is reflected in the Records, and the changes which came first were not those made by the Town. So lightly were these changes regarded that it does not appear that an extra watch was appointed for the Town. During the years 1557 to 1558, in spite of the growing force of the Protestants, the Council held on the old way. In June 1557 there appear the following two entries:—

The quhillk day . . . ordanis the thesaurer to content and pay to the Gray freiris the sowme of nyne pund for the half last yeir quhillk thai suld haif had yeirlie for thair preching.

Ordanis the thesaurer . . . to content and pay to the Blak freiris

the sowme of nyne pund for the half last yeir quhilk thai suld haif had yeirlie for thair preching.

In July 1558, steps were taken for the repair of St. Roche's chapel, so far as was judged necessary. In March 1558-9 the excuse was tendered by the tailors that a case which concerned them could not be tried because it was Passion week and therefore a holiday. But that was not considered sufficient by the Council, and the case was not postponed.

Of the changes, when they did come, there is little mention. An inventory was made of the treasure taken from St. Giles' and of the names of its custodians. Edinburgh appears to have been fortunate in securing a large part of the jewels of the Kirk, which were sold afterwards for the benefit of the Town. The magistrates took steps to ensure their possession of articles which were not forthcoming, as in the following case : ' 12 February 1560-1 : Ordanis the officeris to serche and seik David Corsby to put his persoun in waird thair to remane quhill he delyver the sylver challes and uthir ordinance quhilk he hes of the Haly Blude alter to the dene of gild.' According to the gild accounts, a cross and chalice belonging to that altar and another from St. Anthony's altar were sold for 11*4*li.** 14*s.*; hence the proceedings against Corsby must have been successful.

No direct mention is made of changes in the Kirk ; the nearest approach to it being payment for alterations to the Kirk and for repair of the windows, which may have been consequences of the purifying of St. Giles' from all papist emblems. A glazier was appointed to keep the windows in repair for the sum of *4*li.** a year.

The Town was also fortunate in obtaining the disposal of the Kirk lands and income, and it is as concerns such matters that the changes are most clearly seen. It is apparent from the Records that the Council had some difficulty in collecting their revenue. But, although the money was in the Council's

possession, it does not appear to have been diverted at once from its original purpose, for there are repeated entries of payments made to different chaplains for their lifetime :—

30 July 1567 : Ordanis the officiares to pas and charge . . . the inhabitants of the landis sumtyme pertenyng to Sir George Litiljhone, chaiplene of the Haliblude altar that thay nor name of thame anser onye maner of persoun other nor the thesaurer of this burgh or other persoun to be nameit to thame of the males of the said landis or of the saidis annuellis pertenyng to the said umquhill Sir George . . . and now be his deceis to the gud toun, be resoun of thair gift obtentit of oure soverane of the benefices, chaplenries, landis and annuelrentis of sic chaiplenes as deseissis to the use of the ministrie.

18 February 1567-8 : Disponis the dewteis and rentis of the alterage of Sanct Anthone, now vacand . . . be deceis of umquhill Sir James Young, last chaiplene thairof, to Maister Mychael Chisholme collectour of thair hospital.

But though the annualrents due to the chaplains were paid, there is no explicit statement as to whether they remained of the old faith or conformed. It is most probable that they became at least outwardly Protestant, as did two of their number, and perhaps it was more praiseworthy of the Council to continue payment to men whose occupation was gone. Several former priests took up secular work for the Council, but those mentioned in such entries apparently must have lived on the incomes of the old chaplainries, small though they sometimes were. When the different benefices fell vacant the Council seem at first to have disposed of them as suited their convenience, for it is not till considerably later that the revenues derived from them were allocated finally to the support of the ministry and of the hospitals belonging to the Town. The third of the following entries shows a difficulty raised by a gift to one of the townsmen of what had been allotted to the Town, and the manner in which it was overcome :—

18 February 1567-8 : Ordanis Jhonn Harwod, thesaurer, to deliver

to James King, curatour for Sir James Craik, chaiplene of Sanct Duthois alter, the sowme of twentye merks in compleitt payment of all annuellis awand to the said chaiplene furth of the new Tolbuith.

3 March 1567-8 : Upoun the desyre of the supplicatioun presentit before thame be Sir Jhonn Wilsoun, chaiplen of S. James altar, situat within the college Kirk of S. Jeill, to the quhill alterage the said provest and baillies are undoutit patronis, grantis . . . that the foir tenement of land pertaining to the said Sir Jhonn be rycht of his said chaiplenry . . . in the heid of the Over Bow . . . be sett in fewfarme and heretage . . . payand thairfore yeirlie to the said Sir Jhonn induring all the dayis of his lyfe and after his deceis to the hospital foundit be the gude toun in the Trinity College the sowme of twelf merks yeirlie fewmaill allanerlie. . . . The rentall of the said benefice gevin up be the said priest :

Inprinis, the said foir tenement,	twelf merks.
The landis of James Forret upoun the north syde of the gaitt abone the Tron,	sex merkis.
The landis of James Fairlie in the Over Bow,	xxvij schillings.
Edward Hops dwelling hous	xx ^s .
Margaret Bonkillis hous,	xx ^s .
Alex ^r . Masonis land at the Castelhill,	xiiij ^s . iiiij ^d .

This summary of income attached to an altar is interesting if only because it is so small even for the times.

13 March 1568-9 : Comperit Jhonn Jhonestoun, writer, and producit the suplicatioun following, bering that in the yeir of God IMVCLXI yeiris he obtentit of the Lordis of the Secreitt Counsale in recompense of his service the gift and collectorie of the lands and annuellis of the freiris and nunnys of the said burgh, and thairupoun obtentit lettres in all the foure formes and had causit execut the samyn upon the annuellaris to hornynge; and in the menetyme that the provest, baillies and counsale for that tyme, thynking the saidis landis and annuellis to be maist necessar for thame, requeistet him to stay all farther executiouns and to lat thame haif the samyn his gyft becaus thai intendit to big ane hospitale in the auld place of the said freiris, and he at thair desyre for the lufe he bar to the gude toun as alsua the godlie actioun thai intendit he stude content to agrie with thame, his reward and service resonable being considerit, and in the menetyme delverit thame his said lettres. For the quhill caus thai

ordanit James Barroun, Adam Foulertoun, Edward Houpe and James Young of the Counsale to appoint and agrie with him. And albeit he and thai had commonyt at length he fand na frute following thair-upoun, and thairfor desyrit thair wisdomes to gif him thair uther anser but langer delay, . . . to the quhill wes anserit that command suld be given to ane baillie to taik the aythis of the saids James Barroun, Edward Houpe, Adam Foulertoun and James Young, and efter thair dispositioun, order suld be taikin to his contentment.

The matter was ended some weeks later by the payment to Jhonn Jhonestoun of a hundred pounds in compensation for his pains and loss, and, although the Council's scheme of a hospital on the site came to naught, the High School of the Town took its place.

The next entry relates the story of a benefice given to one of the Town's wrights. His name occurs several times in connection with work either of building or repairing done at the Council's command. '1 October 1574 : Understanding that thair predecessors had disponit and gevin to Andro Mansioun, wrycht, for service done to the gude toun, the benefice of Sanct Maries alter within the College Kirk of Sanct Jeyll with the profficts thairof for all the dayes of his lyfe, quhilke wesuptaken be Sir Jhonn Scott in his behalf, quha is now depairtet, and remembering the said Androis gude service thai of new ratefeis and approvisis this said gyft for his lyfetyme and ordanis the collectouris present and to cum to anser him of the dewteis of the said benefice.'

Evidently this practice of disposing of benefices led to difficulties in such matters as the payment of the ministers of the Town. Their stipends were not large, as the following shows : '23 May 1578 : Ordanis as of befoir James Ros to pay to Maister James Lowsoun, ij^cli., Jhonn Dwrye, j^cli., and Maister Walter McCanquhell, j^cli.' This state of matters roused the Council to appeal to the Lords of Session for their assistance. '21 January 1578-9 : Ordanis Williame Littill and Johnne Johnnestoun to pas the morne to the Sessioun of the Kirk and

desyre thair counsall and opinoun be quhat way thai sall inquir the support of the Lords of Sessioun and scrybes for the help of the ministeris stipend and quhome thai will appoint to assist thame in that caus. . . . The records are silent as to what contribution was obtained from the Court of Session, while for some time no increase seems to have been made in the stipends, except by an occasional donation in times of scarcity. But a few months after the planning of this appeal the Treasurer produced from some source the money for the Beltane stipends, 306*li.* 13*s.* 4*d.*

The chaplainries fell vacant by the death of their incumbents, and the magistrates thereby found a convenient way of solving the difficulty of paying their ministers, until, at a later date, it became the practice of the Treasurer to collect such income as part of the Town revenues and make payment of all the stipends himself.

24 November 1579 : Dispones the prebendary of Sanct Gregoreis alter, vacand be deceis of [—] in thair handis, induring all the dayes of Mr Walter Buquanquells lyftyme to the said Mr Walter.

5 December 1579 : Disponis the chaplainry of the Rude chaipill of the laiche Kirk yaird, vacand be deceis of umquhill Sir Thomas Skene and now in the townis handis *hac vice* becaus the lawfull patroun hes nocht presented in dew tyme, to Mr Walter Baquanquell during his lyftyme.

This was the chapel of the Holy Rood in which Walter Chepman, the first Scots printer, had endowed the altar of Jesus Crucified that mass might be said perpetually for the souls of King James IV., his patron, and of all those, gentle and simple, who died at Flodden. His descendants were still alive; possibly one of them was the patron who had not exercised his right. Though the chaplainry was given, the chapel soon disappeared.

It was not always easy for the Council to obtain control of benefices at the death of their holders. When the chaplain of St. James' altar (mentioned previously) died, the titles,

which should have been given to the Town, were mislaid.

'6 November 1579 : Jhonn Wilsoun, maltman, being inquirit of upoun his fayth . . . to produce to thame umquhill Sir Jhonn Wilsouns evidents answerit as he suld answer to God he nevyr had the samyn nor wist thairof, bot suld do his utter diligence at the handis of Thomas Wilsoun, peuderer, to cause him geve the samyn upoun resonabill composition.'

One of the last entries recording payment to such priests is in January 1576, but it is stated there that the payment is made to 'Eduard Hendersoun, ane of the prebendaries of the queir, ten schillings owlkie enduring his lyfetime for support of himself and his puir bairnis.' So presumably Hendersoun had conformed, as, we learn later, the Prioress of Haddington had done. The Records tell of a pension paid to her and her husband, the Laird of Skelpie, from the lands of the abbey of Haddington.

There is some hint that the way of those who remained in the old faith was not too easy. Still, their treatment can hardly be termed active persecution, and it is not till considerably later that the Records mention the execution of papists. These, when they occur, show plainly that the capital sentence was carried out as much on political as on religious grounds. Two entries show the treatment adopted:—

6 October 1570 : Grantis libertie to Adam Allane, Cuthbert Murray and Archibald Russell, excommunicat persons, to pas to thair awin houssis to remane thair in sober maner without resort of cumpanie quhill this day viij dayes ; in the mene tyme to procure forther libertie of the Kirk, failling to depart of the fredome and libertie of the toun betwix and Setterday cum aucht dayes, nowther resort, hant or traffique within the samyn under the pane of *j^cli.*, and ordanis the baillies to tak cautioune of thame for the samyn.

1 May 1584 : In consideratioun that it wes lattin thame to understand that the spos of Jhonn Grahame has sindrie tymes resitt in hir hous the young laird of Fintrie, hir husband and dyvers uthir excommunicat persons eftir scho wes admonist be the Kirk to abstene thairfra, thairfore ordanis hir to be charget to fynd cautioune nocht

to do the lyk heirafter under the Payne of $10\text{c}\text{l}.$, and in the mene tyme
hir buith to be steikit up quhill the said cautioune be fund, without
prejudice alwayes of the discipline of the Kirk to be uset aganis hir.

RELIEF OF THE POOR

It would be interesting to know whether the increase in the Records of acts concerning the giving of alms was affected by the Reformation and the dissolution of the monasteries in the Town. It may be merely coincidence, but certainly the number of entries regarding the relief of individual cases tended to increase, until the Town was forced to devise a scheme for the maintenance of its own poor, as well as to increase in number and severity the statutes against beggars and vagrants. Apart from that question, the list of alms given by order of the magistrates is interesting. From 1557 to 1576 the few entries chiefly record gifts of clothing. On 25th October 1560 the Treasurer was ordained 'to by and deliver to George Runsyman ane goun of lynning gray.' From an entry in the Treasurer's Accounts the price of this donation is found to be 18s. and the cost of making 18d. David Forster, a 'puir blind man,' was the recipient of clothing on more than one occasion. Once he received 'ane goun, ane jowpe, ane pair hoise, schone and ane sark.' These two beneficiaries figure several times in the Council Records, as the gifts were repeated at intervals of a year or two.

With their old officers the magistrates dealt kindly. '30 October 1560: In consideratioun of the lang service done to thame be Thomas Hall in the office of javellourie and that he hes spend his youtheid thair intill and is now be infirmite and seiknes unnable in his persoun swa that he can nocht be the lawbour of his hands sustene himself and his hoishald, hes gevin and grantet . . . to him ane yeirlie pension of ten merks . . . for all the dayis of his lyfe.' It may not

seem a large sum for the support of Thomas and his household, but perhaps there was another source of income not specified.

Another way of dispensing alms is recorded. '5 February 1566-7: The provest and Counsell grants licence to Margaret Forster and Jonet Maxwell to procure almos to throw the toun on the twa nixt Monendayes in respect of thair povertie, and clossis thair hand of granting of onye other dayes to quhatsomevir quhill thai be farther avyset.'

An act of Council of 13th October 1576 is interesting not only as recording the charity of the magistrates but as showing their opinion of the late Regent Moray. 'Ordanis the thesaurer to delyver to [—] Ros, blynd man, sumtyme servand to the gude erle of Murray, Regent, ane leveray of gray with hois, coit and sark.'

A gift of the magistrates to a woman for a definite purpose attracts notice by its possible connection with a passage in Chambers's *Domestic Annals* (vol. i. p. 125). It may be coincidence, but it is sufficiently close to justify the quotation of the two passages together. '11 February 1578-9: Ordanis the thesaurer to geve to Margaret Forester, relict of umquhile Johnne Corket, the soume of ten $l.$ for bering of hir chairges to pas to Strivingel in suit of justice for the slaughter of hir said umquhile husband committet be Archibald Douglas, servitor to the Erle of Mortoun.' Chambers tells how, at the fall of Morton, when he was taken prisoner and brought to Edinburgh Castle, 'as he passed the Butter Tron a woman, who had her husband put to death at Stirling for a ballad entitled *Daff and dow nothing*, sitting down on her bare knees, poured out many imprecations upon him.' It was hardly likely that Margaret Forester should have had much influence to obtain the justice she desired, and the conjunction of dates might connect the two incidents.

The Council had other ways of dealing with cases of poverty. An act of Council of 16th December 1579 shows an amusing solution of a difficulty. The Treasurer was ordered to sell

the skins seized from Johne Fynlawsoun for breaking the statutes and to 'delyver to the said Fynlawsoun's wyffe and bairnis the money gottin thairfor.' Apparently justice was satisfied with the seizure of the skins and the gift of the proceeds, not to the offender but to his wife.

Two acts of Council show a reasonable and wholly modern way of dealing with poverty by helping the persons in question to make their living. In October 1570 the baillies and Council, 'movit of pitie toward Jhonn Murray, cramer, quha lost his guidis in the schip laitlie brokin at [—] ordanis Adam Foullertoun, dene of gild, to provide ane schop or buith to the said Jhonn and pay the male thairof for the yeir to cum.' A few years later 'Jhonn Watt, ane of the collectoures of the unlawes,' is ordered to 'bestow the sowme of ten merk for redemption of the warklomes of Matho Broun, walker, for his support that he may enter to his occupatioun and win his leving thairwith.'

The Council had also the hospitals of the Trinity College, St. Mary Wynd, and St. Paul's Wark for the old poor, and there are frequent entries recorded of persons being sent to these places. They are usually brief, but occasionally the clerk deigns to be descriptive:—

23 December 1579: Ordanis the maisteris of the hospitall for the yeir cumand to resave Agnes Cambie, auld and decrepit, in thair hospitall, becaus scho is full meit thairfore.

27 December 1583: Gevis and disponis to Katherein Blythe, dochter to umquhill Jhonn Blyth, the place in the hospital in Sanct Marie Wynd, vacand be the deceis of Jonet Harvy, his moder.

Another object of the Town's charity was the relief of shipwrecked men landing at the port of Leith. At such times the Council could be generous to strangers of all kinds, whether Scots, English, Flemish, or even Spanish, who alike received help sufficient to take them home. The sums are moderate enough, but possibly were supplemented by passages in

outgoing vessels. Sometimes the payments appear generous, as the following: '22 January 1583-4: . . . the sowme of twenty merkis gevin be William Littill, baillie, on Sonday last, to ane honest Inglis man of York quha wes schipbrokin.'

Some of the stories of the Council's good deeds are lengthy, but seem sufficiently interesting to warrant reproduction. The first of two given here is connected with 'the troubles,' but the magistrates, apparently with delicacy equal to their known discretion, make only the briefest allusion to the tragic past:—

25 July 1581: Understanding that James Cokky, son and heir of umquhill James Cokky, goldsmith, hes obtenit the benefite of pacification grantit to him be our soverane lord, notwithstanding the forfaulTour of his said father, quha wes rentallit to the guid toun of that westmost goldsmith buith except ane lyand under the awld Tolbuith in the sowth syde thairof . . . and thairby the said James to haif the undowtit kyndnes and richt to the samyn . . . thairfor admits and resaves him in rentale to the guid toun . . . , and becaus the said James is bot ane chylde, destitute of his parents, having na thing to support himself and in howpe of his guid industry and vertuous lyfe heirafter, remits . . . the yeiris mail extending to 50s. quhilk he, as air to his said umquhill father aucht to pay at his entrie.

James Cokky, elder, to whom the Council alludes so sparingly, took part in the defence of the Castle by Sir William Kirkaldy of Grange from 1570 to 1573, together with a better-known Edinburgh goldsmith, James Mosman. After the surrender of the Castle he shared the fate of the Laird of Grange and his brother, likewise his fellow-townsman, 'for keeping the said castle against the King and his regent.' It is typical of the Council's attitude towards affairs of State that the fate of the father did not prejudice their treatment of the son. It apparently sufficed the Council on all occasions that any person should be a good son of the Town, and, given that condition, his relation to the outside world troubled them as little as their own, that of a Royal Burgh, answerable only to the King. It is pleasant to know that the hope

expressed of the younger James's 'guid industry and vertuous lyfe' was fulfilled. For many years he occupied his booth beside George Heriot, elder, paid his rent regularly, held office in the Council, and, so far as can be judged from the few references to him, was a kindly man.

Another story, somewhat different, illustrates the diverse matters which came before the Council:—

8 November 1583 : That efternone, the provest, balyeis, dene of gild (and Council), in consideratioun of the supplicatioun and desyre of Geillis Halliburton, dochter to Adame Halliburton and of Katherin Nesbet, her mother, be the quhilk thai understand that the said Adam being decayit in substance without his defalt is resident and travelland in the pairts beyond sey and her left behind him his said dochter and spous desolatt and without any other help nor thair honest industrie and sober schyft. And now the said Geillis hes occasioun of mariage with ane honest man, quha nevirtheles will nocth compleitt the sam without he be maid burges . . . be bir way, it beand of veritie that gif her father wer present he hes the rycht to be maid burges and gild brother throw his awin father and throw his spous quhilk he neglectit to use before his departing. Thairfor the said provest, balyeis and counsal, for support of the said Geillis and knawand her honest behaviour grants and consents that the said persoun quha suld marie her, beand qualefeyit and worthie, sall be ressavit burges . . . without any dewtie paying . . .

There the story ends. It is unfortunate, for we would like to know the name of the 'honest man' who wanted Geillis as a wife but could not afford to take her without a tocher. The petition discreetly avoided naming the suitor until Geillis was certain that her application would be entertained. It would also be pleasant to know if her father did make his fortune in foreign parts and return to his own town.

Two more entries show the kindly interest of the magistrates even while dispensing justice. '3 January 1583-4: In consideratioun that Patrik Lowtefute, litster, quha is in waird for dett at the instance of Jhonn Moffet, maltman, quhair he hes contractit the gilsow and is sek and in dayng'

of his lyfe, thairfore thai ordanet him to be transportet furth of the Tolbuith and wairdet in his awin hous for the spaice of fyftein dayes.' Again the ending is abrupt and nobody knows whether poor Patrik was nursed back to health and re-imprisonment in the Tolbooth, or died at home, or managed to pay his debt before his fifteen days' respite was over. '6 December 1587 : Ordanis that Mr. James Jhonestoun, baillie, caus Jonet Fokkert to pay half ane merk daylie for the sustentatioun of the boy, quhilk scho patt furth of his house, and of the houshold quhair he wes putt, quha wer inclosit for his caus.' The entry is explained by the fact that there was an outbreak of pestilence in Edinburgh. Apparently Jonet, in a moment of selfish terror not too uncommon, had turned out the sick child, who then had been lodged with others. These ran the risk of infection and, according to custom, were isolated in their own house. The sum allowed for maintenance was a large one for those days, when 4s. a week was allowed to lepers for their support. Perhaps it is unkind to comment upon the Council's motives, but it is so obvious that they were killing the proverbial two birds, fining a woman for callous conduct and saving themselves the expense of the support of the child and those who harboured him.

THE COUNCIL'S VARIED DUTIES

The variety of cases which were submitted to the Council for judgment was considerable. Some concern trade, many the keeping of order in the Town. It is evident from certain entries, which appear frequently with practically the same wording, that the magistrates took pains to uphold their own authority and that of their officers. Most severely did they deal with cases of 'injurious words' to all officials. The misguided individual who spoke his mind to a bailie was apt to find himself imprisoned for a week in the Tolbooth while the Council deliberated on the fine he must pay for the

offence. A good illustration is afforded by the case of a taverner who was fined *5li.* for resisting an officer engaged in collecting a fine for non-payment of a watchman's wage and calling the man a vagabond. In 1579, a flesher, accused of breaking certain statutes, confessed that he had done so, but not more than other men; 'quhome thai ordane to remaine in waird for his contempt, as alsua for geving of proude wordis to William Littill, baillie, in saying that he had mair mister to seik out the machame men quhom he knew alsweill as he.'

Cases of troublance and assault seem to occur with some frequency, yet in the years from 1557 to 1577 only twenty-two such cases were dealt with. Of these, few were serious, perhaps the worst being that of William Mailvill, who drew a whinger on the jailer in the Tolbooth.

An example of the fairness of the Council in examining the cases brought before them is found in the treatment of Patrick Craik, accused of robbing his mother's house. He was condemned to banishment, with the condition that his stepfather was to provide him with the necessary outfit and forty crowns of the sun. There was some reluctance to do this, so, two months later, the magistrates took up the matter again and arranged that the mother and stepfather were to provide clothing for Patrick to the value of *20li.* and see that he left the country by the next ship.

It was also the Council's work to settle quarrels between husband and wife. They arbitrated in the case brought by Sybilla Dewar against her husband Johnn Bawtie, in which she asked for 'ane resonabill sustentatioun to be modefeyit to hir during hir lyfetyme, seyng thai can haif na mutuall societie togidder and that the said Jhonn usit extraordinar deillings aganis hir.' The offences of Bawtie must have been proven, for the magistrates admitted the justice of Sybilla's claim and ordered him to make provision for her of *80li.* a year, to include the rental of the house then

occupied by them, and to 'suffer hir peaceable to bruik and joyse the said assignatioun.' Both parties were bound over under pain of fine and imprisonment not to molest each other. The arrangement lasted for six years without further intervention of the Council. Then Jhonn Bawtie appeared before them on a charge of assaulting his wife and was bound over to keep the peace. Whether there was further trouble between them the Records do not tell, but Sybilla drowned herself in the North Loch in the year 1597.

A significant entry under the year 1560 is an order for four pairs of branks. Their use is shown in an act of November 1563, when an apprentice, for the attempted murder of his master, a sword-slipper, was condemned to stand in the branks at the Market Cross and thereafter to be banished.

The privilege of the magistrates with regard to trial of their own cases is asserted in 1577-8: 'Lauder of Haltoun being in waird within the Tolbuith for the allegit hurting of Hew Adamsoun, servand to Mr. Jhone Schairpe and troublance done in the guid toun is enterit in waird within the castell of Edinburgh be command of the Regentis Grace writing. Quhairupoun James Ros, thesaurer, askit instrumentis and protestit his entrie prejuge nocth the townys libertie.'

The usual procedure in cases of assault is exemplified by the following example. It appears to have been a considerable part of the surgeons' and barbers' duty to officiate in such matters, and their judgment was usually as guarded as on this occasion. 'Comperit James Lyndsay, Henry Lumisdaill, Henry Blyth, James Craig, chirurgeanes, and, being sworne, maid fayth and declairet that thai had sichtet the wounds and hurt of James Marioriebanks, younger, in his [—] hand and arme allegit gevin him be William Blythman, flescheour, and his complices and that he wes in na daynger of his lyfe of the said wound at that present; bot gif he wes mutilat or nocth culd nocth swa suddanlie declar the sam.'

It was a matter of importance for the accused what was declared by the surgeons, for upon their pronouncement depended whether Blythman and his accomplices were kept in prison to answer a possible capital charge, or merely fined for assault or 'bluid.'

An entry of August 1583 recalls a tragedy well known in the history of the Burgh, and serves as some sort of explanation of it:—

Comperit William Naper and Mungo Fairly, merchants, quha become souerteis conjunctlie and severally for Jhonn Macmorane, merchant, that he sall noct htrubill, molest nor invaid be himself nor any that he may lett Robert Thomsoun, merchant, nor Jhonn Thomsoun his brother, under the Payne of ane thowsand merks. And siclyke Adam Thomsoun, apothicar, Alex^r. Thomsoun, merchant, and Alex^r. Thomsoun, taverner, become souerteis conjunctlie and severally for the said Robert and Jhonn Thomsouns that they sall noct htrubill the said Jhonn M^cmorane as said is under the Payne contained.

Twelve years later John Macmorane, then baillie, was shot in the riot of gentry lads of the High School, and the story told at the time, in the *Historie of King James Sext*, shows that his death was due to his own rashness in forcing the men with him to break down the schoolhouse door. Had he followed the advice of the ministers and starved out the children he might have lived to correct them. But he persisted and was killed. Surely the earlier entry proves him to have been a hot-headed and contentious person, for it must have been a serious offence which necessitated such a large sum as security.

Not only men came before the Council on such charges, as an act of Council for 1587 shows: 'Fynds that Bessie Andersoun for the hurting of Jonet Horne wes wairdet ten dayes and thairfore suld pay no unlaw.' Presumably ten days' confinement in the Tolbooth was sufficient punishment for all lighter offences.

It is curious that the magistrates dealt so little in Council

with cases of witchcraft. These were sufficiently numerous, as proved by the trials reported elsewhere and the Treasurer's Accounts which record the cost of the executions. But the Records contain only two references to witches, and these at a long interval. In February 1569-70, Alexander Bonye, tailor, became surety that Maillie Broun, suspect of witchcraft, should not escape. Why she was not imprisoned in the Tolbooth to await her trial is not explained. Possibly the evidence against her was not strong enough to justify such action, in which case it must have been weak indeed. An entry of June 1588 records the long imprisonment of a witch: 'Ordanis the thesaurer to pay to James Nesbet, javellour, the soun of sevin pund for expensis of the witche wairdet sen Februar last.'

One trouble which the Council had to face occasionally was caused by defiance of their authority. The passages which record the more flagrant offences are the most amusing reading found in the whole Records, for they were reported in full and assuredly lost nothing in the telling. Three episodes of the kind are given, the earliest of which is the complaint of the first of the three Alexander Guthries, in turn Common Clerk of Edinburgh. The incident took place during his tenure of the office of Dean of Gild. The Council proceedings of Saturday, 14th March 1561, narrate how Alexander Guthrie

being passing with sum of the baillies and counsale in veseing of certane nychtbourrs, a certain James Dalyell, with whom he was not concerned, came and addressed him publicly 'with thrawart and stubburne continence, saying, I am informe ye with sum of the baillies wes seikand me at my hous, quhat have ye ado with me. Gif ye wald ocht I am heir present; I wald noct ye usit yow towart me as it is spokin of yow in the toun, ffor ye ar callit provest, baillies and haill counsale and, be Godis woundis, and ye or ony hie within Edinburgh do me wrang I salbe revengeit on the best of your hartis; and with thir wordis laid his hand on his quhinger.'

So reported Alexander Guthrie, with more to the same effect, 'as at lenth is contenit in his said compleint.' Dalyell, not content with one repetition of the offending words, repeated them with evident enjoyment both to the Council and to others, as the continuation of the story shows:—

Quhilkis wordis abone writtin the said James confessit and forder eikand thame presentlie that he avowit that saying he wald be wrangit with na man : I am als honest a man as he ; do me na wrang for his caus ; gif ye do I wait quhair to get remeid. I knew yow all to be my inimeis, do me quhat ye dow, I defy yow all. I knew ye will na thing to be done with the counsele but quhat my lord plesis (thairby mening Alexander Guthre), quha had opprest greter men nor he of before he mycht opprest him richt swa. With the quhilkis injurios wordis nocth onlie gevin to the said Alexander bot alsua spokin to the haill counsale willing to tak ordour that mycht stand with equitie for punesing of contempt, requirit the said James to pas fra the bar to the ute Tolbuith, quha thairefter continewand still in his malice and contempt baith aganis the said Alexander and Counsale foirsaid, thair braggit and boistet in presens of the honest nychbouris and utheris being thairin to thair evill exampill saying : I am heir this day with King Guthre, I ken him and quhen he wes borne, I hald myself als honest a man as he . . . , I set nocth by him worth that thing that comelic maneris will not suffer to be expremit, and siclyke as ane manifest contemptare . . . raillit and braggit, saying, Lat thame tak thair tyme, it will be verray schort, thai are nother godlie men nor honest, thai profes ane thing and do ane uther, thai wald cut my throat and thai mycht, and I defy thame . . . the devill send thame all ane evill hour. . . .

It is hardly to be wondered at that the Provost and Council ordered James Dalyell to be kept in irons in the Tolbooth till they had discussed a punishment for the 'horrible contempt' committed by him. The case was postponed for a week, but, so far as the Records show, James might be in irons still.

The next case, though treated by the Council as an insult

to the Provost, appears to have been caused largely by personal dislike:—

22 April 1562 : It being menynt to the counsell that Harbert Maxwell had revin out and manuryt ane part of the commoun passage toward the Borrowloch and had fowseit and closit ane uther part of the communitie langis the north syde of the said loch . . . nevir having licence or power of the gude toun. . . .

The Provost and certain Councillors were deputed to deal with him, and the next day the said Provost, Mr. Thomas Makcalyeane, reported :—

I, according to your said ordinance, mynding to cast doun the said dikis and fowsies, before I wald enter thairto cawsit send for the said Harbert of mynde to have ressonyt with him on gentill maner tuiching his wrang ; and before any worde spokin be me to him he on proude and contemptuous maner said, This is my land, quhat have ye ado heir, I will defend it in despote of ony that will say the conter, be Goddis woundis and ony of yow mell with this grund thair sal be blude, and I sall haif the best blude of your hartis. And with thir wordis lap to the dyke of the said fowsie and drew his quhinger and straik at dyvers of the said nichtbouris and thairefter tuik his swerde, havand with him his gude sone and ane servand bayth with swerdis in thair handis, mynding to have stoppit and invaydit us as did appere. Yit nocthwithstaning, I willing na trubill to haif bene done, in gentill maner desyrit the said Harbert to ceis all this boist and heir ressoun. Quhais ansuer wes, In despote of thy teith this grund sall nocth doun. . . .

Maxwell further accused the Provost of being his personal enemy, and the Provost commanded his arrest in the Queen's name. This appears to have roused Maxwell again, for :—

he lap to his swerde agane and said, I defye ye, I sall caus ryng the commoun bell and be als mony as yow dow to be schortlie ; and with thir wordis with all his speid ran towert the toun schowting and crying in furious maner to mak convocation of the lieges for invading of me and the utheris with me. Be the quhilkis doings he become and scheuw him self rebell to the authoritie of the provestrie of this burgh.

It might be thought that this was the beginning of serious difficulty between Herbert Maxwell and the Town, but the storm blew over, and very shortly after he himself might have been seen enforcing a similar command against some other offender. It was not for lack of opportunity that he knew the procedure.

The last entry records an excess of zeal on the part of the porter of the Netherbow :—

13 October 1568: Concerning the complaint maid be William Littill, baillie, in presens of the baillies and counsale upoun James Young, cutler, bering that he being at the Netherbow with command of the provest to haif lattin furth ij punscheinis wyne to my lord secretar, brocht furth of his awin seller, the said James, accompanenit with ane greitt nummer of pepill . . . stoppit to lat the samyn pas nochtwithstanding the said baillies command gevin thairto, with thir wordis following, That sall na wynis pas out heir but ovir my bellie. And thair throught committet plane disobedience aganis him his lawfull Maister quhill he desyrit to be puneist according to justice. And the said James Young deniyit the wordis abone written as thai wer spokkin be the said baillie, bot this far grantis he said that na victual sould pas furth but ovir his craig before ane new proclamatoun wer maid discharaging the proclamatoun maid of befoir, commanding that na victuall be lattin out induring this present necessite, and forther impediment maid nocht bot onle be speking the saidis wordis. . . .

And once more the story is left incomplete.

MISCELLANEOUS

Most of the Council Records which relate to national matters have been printed already in the Extracts, and the relation of the following entries to the history of the nation is too slight to insist upon. Still, they are interesting, more by implication than by actual information, as is shown by the following entry, which, besides having some bearing on the matter of the lodging to which Queen Mary was taken on the evening of the Battle of Carberry Hill, throws light

on the disputed point as to whether the Provost was provided with an official residence :—

29 April 1569: Comperit David Makgill, advocate and proposit how that Sir Simon Prestoun of Craigmiller, provest, for the honour and defence of his office the time he was electit thairto at the will and desire of their predecessors, he tuke the lugeing of umquhyle Geo. Henderson of Fordellis quilk he now occupies of mind to remain and be amangs them for their weills, and not his: not the less the heretour of the said lugeing had callit him before the baillies for certain byrun males and had obtentit their decret thereupon, and thairfore willit them according to their honours to take some ordour with the said heretour touching the said males and to give him their answer.

The said Mr. David being removed the baillies and council foresaid, after advisement, finds and decides that neither they nor their predecessors hes been in use of payng of the provosts house male in any time bygone neither hes there been any of his males payed by their predecessors before their entrie in office. And farther knawing their commoun gude thirlit and the gude toun far behind the hand wherefore they cannot consent for their time to pay any of the said provost's males because they have neither consuetude nor other warrant for their relief which they ordain to be schewn to the said Mr. David for his answer.

In an earlier entry dated 2nd September 1553, we find the Treasurer being ordered to pay to the son of umquhile William Adamsoun the six merks annual due from the fleshhouse for the whole of the time since the battle of Pinkie, where his father had been slain. The annual had been overdue for six years, partly because of the disturbed state of the Town, partly, may be, because the son was too young to claim his rights.

A long entry, too long for reproduction, of June 1558 is interesting from two points of view. It is a list of the freemen of Edinburgh, merchants and craftsmen, with their servants of military age, a sort of preliminary census of the available forces to be drawn from the Town. The list was made at the desire of Mary of Guise, Queen Regent, for her proposed



attack on England, which was prevented by the opposition of the nobility. It is an example of the deliberation shown by the Council of Edinburgh in changing their views. Many of the nobles had already turned against the Queen, the Reformed party were gathering strength, and the struggle between them and the Queen Regent was imminent; but so far the burgesses of Edinburgh saw no apparent reason for not preparing to serve the Crown in battle as they were used to do. Apart from that, the list gives the names of all the merchants presumably between the age of sixteen and sixty, and the number of their servants, an indication of their prosperity. The numbers in a single household vary from one man to ten. The names of all the craftsmen liable for service and of all their apprentices of military age are also given. At least, presumably that was the practice adopted, for all the heads of the households are given as able to serve. Curiously enough, among these names are found those of several women who provided substitutes. Although it is probable that all freemen are not represented on the roll, the numbers amount to 1464 persons, of whom 747 were merchants and 717 craftsmen.

Many years later occurs the following, which needs no comment:—

30 November 1586: The Kings Majestie . . . desireret that the guid toun wald len and avance to his grace the sowme of 8000*li.* to be imployet in imbassadouris to be sent to Ingland for travelling to preserve his Majestes mother quhais lyfe wes in greitt jeopardie at this present.

The fear of the coming of the Armada is reflected in two entries of the same month: the danger had passed and the worthy magistrates were paying the expenses of their precautions. '3 January 1588-9: Ordanis Thomas Patersoun, collectour, to gif to Richert Harwod, hatmaker, the sowm of thrie pund for the occupatioun of his hous be

the toun the tyme thair men of weir held gairdhouse within the samyn.' There is a hint of humour, probably unintentional, in the following act, for why should a watch be set to keep the dreaded Spaniard from the church alone? 'Ultimo January 1588-9: Ordanit Jhonn Moresoun, thesaurer, to gif to the officeris the sowme of aucht pund for keping of the Kirk durris to hald furth thairof the Spayneartis.'

It is hard to say whether the preceding extracts give a true picture of the Town or not: something they add to it, certainly, and show the honest neighbours as not very different from people of to-day. The question of change and likeness makes the difficulty of reconstituting the picture of the past. There is a tantalising pleasure in reading into the old records what might happen in modern times, for there is so much resemblance. And with that comes the danger of ceasing to write history and beginning to write romance, which may be amusing but is as unsafe as one person's view of anything can be. Between these two difficulties this article has halted—giving the actual words of the record but unable to abstain from comments which tempt at all times. If these comments contrive to throw any light on the passages quoted, even they may have their use; if not—the actual words of the Records tell their own tale.

MARGUERITE WOOD.

THE SANCTUARY OF HOLYROOD

THE word sanctuary has many meanings, and innumerable associations both picturesque and gracious.

In its original sense it was simply a sacred place; later, following a natural chain of evolution, it came to signify also a place of refuge. The guidwife who spoke enthusiastically about that 'blessed' word Mesopotamia may never have applied that delectable adjective, but 'sanctuary' had assuredly a blessed sound to many a hard-pressed Scot fleeing from the avenger or from the long reach of the law.

A sanctuary in this sense was not indigenous to Scotland. Its ramifications, if not so far-spreading as civilisation itself, certainly shot up in many lands. Were there not in the days of Moses six sanctuaries, six cities of refuge, for the slayer by accident or intent of his fellow-man? Did not a Greek in like case seek refuge in the sanctuary of Cadmus at Thebes, or at the altar to the 'Unknown God,' or at some similar place of refuge? Did not the Romans borrow the custom of sanctuary, with much of their civilisation, from the Greeks? Through the Middle Ages the sanctuaries shed beneficent rays.

England possessed not a few sanctuaries. Over the Border, near the banks of the Tyne, in territory once Scottish, there was a famous sanctuary at Hexham. Farther south, the great cathedral at Durham had a sanctuary within its precincts. In the south of Yorkshire, Beverley Minster could boast of a sanctuary years before Robin Hood cracked crowns and succoured the forlorn in a neighbouring forest. Beverley, which gave free food and lodging for thirty days to claimants

of sanctuary, was surely the most generous of all these institutions.

But the most historic sanctuary in England was that of Westminster, which stood near St. Stephen's, where the feet of British legislators and the tide of parliamentary eloquence have sounded through the centuries. To that sanctuary the Queen of Edward IV. fled, and there Edward V. was born and baptized like a poor man's bairn. The palaces of the English sovereign were themselves sanctuaries, though no doubt the Queen of Edward IV. acted wisely in fleeing from her palace and seeking ecclesiastical sanctuary, lest an ill fate should befall her at the hands of her enemy, Richard, Duke of Gloucester.

I

The privilege of sanctuary in Scotland existed long before the country was called Scotland, or the privilege was called sanctuary. At first, however, the Comraich refuge was only for slayers of their fellow-men. Presumably debtors were not sufficiently important transgressors to obtain the privilege of sanctuary. The Pict and the Scot had defined areas round certain churches where the shedder of blood could obtain from the Church not only protection but fair trial and restriction of the range of the blood feud from which he fled.

And even in those far-back days there was royal as well as ecclesiastical sanctuary. The sovereign's palace, or its near neighbourhood, was a sanctuary to the hard-pressed runner from the feud. The hand of the avenger was stayed ere he came to the Comraich; into the sacred precincts he dare not enter to oppress his foe, though he might claim that he be brought to trial. To violate the sanctuary, whether ecclesiastical or royal, was, among the early Celts of Scotland, a capital crime. Even the saintly Columba organised an expedition against such offences. And when Brude, the son

of Angus, sought sanctuary from Dungal the dethroned, and Dungal violated that sanctuary, he was pursued and punished.

As in other countries of Europe, Scotland had one kind of sanctuary 'arising from awe and reverence for religious places, and another from respect for the person of the king.'

When Scotland emerges from the twilight times of the Picts and the Scots, we find the privileges of royal and ecclesiastical sanctuary running concurrently.¹ She is fast shedding some of her ancient customs, but we see her still clinging tenaciously to sanctuary rights which had sprung up under the sheltering arms of the ecclesiastics as well as of the sovereigns. The great abbeys became places of refuge to fugitives from justice —sacred from the feet of the pursuers. Similarly, none had a right to lay hold of a subject within the precincts of a royal residence, and thus deprive the sovereign of advice and assistance he might require.

While some measure of the right of sanctuary was claimed by, or assumed to belong to, all the churches of the land, several of these and certain religious houses possessed a special grant of sanctuary from the sovereign. Macduff's Cross, situated on the borders of the counties of Fife and Perth, looms forth from semi-legendary times and seems to have survived till the reign of James II. of Scotland. There a slayer in hot blood, related to Macduff within the ninth degree, could receive sanctuary and remission of his guilt on payment of a fine.

David I. conferred sanctuary on all who, in danger of loss of life or limb, fled to the cell of the monks of Lesmahagow, or came within the four crosses there. Each refugee was to be entitled to 'his peace in honour of God and St. Michael.'² The great hospice of Soutra was also a noted sanctuary, and had its girth, through which passed many a hunted man by way of Lauderdale and Lammermuir.

¹ Scott, *The Pictish Nation*, pp. 38 and 405.

² Chalmers, *Caledonia* (1807), vol. i. p. 682.

Then in the church at Innerleithen the body of the son of Malcolm iv. lay the first night after death, in commemoration of which the King conferred on that church such sanctuary as Wedale (Stow) and Tyningham then possessed.¹

While the books of *Regiam Majestatem* are of doubtful authenticity, there is reason to believe that they embody well-established Scottish practice to the time of David i.² Erskine³ tells us they are of value in proving and illustrating our most ancient customs. They certainly chronicle in quaint and curious terms the law of the girth or sanctuary which 'soud be ane sure refuge to all men.' Here is what *Regiam Majestatem* has to say of our subject:—

Gif ane man within Sanctuarie, or in anie other place, asks and craves the king's peace, and ane other man be evil zeale and purpose, lifts up his nive or fist to strike or beat him, and that be proven by twa honest men, he shall pay to the king four kye, and to him quhom he would have stricken an kow.

And gif he gives ane blow with his neive nougnt drawand bleed he sall pay to the king sax kye; and to him quhom he did strike twa kye.

And gif he draws blude he sall give to the king nine kye, and three kye to him quhom he did strick.

And gif he falls or slays him with his nieve he sall gif to the king 29 kye, and ane zounig kow, and sall assith the friends of defunct conforme to the law of the countrie.

And gif anie of them quha flies to the kirk confesses himself to be innocent, and for povertie may nougnt find borgh nor pledges, he sall acquit himself in anie sure and convenient place as the king or the bishop sall think best; and gif he be fund clean, he sall passe in peace; and gif he be filed he sall be punished according as he is worthie.

Moirover manslayers, traitors to their maisters, and they quha are challenged of murther or treason sall be lawfullie accused therenant, and gif they in manner foresaid fie to the kirk, the law foresaid sall be kepted and observed to them.

¹ *Proc. Soc. Antiq. Scot.*, vii. 258.

² Walter Ross, *Lectures on the Law of Scotland* (1785), ii. 63.

³ Erskine, *Principles of the Law of Scotland*.

II

The greatest Scottish sanctuary was that of Holyrood Abbey. It was not indeed the only sanctuary in Edinburgh, but it saw the others disappear. The Cunzie House, where the coin of the realm of Scotland was minted, claimed, and was indeed held, to be a sanctuary, though Sir George MacKenzie of Rosehaugh says, somewhat scornfully, that the 'cunzie house pretended to be a girth or sanctuary in Scotland like the mint house in England.'¹

The Charter granted by David i. to the canons of Holyrood implied rather than expressed a right of sanctuary. That document conferred a wide jurisdiction, judicial as well as ecclesiastical. The canons heard civil and criminal trials. A seeker after sanctuary belonging to the landed classes whose credentials did not appear satisfactory might be asked to undergo the ordeal by fire; and if he were a peasant, the ordeal by water. The former necessitated walking barefooted and blindfolded over red-hot ploughshares: in the latter the fugitive, bound hand and foot, was thrown into the water, and if he floated on the surface he was adjudged innocent; if not, he was found guilty.

It was not Scots merely who sought refuge in Holyrood Sanctuary. Sometimes an Englishman who had fled from his own country found it a safe refuge. Wyntoun, the chronicler,² tells us that Lancaster (he calls him Longastell and Longastre) took harbour there when 'the carlis ras agayne' their king. The Duke did not forget the hospitality of the Sanctuary of Holyrood, for he caused his choleric son-in-law, Richard II., to spare the Abbey when he was subjecting Edinburgh to fire and sword.³

The privilege of sanctuary led to abuses. The Abbey of Holyrood sometimes sheltered those who should have expiated

¹ *Observations on the Stat.*, 69.

² *Cronykil*, book ix., chap. 4, v. 35.

³ *Scotichron.*, lib. xiv., chap. 50.

their crimes. Long before the days of the Reformation it was felt that the right of sanctuary should be exercised with discrimination, that the abbots were too ready to admit all who sought shelter. William the Lyon, in 1212, set himself vigorously to correct these abuses, but the Pope (Innocent III.) opposed him. The privileges of Holy Church must not be meddled with by king or people; it was for the abbots to say whether or not sanctuary should be given. Not until fully two and a half centuries later did the Act of James III. (1469) thrust murderers beyond the girth. Ecclesiastical sanctuary was by that time losing some of its hold on the people. As the spirit of the blood feud began to weaken and the power of regular government to grow, the people clamoured for restrictions. The mercenary and mischievous trade of protection carried on by the churchmen for their personal advantage was called in question. The sanctuaries, says the great Scots jurist, George Joseph Bell,¹ which in the reign of Alexander II. were useful or expedient, had by the middle of the fifteenth century become the refuge of deliberate murder. The legislature interposed to check this evil, and passed an Act which ordered a jury to sit upon murderers who had taken sanctuary. A murderer might fly to the girth to enable him to gain time to compromise with the kin of the murdered man, as, later on, it was not unusual for a bankrupt to seek refuge in the sanctuary until he could come to an arrangement with his creditors.

The crucial paragraph of the Act of 1469 (which was re-enacted and strengthened two years later) is as follows:—

It is thought expedient in this present Parliament for the stanching of the saide slaughters in time cumming, quhair ever slaughter is committed on forethought felony, and the committer of the said slaughter passis and puttis him in Girth for the safetie of his person; the schireffe shall cum to the Ordinar in places quhair he is under his

¹ *Commentaries*, 1819, book iv., chap. iv., 2035.

jurisdiction and in places exempt to the Lordes maisters of the Girth; and let them wit that sik a man hes committed sik a crime on forethought felony—*Tanquam insidator et per industram*. For the quhilk the lawe grants not, nor leavis not sik personnes to joyis the immunitie of the Kirk. And the schireffe shall require the Ordinar to let a knawledge be taken be ane assise on fifteene daies, quidder it be forethought-fellonie or not. And if it be founden forethought-fellonie to be punished after the Kingis lawes, and if it be founden suddantie to be restored againe to the freedome and immunitie of haly Kirk and Girth.

As the strength of ecclesiastical sanctuary waned, the right of royal sanctuary strengthened.¹ In a turbulent country like Scotland, not only the respect due to the person of the king, but the desire to escape the unsettling consequences of the civil broils which all too frequently sprang up in the palaces, emphasised the need for maintaining royal sanctuary.

III

Pre-Reformation references to sanctuary for debt are singularly sparse. The day of the law reporter was not yet, and it is to George Buchanan² that we owe our knowledge of the case of John Scot, 'a man neither polished by learning, nor accustomed to business, nor sufficiently shrewd for practising deceit.' Scot was a litigant who, in the year 1531, lost his cause and found himself unable to pay the expenses incurred. If he was not wise in the ways of the world he was wise enough to take refuge in the asylum of Holyrood Abbey. Holyrood was no sumptuous Beverley, and Scot had no money wherewith to buy food. He, however, continued in sanctuary for a number of days 'without sustenance of any kind.' The King came to hear of this, and by his order the clothing of Scot was changed, and, after being closely examined, he was confined for thirty

¹ Bell, *Commentaries*, *supra*.

² Aikman, *Buchanan*, vol. ii. p. 304.

days with only bread and water. Scot, however, during all that period voluntarily abstained from food.

The year 1532 saw the greatest judicial advance ever taken in Scotland—the creation of the Court of Session; and three years afterwards an Act was passed which showed that the Scots Parliament considered that churchmen were still bestowing illegal protection upon breakers of the law of Scotland. It enacted that bailies be chosen and registered with the Justice Clerk, and entrusted with the duty of delivering trespassers to the Judges before whom they were to be tried.

All Maisteres of Girthes within this Realme sall make sufficient responsal men, Baillies or Maisteres of Girthes, under them, dweland at the saidis Girthes, or neare thereby, quha sall be halden in all times cumming, to deliver all Committers of slauchter upon forethought fellonie, that flies to Girth and uthers trespassoures that breakis the samin, and may not bruik the priviledge thereof, conforme to the commoun Lawe and Acte of Parliament . . . ; and gif the saidis baillies failzies thereintill, to be rigorously punished for their comtempnation, in their bodies and gudes at Our Sovereign Lordis will. That all Maisteres of Girthes, Spiritual men sende to the Justice Clerke the names of their Baillies and Maisters of Girthes depute, and to be depute be them, that quhen ony silc crimes ar committed and done, that Letters may be direct to all Schireffes, Baillies, or Stewartes, within quhais boundes the saidis Girthes ar, to charge the said Baillies or maisteres, to deliver to them the saidis trespassoures, conforme to the acte of Parliament.

The Scottish legislature might aim at lessening the privileges of sanctuary, but the forces of the Reformation, which swept away all right of ecclesiastical sanctuary, were gathering strength. The arrival of Mary from France gave an impetus to the movement. Indeed, a furious assault was made on the Abbey in the very year of her arrival (1561). The Abbot was Lord Robert Stewart, one of her half-brothers, who in 1569 exchanged the temporalities of the

Abbey for those of the Bishopric of Orkney. The exchange was made with Adam Bothwell, Bishop of Orkney, who officiated at the marriage of Mary to the Earl of Bothwell. Adam Bothwell became Commendatore of Haliruidhous ‘and the Convent thereof.’¹ But his eldest son John, who succeeded him in 1581, got more than his Commendatorship. By the short-sighted policy of James VI. and his advisers, the Abbey lands were created into a temporal lordship in 1607, and John Bothwell became Lord Holyroodhouse. The lands, however, were restricted to a liferent, and they reverted to the Crown on his death in 1609. His son John, the second and last Lord Holyroodhouse, died unmarried in 1635.

Neither Adam Bothwell nor Robert, Lord Stewart, was blameless. One might have expected both, as guardians of the right of sanctuary, to be men of peace, but they were far from that. It is, however, as a protector of the privilege of sanctuary that we find Adam Bothwell, on 7th March 1569, presenting a petition for Interdict—a Supplicatioun it was called in those days—against William Barrie, a ‘Messenger,’ and Henry Sinclair, brother of ‘the late Laird of Gosfurde.’ Barrie, accompanied

wi certain men of weir, armit wi culveringes, daggis, swordis and uther wapponis invasive cam to the dwellan hous of Thomas Hunter within the bounds of the girth and beset the saynn round about and perforce brak up the dures thairof, baith on the baksyde and foirsyde, under and abune, and enterit in weir manner thairintill and rypit the saidis haill lugeing quilk hous within the boundis foirsaidis aught justlie to have been girthe and place of surenes to quhatsumevir persones resortan thairto quha has noct committit treason murther or sic uther crymes exceptit frae the privilege of Girthe.

The petition proceeds to tell how Thomas Barrie (also a ‘Messenger’) ‘upone the VIII daye or thairby of Februar

¹ Halkerton, *Treatise on History, Law, and Privileges of Palace and Sanctuary of Holyroodhouse*, 1831, p. 13.

instant, accompanit with XVI or XVII men of weir, armit wi wapponis foirsaidis, cam to the saymn dwellan hous of the saidis Thomas Hunter, and also to the housis of Andre Chalmer and Sir Johnne Stevenson within the boundis foirsaidis, and maisterfullie and perforce brak up the dures thairof, and entirit within the saymn, serchit and socht thro the saidis housis under colour of seekin of sum persounes quham thaye knew nocht, and sae hes violate the privilege of the Girthe grantit to the boundis foirsaidis in hie contemptioune of our Souverane Lordis authoritie and thair through hes incurrit the panes of violatioune of Girthe.¹ The 'hie contemptioune' was proved—at least against the Barries, 'divers allegances' on their behalf being repelled. So what we might now call interdict went out against them. A proof was fixed in regard to the charge against Sinclair, but whether the brother of 'the late laird of Gosfurde' was also interdicted does not appear.

Though the petition was presented nine years after the first General Assembly of the Reformed Kirk, it indicates the bounds of ecclesiastical sanctuary, which no doubt had remained substantially the same since the days of David I. The relevant passage is as follows:—

Quhan our Souverane Lordis predecessouris, Kingis of Scotland for the tyme, hes of auld, at the foundatione of the saidis Abbaye of Haliruidhous grantit the privilege of Girthe and immunitiess thairof to the haill boundis of the said Abbacy, and to that pairt of the Burge of Canongait frae the Girthe Croce down to the Cloickisholm Myne, quilk privilege of girthe has been inviolable observit to all maner of persounes cumin within the boundis foirsaidis not committan the crymes expresslie exceptit frae all maner of Girth.

The area of the royal sanctuary, on the other hand, took in the whole of the royal park of Holyrood, the story of which, like that of the palace itself, palpitates with

¹ Paper by Mr. Wm. Galloway read at meeting of the Society of Antiquaries of Scotland, 11th April 1879; Mackay, *History of Canongate*, 2nd ed., p. 216.



dramatic interest. Princes and peasants, saints and sinners, heroes and swashbucklers, men of ‘lear’ and men of ‘weir,’ famous ladies and humble serving-maids—all have trodden this famous sanctuary ground. Even to-day, with its hills and valleys, its crags and lochs, there is an untamed atmosphere about the place; but when the first seeker of sanctuary set foot within the precincts of Holyrood, it was wilder still. Nor was it enclosed until James v. built a high wall round it.

IV

The following detailed description of the boundaries of the royal sanctuary is taken from the *Historical Description of the Monastery and Chapel Royal of Holyroodhouse* (1819)¹ :—

From the Watergate, a few yards to the north-east of the Girth Cross, it runs southward across the principal street by the strand or gutter at the foot of the Canongate, passes through the centre of the Horse Wynd, and keeps in the same direction till it reaches the meadow ground at the foot of Salisbury Craigs, taking in the lane to the west of Millar’s garden; then turning westward, it follows the course of the wall which bounds that meadow on the north and west, till it comes to St. Leonard’s Hill, to the west of Salisbury Craigs; bending to the south, it runs along the east side of the road called Dumbie Dykes, and over the top of the ridge of St. Leonard’s Hill; when, taking a sweep to the south-east, it passes Gibraltar House, the gate and style at the shepherd’s house, and along by the boundary of Prestonfield Park to the Wells of Wearie, at the foot of the basaltic columns, which overhang the footpath leading to Duddingston, and runs nearly due east till it joins Duddingston Loch; then bending to the northward, it encircles the loch about half way, till it reaches the projecting wall of the Minister’s Glebe, where it turns suddenly to the north, and passing the tierless, or style, leading to the village of Duddingston, pursues its course up the hill till it reaches the plantation on the east side of Arthur’s Seat; then inclining to the north-west, it passes on to the style at the Watering Stone, opposite to the

¹ ‘Printed for M^r J^{no} Petrie No 1 Abbey and Sold by her at the Chapel Royal, for behoof of her Family.’



west gate of Parson's Green. Winding then to the westward, along the north side of the Duke's-Walk, it comes to the style in the King's Park wall, where turning northward, it runs on till it joins a row of large elm trees, which it follows in a north-easterly direction to the Clockmill House, then turning westward, it continues its course by the wall of the Physic Garden, to the north gate of the King's Park at Croftangrie, and along by the wall on the north side of the Abbey Church-yard, till it reaches the Artillery Park, which it bounds on the east and north sides; then passing along by the north-west wall of the King's Garden, and the houses on the south side of the Abbey Hill, it reaches the Watergate, including within its precincts the whole of the extensive hills of Arthur's Seat and Salisbury Craigs, with the romantic vallies which lie between and around them, as more particularly delineated by the dotted lines on the accompanying plan.

V

In 1565 a Charter was granted by Robert, Commendator of the Monastery of Holycross, appointing Sir John Bellenden of Auchnowl, and his heirs male, heritable justiciars and bailies of the barony and regality of Broughton, as well as of the burgh of Canongate. Following on a Resignation by the Commendator and Convent, Sir John's son, Sir Lewis, obtained on 28th July 1587 a Charter from the King of all and hail the lands and barony, excluding the Abbacy and Monastery of Holyroodhouse and the district immediately adjoining it.¹ The Bellendens of Auchnowl were maternal ancestors of the ducal family of Roxburgh, whose head, Robert, Earl of Roxburgh, with consent of Charles I., sold the lands in 1636, together with the jurisdiction and privileges, to the Magistrates of Edinburgh. There was a special exception from the sale, however, of the lands of Holyroodhouse, which had been disposed to John Bothwell, first Lord Holyroodhouse, and which reverted to the crown on the expiry of the liferent.²

On 10th November 1646—the second and last Lord

¹ Morison's *Dict.*, vol. i. p. 15.

² James Marshall, S.S.C., in *Courtoys Guide*, 1837, p. 226; Halkerston, p. 18.

Holyroodhouse had then been dead eleven years—a Charter was granted by the Crown in favour of James, Duke of Hamilton, appointing him and his heirs male Heritable Keepers (*Hereditarios Custodes*) of Holyroodhouse. By virtue of this Charter the guardianship of Holyrood Palace and the Abbey sanctuary appear to have become vested hereditarily in the Duke of Hamilton. A Confirmation Charter granted in 1669 in favour of Anna, Duchess of Hamilton, specifies that the office embraces 'the care of the Palace with all yeards, orchyeards, bowling greens, parks and others whatsoever pertaining thereto, and with all privileges, dignities, immunitiess, fies, proffeits, deuties and casualties belonging to the same with the powers of making under-keepers, depute gairdners and other officers.' The Charter to the first Lord Holyroodhouse was granted *cum totum et integrum beneficium et abbacium Abbacae de Holyroodhouse cum jurisdictione regalitatis ejusdem*, and the noble house of Hamilton claim the same jurisdiction. The Dukes of Hamilton, however, were not appointed Keepers of the King's Park. In 1646 that office was bestowed on Sir James Hamilton of Prestonfield, a brother of the second Earl of Haddington; and it remained in the Haddington family till 1846, when, under an Act of Parliament, the Keepership of the royal park was bought back. The sanctuary jurisdiction, however, has rested all along with the Dukes of Hamilton.

The Duke of Hamilton, as master of the girth or sanctuary of Holyroodhouse, has always appointed a bailie to act under him, and has never personally performed the duties. The famous legal wit, Harry Erskine, who appeared for the Royal Bank of Scotland in a leading Sanctuary case—Dunlop *v.* the Royal Bank & Christie (1799)—asserted¹ that the bailie of the Abbey was a mere servant appointed by the noble peer who held the office of Keeper of the King's palace of Holyroodhouse, an office to which, he maintained,

¹ Morison's *Dict.*, vol. i. p. 19.

no jurisdiction attached; nor any power except that of 'executing the ordinary police' within the bounds of the royal palace. Erskine went on to argue that, however extensive the powers granted by the Duke to the bailie, a charter appointing his Grace the Keeper of the palace, park, and gardens could never legally exceed the powers conferred on the Duke himself, and that Mr. Henry Home, though dignified with the title of bailie and vested with something resembling a jurisdiction, could be considered as nothing else than a mere under-keeper or gardener of the palace. Though superintending a royal garden might introduce or sanction the exercise of a sort of police for preserving order, and even for extricating the privileges of a sanctuary, yet it seemed impossible to consider the under-keeper as a civil judge or magistrate, or to hold to be a prison any lock-up place which he might use for punishing petty delinquencies committed within the Abbey or for enforcing payment of debts contracted there.

This lowly estimate of the office of sanctuary bailie was far from that held by the father of Francis Jeffrey. George Jeffrey, Depute Clerk of Session, was appointed bailie in 1777, and held the office for about twenty years. In a petition presented to the Court of Session,¹ he stated that the office of bailie of the Abbey was not only indispensably necessary, but was attended with considerable trouble in the exercise of a peculiar and in some respects exclusive jurisdiction within the bounds of the Abbey, and had always been held by persons of responsibility. The Court, which was held weekly, was in truth an inferior Court of record, and from this issued decrees, etc., on which Acts of Warding² and other ultimate diligence proceeded. Jeffrey glances at

¹ This petition was presented in 1798 against the Duke of Hamilton and Brandon.

² Under an Act of Warding the bailies ordained their officers to 'pass, search for, take, and apprehend the person of _____ and put him in sure ward, firmance and captivity, within the Tolbooth of Holyroodhouse.'—Halkerston, p. 200; Kames, *Hist. Law Tracts*, p. 474.

the question, whether the Duke, possessing the exclusive right of nominating the magistrates and officers of the sanctuary of Holyrood, could himself personally exercise 'such troublesome and to him unsuitable official duties,' but he does not give his own view on the point. The noble defender was the Duke of Hamilton himself, against whom Jeffrey had invoked the judgment of the Court regarding his fees and emoluments.

Harry Erskine might play the batteries of his legal wit on the bailieship, but he could not 'ding it doon' to the domestic level. The bailie's commission from the Duke is an imposing document,¹ and pursues the legal tenor of its way with a stateliness befitting the territory of Holyrood Abbey. It makes, nominates, constitutes, and appoints the bailie to be

our bailie of His Majesty's Palace of Holyroodhouse, and of the whole bounds and precincts thereof, or belonging thereto, giving and granting to him all the fees, casualties, profits, duties and emoluments whatsoever, pertaining, or any wise known to pertain and belong to the said office; and that during pleasure . . . with power to the said Bailie or any substitute to be named by him, to exercise the said office, and to hold courts within any place or part of the Palace of Holyroodhouse, or pertinents thereof, upon whatever day or days lawful, and to constitute the same as often as needful: And also, with power to name fiscals, serjeants, officers and dempsters, and all other necessary members of court, excepting the clerks (the nomination of whom is reserved), the said Bailie being always answerable for his substitutes, to proceed and administrate justice in all actions and causes competent to be pursued before him; decrets and sentences, to give forth and pronounce; and to fine and punish delinquents and transgressors according to law, and to apply the fines to his own proper use.

The Duke promises to hold firm and stable whatever things the bailie or his substitute 'shall lawfully do in the premises.'

¹ Halkerston, p. 36; Morison's *Dict.*, vol. i. p. 19.

VI

The bailie was therefore armed with wide powers. He was the administrator within the bounds, and was 'responsal' for law and order. Seekers of sanctuary once over the boundary line between the unsheltering Canongate and the sheltering sanctuary were not compelled to book with the bailie for twenty-four hours; but if the time expired they ran the risk of being ejected or of being handed over to the 'catchpoles.' The bailie, however, could not 'book' a criminal, nor a debtor against whom Letters of Caption had been issued by the Court of Session.¹ The Lords of Session debated on 7th January 1677 as to whether the 'Abbey, being His Majesty's house,' should not exempt or protect any person against 'His Majesty's laws.' The debate resulted in a recommendation that the 'debtor' against whom caption had been issued should not be sheltered in sanctuary.²

At a Bailie Court, which sat at stated intervals (for a long period weekly), the bailie tried actions, pronounced decrees, fined and punished transgressors of the laws of sanctuary. And not only did he try individual causes; he passed 'Acts' like a legislature. In 1686 the Bailie Court enacted:—

Considering that declared rebels, traitors, and other persons of bad principles disaffected to his majesty's interest, and also to the bailie's own prejudice, and also considering that other persons fleeing into the bounds of his jurisdiction foresaid, ought to be protected: Therefore, the bailie prohibits and discharges the inhabitants to harbour or resettle any person whatever, until such time as they cause their names and designations, the place from which they came last, and the time of their entry to be insert in a book appointed for that effect, under the pain of £20 Scots money for ilk faillie *toties quoties*,

¹ Under Letters of Caption His Majesty ordered his judges and officers of the law to incarcerate a debtor who had disobeyed a charge given him on Letters of Horning to pay a debt or perform an act. Under their authority a Messenger at Arms was entitled to commit the debtor to prison.

² *Fol. Dict.*, vol. ii. p. 361; *Dirleton, Decisions*, p. 52.

by and attour what cost, skaith and damage the said bailie may be found liable in for suffering such persons to be harboured within the bounds and jurisdiction foresaid.¹

Eleven years later (in 1697) the Bailie Court passed another Act, prohibiting 'the inhabitants and householders to harbour or entertain any strangers within their houses, or allow them beds, unless they procure the bailie's warrant in write for that effect, under the penalty of £5 Scots to be paid by the landlord, by and attour his doubling the dues of the respective booking-monies for each fault.'² Again, in 1757, we find the Bailie Court passing an Act requiring that all the inhabitants or householders 'give into the bailie or clerk a note of such lodgers as shall come to reside with them from time to time, and that within twenty-four hours after they shall so come to reside, or lodge with them, under the penalty of £5 Scots, *toties quoties* for each transgression; as also the time of their removal, and to what place, if to them known.'³

Early in the nineteenth century the bailie was a man deeply versed in sanctuary lore—Peter Halkerston (afterwards LL.D., S.S.C., F.R.P.S.), who, when he was bailie, framed a complete code of laws, rules, and regulations respecting the Court and jurisdiction of the Abbey, and who published in 1831 a valuable but little known treatise on the Sanctuary of Holyroodhouse. In 1837 another lawyer, James Marshall, S.S.C., contributed two chapters on sanctuary to Courtoy's or Macmillan's *Guide to the Chapel-Royal and Palace of Holyroodhouse*, in which he laments that changes in the law were fast curtailing the bailie's jurisdiction, and that the time seemed approaching when he might have to say with the great character of Shakespeare, 'Othello's occupation's gone.'⁴

The bailie of Holyrood still survives—still gets his commission from the ducal house of Hamilton, though his court

¹ Halkerston, p. 189.

² *Ibid.*, p. 190.

³ *Ibid.*, p. 190.

⁴ *Guide, supra*, p. 260.

has long since ceased to hear sanctuary cases. Nor is he ever called upon to book an 'Abbey laird,' as a dweller in sanctuary was termed in the playful intimacy of Auld Reekie. It was different in the old days when occasionally the sanctuary accommodation was strained to the uttermost. From 1741 to 1752 the persons booked numbered 183; from 1750 to 1760, 175; and from 1766 to 1770, 184.¹ It appears from Grant and Donaldson (15th January 1779)² that 716 persons had been booked since 1714. From this time onwards its popularity increased, until in the year 1816 there were 116 refugees in sanctuary. It has been estimated that during the last two hundred years of its activity the sanctuary of Holyrood sheltered between 7000 and 8000 persons.

VII

The 'Abbey lairds' were drawn from all sorts and conditions of men except those who were so very poor that they could not raise even the booking fee. The learned and the illiterate, the lord and the laird, the minister and the layman, the merchant and the small shopkeeper, and occasionally a woman, all fled to sanctuary. Consequently, it was an ill-assorted company—a company sometimes with nothing in common except the desire to secure sanctuary privilege, and so keep creditors at bay. Two East Lothian lairds, Cockburn of Clerkington and Hamilton of Redhouse, figure prominently in sanctuary law cases, and about the beginning of last century no fewer than three baronets were Abbey lairds at one and the same time. Occasionally the bearer of a great name sought sanctuary at Holyrood, and his blue blood or his weighty influence procured him a lodging in the palace itself.

The phrase 'Abbey laird' has a respectable antiquity.

¹ Halkerton, p. 76.

² Morison's *Dict.*, vol. i. p. 5.

It occurs in the 'Cock Laird,' a song in the second volume of David Herd's collection of *Ancient and Modern Scottish Songs*, published in 1776. The 'Cock Laird' has been fathered on Allan Ramsay. The laird tells his sweetheart Jenny that his lairdship can yield him 'as meikle a year as had us in pottage and good knockit beer.' But he has 'nae tenants' and 'ne'er a penny to buy ought.' So he cannot provide her with silk vanities or the 'pinners' she demands 'with pearlring set round.' Jenny winds up:—

The Borrowstoun merchants
Will sell you on tick,
For we maun hae braw things,
Albeit they soud break.
When broken, frae care
The fools are set free
When we mak them lairds
In the Abbey, quoth she.

Some inmates of sanctuary were born adventurers, their spirits unsubdued amid all the discomforts of this miniature Alsatia, and full of confidence that their stay was to be short. Others were poor feckless bodies for whom the sanctuary seemed a haven of refuge never to be quitted again. Be that as it may, some ill turn of the wheel of fortune, deserved or undeserved, sent them all to seek sanctuary.

A few Abbey lairds dreamed of becoming rich even in sanctuary, where they were eager lottery customers. At the beginning of the nineteenth century the State lottery was in full swing, and had agencies all over the country, which were usually grafted on to some other business. Booksellers were not above participating in the lottery business. The bookseller who employed William Chambers conducted not only a book-shop and circulating library, but also a lottery office, and his apprentice from Peebles was sometimes sent to distribute bundles of lottery circulars. William Chambers retained an impression that there was not a door bell in

Edinburgh which he had not rung, nor a common stair which he had not mounted, in the course of these distributions. Not only did he find lottery-ticket buyers in the obscurest corners of the town, but in the sanctuary of Holyrood itself—steady customers, some of them. The sanctuary, he says, was seldom without distinguished refugees from England—some of them hooked-nosed, oldish gentlemen, dressed in washed nankeens and wearing big gold-rimmed spectacles, who doubtless had run through their fortunes and now lived there on the wreck of their means in defiance of creditors. To this august class of persons who stood in need of supplies of literature, but did not dare to go into town to seek for them, William Chambers paid frequent visits; and, conscious perhaps that they gave some extra trouble, they were so considerate, he says, as to present him with an occasional sixpence.¹

According to James Marshall, the Abbey lairds were skilful physiognomists. If they saw a person approaching they could tell at a glance to which of the three classes of visitors he belonged—whether he was a stranger come to examine curiosities, or a creditor come to propose an arrangement, or a care-worn debtor come for rest as well as for refuge.

VIII

The Abbey lairds, like rabbits in a warren, crowded into small space. The boundaries of sanctuary might be extensive, but a five-minutes saunter would take you past all the buildings in which the lairds were housed. These were mainly the houses in St. Anne's Yard to the east of the Palace (all of which have long since disappeared), and those at the foot of the Canongate to the east of the Cross—the 'Girth,' the 'Abbey,' and the 'South' Cross, as it has been variously called. The Cross, which appears in the map of 1573 as an

¹ *Memoir*, Robert and William Chambers, p. 91.

ornamental shaft elevated on a flight of steps, continued in much the same state until about 1750, when Maitland was writing his *History of Edinburgh*. Not a vestige of the Cross now remains. But some of the Abbey Strand houses of refuge still survive in a triangular group of old dwellings between the Water Gate and the strand.

Lockhart's character, the redoubtable Welshman, Dr. Peter Morris,¹ found within the precincts of the Palace itself and its melancholy garden ' . . . a variety of little miserable patch-work dwellings, inhabited by a considerable population of gentry, who prefer a residence here to one in a jail.' Some of these were certainly rickety, even though they may have sheltered many a gallant who had frequented the royal court at Holyrood; others were fairly comfortable. A hundred years ago a decent room might be got for an Abbey laird for a weekly payment of from 3s. to 6s. It was never true that every house in the girth was an inn, but tiny taverns and 'lodgings to let' abounded. There is something Dickensian in Marshall's picture of the place: 'Peeping from windows or doors of these hostgeries if in winter, and if in summer, lounging about the street with a wistful eye to the Canongate side of the strand, or reclining by twos and threes on benches in front of the change-houses, you will discover a variety of shabby-genteel-devil-me-care-looking personages, scanning you with an uncomfortably indubitable gaze of recognition.'² Not all of them, however, were 'shabby-genteel.' Lockhart notes that some of them continue to cut a very fashionable figure in the streets, while Sir Daniel Wilson says: 'It is scarcely conceivable to one who has not taken up his abode within the magic circle, how much of the fashions of our ancestors still survive in undiminished vigour under covert of the Sanctuary's protection.'³

Protection was not granted on a mere verbal applica-

¹ *Peter's Letters to his Kinsfolk*, vol. i. p. 33.

² *Courtois's Guide*, p. 244.

³ Wilson, *Memorials of Edinburgh*, 2nd ed. (1891), vol. ii. p. 117.

tion. There had to be a formal petition in which the seeker of sanctuary explained that it was necessary for him to retire till a settlement of his affairs was effected. Accordingly the petitioner prayed the bailie of Holyroodhouse to find him 'entitled to the benefit and privilege of the sanctuary aforesaid, admit him thereto, and ordain an act and warrant to be issued accordingly, for the protection of his person and effects, while residing therein, agreeably to the rules and regulations of the sanctuary.' After considering the petition, the bailie, in the absence of objections by creditors, issued an interlocutor finding the petitioner entitled to the benefit and privilege of the sanctuary. Then on payment of the booking fee the applicant was presented with a 'Protection,' in the following or a similar form :—

Extracted from the Records of the Sanctuary by me
Clerk of Holyroodhouse.

The booking fee in the seventeenth century was five shillings; it was afterwards increased to six shillings and eightpence, and by the time Halkerton became bailie it was one guinea. Later, it was increased to two guineas.

IX

A fee of five shillings seems a modest requirement, but the bailie did not establish the right to exact it without a stormy struggle, in which a laird who had retired to the sanctuary in 1739 was the chief participant. This was George Hamilton of Redhouse, Longniddry, whose mansion, now a picturesque red ruin, is a prominent landmark. The laird of Redhouse,

an unbooked dweller in sanctuary, complained to the Court of Session that James Halyburton, W.S., the bailie, had granted a warrant of concurrence for putting caption in execution against him, and for arresting him and searching for money alleged to have been fraudulently concealed on his person or in his possession. Halkerston notes the case, and that it was decided in favour of the bailie, but it does not appear that he was aware of the side of the story as narrated in the 'Information' for Hamilton, lodged in Court on 8th December 1740. An examination of the 'print,' preserved in the W.S. Library, shows that Hamilton blamed his ancestors, for, he says, 'it was the misfortune of the pursuer Redhouse to succeed to a landed Estate deeply encumbered by the debts of his predecessors.' So he entered into a submission with the creditors on the estate, and retired to the sanctuary with the view of withdrawing himself from personal diligence. Redhouse pictures himself as proposing no injustice, but as going to the Abbey until his affairs were laid before his creditors. He alleges that booking is a ridiculous practice, and that every man, whether booked or not, is entitled to sanctuary against civil debts 'the moment his legs are over the strand.' He explains that a practice had prevailed in the Abbey of grinding the faces of the poor (in which category he apparently includes himself) by exacting from each of the sanctuary inmates 'a Crown to the Bailie Depute under pretence of Booking Money; and those who neglect to pay it are not to expect to meet with common justice there by being protected against the effect of caption.'

Redhouse had often resorted to the sanctuary, the extrication of his affairs requiring time, but he declined to pay the crown or to book. He was guilty, as he himself said, of neglecting to pay the bailie's fees. But the bailie was not to be ignored, for when two creditors of Redhouse applied to that official for his concurrence to have him apprehended by Messenger, the bailie readily granted the required

warrant (7th August 1739). Trouble must have been apprehended from Redhouse, for the Messengers came accompanied by soldiers armed with bayonets, who beset the house where he lodged. He attempted escape by climbing a high wall, but was captured, when a cutlass was taken from him, likewise £5 sterling.

There is a comic touch about Redhouse's statement that such infringements of personal liberty as the granting of warrants, *de plano* for plundering pockets, are what superior courts only practise and inferior courts are not to be indulged in. His view was that 'there is no need of any sentence or interposition of a judge in order to obtain the benefit of sanctuary.' It arises, he says, 'solely from a man's being within it, and a caption can as little be executed against a man that is walking in St. Anne's yards for his diversion as against an Inhabitant of the Abbey.' But their Lordships of the Court of Session were deaf to Redhouse's arguments, and they found (1) that the Act of the Abbey Court passed in 1697, and the invariable practice of putting captions in execution against persons not booked, entitled the bailie to grant the concurrence for putting the caption in execution, and (2) that, in consideration of the signed Information exhibited to the bailie by the creditors, it was lawful for the bailie to grant the warrant to seize and search.¹

X

The bailie had within the bounds of sanctuary both a Court-house, in which 'to proceed and administer justice,' and a jail for incarcerating transgressors. The Court-house still exists, and is the first building on the right-hand side of the Palace courtyard as you enter from the strand. In this small apartment the bailie dispensed justice to the dwellers within the girth, whether they were sanctuary

¹ Morison's *Dict.*, vol. i. p. 3.

persons or non-sanctuary, for the community embraced shopkeepers, tradesmen, lodging-house keepers, and inn-keepers whose businesses were within the bounds, as well as 'residenters' who chose the sanctuary precincts for their home, and not because debts had driven them there. The bailie, in the exercise of a kind of benevolent despotism, summoned the inhabitants of the girth to help in the execution of his commands, or to assist in preventing any creditor from breaking into bounds and carrying off a protected refugee. He also exercised the right to summon the inhabitants to guard the Abbey gates on the occasion of an election of Scottish representative peers in Holyrood.

The class of delinquent who underwent punishment in the Abbey jail was not as a rule of the type who requires to be jealously guarded. At the same time the jail-keeper could not afford to be too lax, for if, through his negligence, a debtor escaped, he might lose his post as well as suffer in his pocket. This was the unhappy situation with which Alexander Carnie, 'late keeper of the prison of the Abbey of Holyrood-house,' was confronted in 1749. George Beveridge, imprisoned at the instance of another creditor, had contracted, while in sanctuary, a debt of £8, 7s. to Paul Husband, merchant in Edinburgh. Husband paid Carnie the ordinary dues, also money for the prisoner's aliment, but Carnie allowed Beveridge to escape from the prison, if not out of sanctuary. Some of the Lords of Session doubted if there could be a prison within a royal asylum, but they were overruled. The Court were of opinion that where an escape happened through the fault of the jailer, he was liable. They, however, allowed a proof as to the usual way of keeping prisoners incarcerated within the Abbey for debts contracted there, from which it appeared that the prison of the Abbey had a short time before been the jailer's house, and 'that of late when one Brown was jailor he had for the convenience of his house built a little hut, with a fire place and room for

a bed within his close wherein he kept the prisoners; that when Carnie succeeded him as jailor Brown agreed to keep the prison as formerly; and that Beveridge had been sometimes allowed to come from the hut into Brown's house.' On these facts the Lords found the jailer not liable; 'for, by the prisoner's being permitted to be in the jailor's house or close, he was not out of prison more than in a common jail he is out of prison when allowed to go into another room.'¹

About forty years afterwards the bailie, Francis Jeffrey's father, reported, in a case before the Court of Session, that 'the jail is not at all fitted for the detention of either debtors or criminals, and that the practice had been to confine persons apprehended in the jailer's house just above what was originally the prison.' As a consequence, and on the information that a certain prisoner was about to leave the country, they granted warrant to the macers or messengers to take him from 'the prison of the Abbey and to incarcerate him in the Tolbooth of Canongate.' Halkerton, writing in 1831, mentioned that the Abbey prison consisted of only one apartment, and had been long, and was then, in the 'worst condition.'

As illustrating the usages of sanctuary, it may be pointed out that the bailie could put in jail any person who had retired to the sanctuary and thereafter contracted debt either within or beyond his jurisdiction. Before this could be done, however, the creditor had to sue for payment before the Bailie Court, and to get decree followed by a charge given and an Act of Warding. The bailie could also seize and search fraudulent bankrupts and put them in prison. Nor did this exhaust his jurisdiction. He was also empowered to incarcerate residents within the bounds who had been guilty of petty delinquencies committed there. Further, he could apprehend, examine, and put in jail debtors alleged to be in *meditatione fugae*, for if such debtors could

¹ Husband v. Carnie, *Fol. Dict.*, vol. iv. p. 260; Kilkerran, No. 1, p. 502.

flee the country without settling their debts, the ends of justice would be frustrated.¹

XI

It must have been a memorable sight to any stranger who might happen to be at the foot of the Canongate on a Saturday night to see the general exodus from the sanctuary on the 'chap' of twelve o'clock. Most of the Abbey lairds as 'They gaed up the Canongate, the Canongate sae free,' must have gone with a sense of joy at the prospect of twenty-four hours' freedom, though some, like James Somervell, the laird of Castle Somervell, who was in sanctuary for a considerable time from 1720, tried to avoid being seen. Laird Somervell showed his wisdom, for, in the case of Dickson v. his Representatives (1751),² it transpired that, through connivance between him and the Clerk of the Abbey, he had never been booked.

Halkerton, in writing of this respite between midnight on Saturday and midnight on Sunday, says:—'The debtor has the sacred privilege of removing beyond the bounds of the Abbey during Sundays, and thereby affording to him the glorious privilege of attending divine service at Edinburgh or elsewhere in the neighbourhood, as it is not now to be found in the Royal Abbey chapel within the sanctuary. The roof of the chapel fell in nearly 70 years ago, and it has not since been repaired.'³ This statement might lead one to suppose that Sunday freedom was granted to sanctuary folk that they might attend divine service, but such a privilege was in force long before the roof of Holyrood Abbey fell in—before, indeed, the congregation, which worshipped in the nave of the Abbey, had to flit to the newly erected Canongate Church (1688).

Under Roman Law, in the time of the Christian emperors,

¹ Bell, *Commentaries*, book iv., chap. iv., 2038.

² *Fol. Dict.*, vol. iv. p. 260.

³ Halkerton, p. 62.

Sunday was consecrated not only from all labours but from all legal proceedings. Scots Law borrowed this feature from Roman Law, and consequently no diligence could go out against any one on Sunday. Accordingly, a person in sanctuary could wander about freely on that day. Halkerston narrates the case of a clergyman who, removing from sanctuary late on Saturday night, preached to his own congregation on Sunday, and then returned to the Abbey on Sunday night. In the interval he had travelled fully forty miles. Similarly, a minister in sanctuary might attend the General Assembly without losing his right to protection. Indeed, any refugee might absent himself for fourteen days and then return without requiring to re-book. The date of booking the protection was important towards ascertaining the period of bankruptcy as well as in regulating the preferences of creditors under the Bankruptcy Acts.¹

A person cited as a witness or desiring to give evidence in a case beyond the sanctuary precincts had to be provided with a protection for the purpose, this being granted by the Court of Session or the High Court of Justiciary.² Freedom from sanctuary might also be obtained on the ground of military service, or to serve an urgent national purpose. On 11th May 1685 the Privy Council resolved that 'all our subjects, and particularly heritors and freeholders, and our militia, should be in a readiness in defence of us and our government.' On 3rd June of the same year the Council was informed that there were several persons who, having fled to the sanctuary of Holyrood-house 'for eschewing personall execution for civil debts,' might pretend exemption from military service. To prevent this, the Lords decided to 'strictly prohibit and discharge all personall execution against any of the saidis persons now in the said Abay who are obliged to goe out and attend the King's host until the Councils furder order, and ordaines the macers of Councill

¹ Halkerston, p. 171.

² *Ibid.*, p. 172.

to make intimation hereof at the Mercat Cross of Edinburgh that all persons concerned may have notice thereof and give obedience accordingly.' Following on a petition by a debtor in the Abbey, desiring that personal protection might be granted him, so that he could attend the King's host, the Lords of Privy Council 'doe conforme to their act of the date of these presents hereby discharge all personall execution against the Petitioner by Messengers or others until the Councill's furder orders, as they will answer at their peril.' But the trouble was soon over, and we find the Privy Council on 1st July 1685 recalling the Act of 3rd June, in respect 'that expedition is now over,' and ordaining a Macer of the Council to make intimation of this at the Mercat Cross of Edinburgh with sound of trumpet that 'non may pretend ignorance.'

XII

It was not uncommon to present supplications to the Privy Council on matters affecting the right of sanctuary. For instance, William Wisheart, the minister of Minto, complained in 1685 that his only sister, who was married to Alexander Wisheart, having died, Alexander was wrongfully keeping back the writs relating to her property, although William Wisheart had been cautioner for her in the confirmation of her first husband's testament and was her sole heir and executor. Alexander, it was averred, had retired to the Abbey to elude the execution of the law, and would soon 'embezzle the whole to the Petitioner's great prejudice.' The Lords ordained the bailie not to shelter Alexander Wisheart against the diligence of the minister of Minto, and granted warrant for his apprehension and imprisonment, whether he was within or without the Abbey, till he exhibited the writs in obedience to a decree William Wisheart had obtained against him.

Another curious example illustrating the practice of the sanctuary is afforded by the case of Archibald, Master of Kingston, and his accomplices. On 12th November 1685 they were found guilty of riot and deforcement, and warrant was granted for their apprehension and imprisonment in the Tolbooth of Edinburgh till they found caution for their future behaviour. On 10th December the Privy Council granted warrant to the bailie of the Abbey to assist the messengers in apprehending the delinquents, who, notwithstanding the warrant of 12th November, had taken refuge in sanctuary.

The Privy Council also made recommendations to the Duke of Hamilton, the Heritable Keeper, and his deputes. For example, in 1661 they recommended the expulsion of Robert Dunbar of Burgie, who, it was believed, had taken refuge in the sanctuary, so that diligence might be used against him for paying his lawful debts. Similarly, the Council recommended the extrusion from the precincts of the Abbey of Claude Hamilton of Garein. This was done on a supplication by Helen Dickson, daughter of John Dickson of Hartree, who averred that Hamilton was due her on a bond 5000 merks of principal with interest and expenses, for payment of which she was suing him. Another case was that of Robert Pringle of Dewar. In July 1658 George Williamson, Cordiner in Edinburgh, lent his whole stock (100 merks) to Pringle. Later, he had occasion to institute legal proceedings, and caption being obtained, Pringle withdrew to the Abbey, where he defied the 'King's authority and law.' Williamson thereupon craved his ejection from sanctuary, and the Lords recommended the Duke of Hamilton or deputes to extrude Pringle 'out of the precincts of the said palace and priviledges thereof within fourtie eight houres after sight hereof.'

There are many instances of debtors confined in the Abbey jail who received the benefit of an Act of the Scots

Parliament, passed in 1696, and known as the Act of Grace. This Act provided that an imprisoned debtor could call for an order on the imprisoning creditor to provide him with aliment for ten days up to three shillings Scots per day. After the lapse of ten days the debtor was set at liberty if the aliment was not forthcoming. In the case of Dunlop (1799) there was produced in Court a list of persons who had been imprisoned in the Abbey jail, and had been liberated under the Act of Grace. It is interesting to add that there is no instance on record of the Court of Session having refused the prayer of any person in sanctuary who sued for the benefit of the Act of Grace.

XIII

Cessio Bonorum (or Cessio, as it was popularly called) was a legal process under which a bankrupt's affairs were wound up after a full 'cession of his gudes.' This, the oldest bankruptcy process of Scotland, was, however, supplanted by sequestration, which, originally restricted to traders, has been widened to include all classes. Previous to the Victorian age, Cessio could be applied for only by the debtor himself; and, by an Act of Sederunt passed in 1688, he could only obtain the benefit of Cessio if he produced a certificate that he had been in prison for a month. He had to wear the dyvours habit, conform to a pattern delivered to the magistrates of Edinburgh, 'to be keeped in the Tolbooth.' Further, he was compelled to sit for a time on the dyvours stone with a yellow and brown bonnet on his head, and 'uppermost hose and stockings (half brown and half yellow) upon his legs.' Later, the dyvours habit was dispensed with on a prayer being made to this effect; and in every decree of Cessio down to 1836 a clause was introduced setting aside this objectionable garb.

Did retirement to the sanctuary or imprisonment in the Abbey jail entitle a debtor to the benefit of Cessio?

Certainly not without a Certificate of Imprisonment, as was shown in the case of 'poor' Peter Gibson, Staymaker in Canongate. A series of misfortunes had induced Peter to retire to the sanctuary in July 1753; and their Lordships of the Court of Session were, as he says in his petition of 1754, 'so well satisfied with the answers that he gave (in certain legal proceedings) that they ordained one of the Macers to conduct him safe to the Abbey.' But Gibson had a wife and children to support. Besides, confinement in sanctuary was grievous to him. So in 1754 he brought a process of *Cessio Bonorum*, which came before the famous legal antiquary, Lord Kames. His Lordship, however, would not let it proceed because Gibson had not produced evidence of his imprisonment. Gibson pleaded that their Lordships sometimes sustained confinement in the Abbey as equivalent to incarceration, and that in the case of Duff of Cubine against his creditors (1736) Duff was not even in sanctuary when he raised the summons.

But the case of Dunlop *v.* Royal Bank of Scotland¹ definitely decided that a bankrupt who, by retiring to the sanctuary, had already obtained shelter from the diligence of creditors, was not entitled to demand the benefit of *Cessio Bonorum*, even though he had been guilty of some misdemeanour in sanctuary which occasioned the bailie to put him in jail. Previous to this case, James Donaldson, at one time factor to Lord Perth, was on 19th June 1798 found entitled to the benefit of *Cessio*, although incarcerated only in the Abbey jail. A similar decision was given on 9th March 1799 in the case of Kenneth M'Kenzie, factor to Sir Alexander Mackenzie. From Dunlop's case it appears the same thing happened in the case of William Linley, 'decided very lately,' although the only certificate was one from the bailie of the Abbey, which bore that Linley had been liberated on the third day on account of ill health. This circumstance points

¹ Morison's *Dict.*, vol. i. p. 7.

to a curious legal fiction.¹ While a Certificate of Imprisonment for a month was indispensable, the imprisonment for a full month was not absolutely essential. Given an ailing debtor, a compliant doctor, and a creditor who admitted that he had no objection to the release, the thing was simplicity itself. The debtor would be let out on bail under a statute known as the 'Sick Bill.' At the end of the month, or when his health was fully restored, he would return to claim and receive a certificate from the bailie of his liberation on 'Sick Bill,' and of the fact that he presently lay a prisoner. With this open sesame the gates of Cessio would fly open, and importunate creditors would cease their threats of perpetual imprisonment. In reckoning the month the sick days were counted as well as the days of incarceration.

A Crown debtor was not entitled to sanctuary. Bell says the King's own debtors had no privilege within the Abbey.² This, in Erskine's words, 'would be in effect to use a privilege which arises merely from the respect due to the sovereign against the sovereign himself.' Notwithstanding this, however, Daniel Monro ('in whose name prosecutions are carried on for behoof of the crown'), in 1734, asked the Court of Session to grant the bailie of the Abbey power to give his concurrence in executing a Justice of the Peace warrant against Thomas M'Millan and Elizabeth Gilles for a Crown debt. But the Court refused. The joint answers of M'Millan and Gilles make amusing reading:—

It is no small satisfaction to the Respondents that, amongst their misfortunes, they have so far retained the character of Honesty and fair dealing that even their greatest Persecutors cannot charge them in anything criminal or faulty in these particulars. They were so unlucky as for some time to push a losing trade by means of which, the insolvency of debtors and other accidents, they were at last obliged to take refuge within the precincts of the Abbey for security of their persons to liberty.

¹ *Courtois's Guide*, p. 235.

² *Commentaries*, vol. ii. p. 481.

They also state that the 'priviledge of a sanctuary was not only given to all churches but likeways to their kings and emperors houses, palaces and statues (*sic*)'; that 'this right of sanctuary as ascertained by the law of sanctuary was never yet called in question.' They deny that even the 'bailie of the Abbey can authorise diligence against any Debitor' for debts contracted *ab ante*.

XIV

'Richard Cockburn, Elder of Clarkington,' a descendant of the famous Sir Richard Maitland of Lethington and Thirlestane, the blind judge and poet, was a dweller in sanctuary in the beginning of the eighteenth century. After retiring to the Abbey, Cockburn contracted about £35 Scots in a change-house for meat and drink. He did not pay, and, being sued before the bailie, decree was granted against him. He was then incarcerated in the Abbey jail; but presented a bill of suspension, craving to be set at liberty on the ground that the bailie had no jurisdiction for cognoscing on debts. But the Lords were impressed by the answers against Cockburn, viz., that the bailies were most competent to cognosce debts contracted within the precincts of the Abbey, especially for vivers; that Cockburn was personally apprehended, and so could not pretend ignorance; and that the only thing he seemed to 'controvert was the exorbitant articles of the account.' They accordingly repelled Cockburn's reasons of suspension and refused his bill.¹

If Patrick Haliburton,² who was in sanctuary in 1709, and who was alleged to have secretly conveyed away his effects, had assets on as substantial a scale as his debts, he must have cut a considerable figure in Edinburgh. Haliburton, who had contracted debts to the extraordinary amount (for

¹ *Fol. Dict.*, vol. ii. p. 361; *Fountainhall, Decisions*, vol. ii. p. 442.

² *Fol. Dict.*, vol. ii. p. 361; *Fountainhall, Decisions*, vol. ii. p. 518.

those times) of nearly £3000 sterling, sallied forth one Sunday, like the other dwellers in sanctuary, and called on a creditor to treat with him 'anent his satisfaction and security and his liberation.' The latter invited him to supper, and pretended much kindness. The hours sped on with flow of friendly talk, if not with flow of something stronger, and Haliburton was 'trepanned and ensnared.' Then the town clock struck twelve, and he realised that his twenty-four hours' freedom was gone. So, too, did his cunning creditor, who there and then had him seized by virtue of a writ of caption, and imprisoned. A most illegal and treacherous practice, says Mr. Patrick Haliburton, all the preparatory steps being done 'on the Lord's day, which is all one as if he had executed his caption on the Sunday, contrary to our law and decisions, and the prohibition of the Roman Emperors *l. ii. C. de feriis*, to secure that holy day from profanation.' The Lords 'allowed trial to be taken of the time of his being apprehended and the manner how he was detained, or if he offered to go back to the Abbey, or was enticed to stay and hindered to go out,' but repelled Haliburton's plea that as Queen Anne had, by her indemnity, 'pardoned all offences, contempts, forfeitures and outlawries preceding the 19th of April last, this extended so as to take off the effect of the caption used against him.' Unfortunately, the reports are silent as to the further history of the case.

Elizabeth Gilles, already mentioned, is not the only woman who figures in records of the Sanctuary of Holyrood. Mrs. Dilks, a booked inmate, is the subject of a paragraph in the *Edinburgh Evening Courant* of 7th April 1724. The Courant tells of the attempt of a creditor to get possession of her person. The messenger employed by the creditors entered a tavern just within the precincts, and sent word to Mrs. Dilks to come and speak with him. She complied, and as the tavern could only be reached by crossing to the wrong side of the girth, she was seized by the messenger's assistant.

But her captors reckoned without other female residents in the sanctuary, who attacked and routed the minions of the law, and carried back Mrs. Dilks in triumph to her lodging.

XV

Life in sanctuary no doubt had its sordid side, but there was also a spirit of camaraderie. The inmates were keenly alive to any infringement of their privileges. 'Touch one, touch all' appears to have been their motto. They even debated points of sanctuary law among themselves. The Lords of Session and the bailie of the Abbey, they maintained, were not the only authorities on the law of the girth. On one occasion they decided that a messenger apprehending a debtor out of sanctuary and passing through it with his prisoner to jail would lose the benefit of his apprehension if the debtor then demanded the privilege of sanctuary. No doubt they also deliberated on the point as to whether a person in sanctuary would have the option of taking the decisive step when he found himself between two fires—between an officer without and the bailie's officer within, each holding a caption against him; also that other burning question as to the seeker of sanctuary who fell across the boundary with his head within and the rest of his body without. But the records of the Court of Session seem to be silent on these points.

In 1764 James Lindsay, Messenger, presented a petition to the Court of Session against James Purves, Writer to the Signet. The answers lodged by Purves state that his unhappy situation had obliged him to take sanctuary in the Abbey. He had been threatened with diligence and wanted a little time to settle with his creditors. In his petition Lindsay stated that he was employed to execute a caption against Purves on 19th July 1764. Accordingly he apprehended him and conveyed him to John's Coffee-House. From

there he sent a 'cady' to Thomas Cockburn, the agent of the creditor, asking for further instructions. The 'cady,' however, did not find Cockburn, and Lindsay let Purves go upon his word of honour that he would return to John's Coffee-House later in the day. But instead of returning, Purves took refuge in sanctuary. Lindsay thereupon insinuated that Purves was meditating flight from the country, and applied for a warrant to take him out of sanctuary. Answers having been allowed, Purves denied that any caption was executed against him, or that he was made prisoner. He admitted that, Lindsay having indicated that he wanted to speak with him in the coffee-house, he went there. Lindsay then informed him that he had instructions to execute a caption against him, but did not show the caption, nor did he show his blazon or touch him with his wand. Purves also admitted that he arranged to meet Cockburn in the coffee-house between three and four o'clock in the afternoon; 'but his nerve failing him, through the Terror he had conceived at the Thoughts of being thrown into Jail,' he judged it more proper to retire to the sanctuary to obtain time to deal with his creditors. He was not meditating flight, and had not even the most distant intention of leaving the country. How, then, could he be found guilty of any fraudulent escape out of the messenger's hands, seeing that he had never been made prisoner? It does not appear from the reports what view their lordships took of this little comedy of the coffee-house, or of the actings of the terror-stricken W.S. and the unsuspecting messenger.

Another Writer to the Signet figures in a sanctuary case about fifteen years later—the case of *Grant v. Donaldson*.¹ In this Robert Donaldson, W.S., is the creditor, and John Grant, Writer in Edinburgh, the debtor. Grant had retired to the Abbey, but neglected the formality of booking. On 7th May he was apprehended within the sanctuary on Donald-

¹ Morison's *Dict.*, vol. i. p. 5.

son's caption, and conveyed to jail. He soon raised sufficient money to effect his release, and was accordingly set free. Grant lost no time in presenting a complaint to the Court of Session, in which he asked the Court to censure Donaldson and the messenger, to find their proceedings illegal and oppressive, and to award him compensation. In the course of the evidence it transpired that 716 persons had been booked between 1741 and 1779, but Grant contended that the number of persons booked proved only that the bailies had been careful to exact their fees and enforce the regulations against the inhabitants. While the bailie concurred in the apprehension of Hamilton of Redhouse, he (Grant) was taken out of sanctuary without any order or concurrence of the bailie. 'No booking, no privilege' might have been laid down in 1733 by an act of the Bailie Court, but this act, Grant maintained, was unwarrantable. A regulation denying the privilege of sanctuary was beyond the bailie's powers. For that nothing less than an Act of the Legislature was required. Parliament alone could authorise the execution of personal diligence within the precincts of the sanctuary. But while the judgment of the Court was that the previous concurrence of the bailie was essential before a messenger could execute a caption within the precincts, they dismissed the complaint on the ground that Grant had remained in sanctuary unbooked for more than twenty-four hours and therefore had lost the privilege.

Francis Jeffrey's father was bailie when the case of *Grant v. Donaldson* was before the Court, and he was still bailie when, on 5th December 1786, John Bennet, Merchant in Dysart, 'presently a prisoner in the Tolbooth of Canongate,' presented a petition to the Court of Session for liberation from Canongate jail. Bennet had bought goods from Alexander Park and George Brown, merchants in Leith. He did so, it seems, with the view of converting them into cash for a smuggling adventure. But false reports, he stated, had

been industriously circulated. Park and Brown had been told he was about to depart the country and leave his creditors in the lurch. The bailie examined Bennet, and, as he would not give security for his remaining in Scotland, he was committed to the Abbey jail. Meantime, creditors had applied to the Lord Ordinary on the Bills for warrant to remove Bennet to Canongate jail, stating that they intended to bring him to trial as a fraudulent bankrupt, and that the Abbey jail was not sufficient to secure his person. Warrant was granted, and Bennet was removed to Canongate jail. Bennet's petition was considered by the Lords with answers for the creditors followed by duplies and replies in the prolix legal fashion of the time. The Lords, however, affirmed the Lord Ordinary's interlocutor. He had granted warrant to macers as messengers to take Bennet from the prison of the Abbey and to incarcerate him in the Tolbooth of Canongate, there to be detained 'until liberated in due course.' So the Dysart merchant with a thirst for a smuggling adventure had to serve out his incarceration; his time for liberation was not yet.

Two Richards were before the Bailie Court in 1809—one a Canongate merchant named Townley, and the other an Englishman with the Scots surname of Ogilvy. The latter was a booked resident in sanctuary, and, while there, had bought some 'linens' from Townley, and had therefore contracted a debt beyond the bailie's jurisdiction. Ogilvy granted Townley a bill of exchange for his purchases. The bill had to be protested for non-payment, whereupon Ogilvy was sued for payment before the bailie, who granted decree for payment with expenses, and ordered his imprisonment in the Abbey until the amount was paid. Ogilvy denied that the bailie had jurisdiction. He alleged that an action in 'the Bailie Court was only competent for necessaries' (defined as vivers). Apparently 'linens' were not reckoned as necessaries. Ogilvy also alleged that he was only a

cautioner for the debt, and that decree could not be pronounced by the bailie for expenses. The Court of Session, however, repelled all the defences, and the case became an authority for the law that a debtor, though booked, is amenable to the jurisdiction of the bailie for debts contracted both within and without the sanctuary.¹

A bill of exchange granted by the Hon. Mr. Boyes for a debt contracted by him while in sanctuary was also the subject of a decision of the Court of Session. The Court found that the bailie was entitled to grant warrant for Boyes' imprisonment in the Abbey jail until the bill was paid. Had Boyes been a peer he would have escaped imprisonment for the debt.²

XVI

Was a peer while resident in Holyrood Palace immune from legal approach by his creditors, or could diligence be done against his property within the Palace as effectually as against a plebeian debtor without the Palace? That in effect was what the Court of Session was called upon to decide in a keenly contested case which, begun in 1821, was carried to the House of Lords, who gave their decision on 22nd February 1826 in favour of the peer. The case is fully reported in Wilson and Shaw's *Appeal Cases*. A lady who from 1815 had occupied apartments in the Palace by virtue of a royal warrant (from George III.) married the defender (a peer) in 1817, who, with his wife, took up residence in the Palace. His lordship had apparently book-buying propensities, for he incurred a debt, amounting to £694, to William Laing, bookseller in Edinburgh, and for payment of this debt the bookseller endeavoured to attach the peer's effects in the Palace. It was, however, decided by the House of Lords that a poinding could not be executed of property within the Palace of Holyrood. Though the diligence pro-

¹ *Fac. Col.*, 24th February 1810.

² *Ibid.*, 24th February 1820.

ceeded from the Supreme Court of Scotland itself, a person having the right to dwell in the Palace could not be disturbed there by a poinding. It was not seemly, remarked Lord Gifford, 'that the royal palace, or the royal presence, should be exposed to be made a scene of disturbance or confusion.'

The same peer and his countess were defenders in a later litigation—an action raised by the trustees of William Bruce, upholsterer in Edinburgh, for delivery of certain furniture and books which Bruce had hired to them. The proceedings were resisted, and interdict was granted to prevent the removal of the goods from the Palace. Halkerton's cogent commentary on the peer's attitude is: 'It would be strange, if a valuable bird should fly to the palace, or if a quadruped should accidentally get within the palace, such animal could be withheld from the owner by any person residing within the palace who happened to catch or secure the animal. The same principle must apply to any other article unjustly withheld from the true owner.'

XVII

The Sanctuary of Holyrood was the home of exiled princes of the Bourbon line—of one, indeed, who became King of France¹ as Charles x. The Comte d'Artois, as he then was, lived in Holyrood Palace itself, and was there at the invitation of the British Government, the fact that the Palace and precincts formed a sanctuary for debtors being of paramount importance to one so poor as was the representative of French royalty. The Comte arrived with his suite on 6th January 1796, three years after his brother Louis xvi. was guillotined. His circumstances were so straitened that during his first stay at Holyrood (1796-1799) he could afford only one carriage, and, as he deemed it prudent not to leave the sanctuary

¹ See A. F. Steuart's *Exiled Bourbons in Scotland*.

during the week, he used the carriage only on Sundays. His son, the Duc d'Angoulême, not being in fear of creditors, moved about more freely. While residing in the Palace the Comte attended an election of representative peers of Scotland, a function in which the Bailie of Holyrood officiates. His creditors having been arranged with, the Comte quitted Holyrood in 1799. After he lost his throne Charles x. took up residence again in Holyrood, hoping to end his days in a place to which he was much attached. But political complications made it inexpedient for him to remain, and he left Holyrood finally in 1832.

XVIII

When Lockhart, the son-in-law and biographer of Scott, wrote of gentlemen who found it convenient to go to Holyrood 'to take advantage of the sanctuary still afforded by the royalty of the soil,' he little thought that Scott himself would ever dream of retiring there. Scott, it is true, never became an inmate of the sanctuary, but in 1827, in the midst of great financial perplexities, he had thoughts of taking refuge in Holyrood. On 1st November of that year he writes in his *Journal*: 'I suppose that I, the Chronicler of the Canongate, will have to take up my residence in the Sanctuary for a week or so, unless I prefer the more airy residence of the Calton jail, or a trip to the Isle of Man. . . . It is to no purpose being angry at Ehud¹ or Ahab, or whatever name he delights in. He is seeking his own, and thinks by these harsh measures to render his road to it more speedy.' Next day (2nd November) is glorious, yet Scott has little will to enjoy it. He sits 'ruminating upon the difference and comparative merits of the Isle of Man and of the Abbey.' Small choice he finds between them. 'Were a twelvemonth over, I should perhaps smile at what makes me now very serious.' He slept ill that night and was a little shaken with the result

¹ The Jewish broker who was threatening diligence against him.

of next day's post. On 3rd November he finds himself not able to go out. 'I can imagine,' he writes, 'no alternative but either retreat to the Sanctuary or to the Isle of Man. Both shocking enough. But in Edinburgh I am always near the scene of action, free from uncertainty, and near my poor daughter; so I think I will prefer it, and thus I rest in unrest. But I will not let this unman me. Our hope, heavenly and earthly, is poorly anchored, if the cable parts upon the strain.' But the clouds lifted a little, and the heroic figure of Scott was never seen in sanctuary.

Though the author of the Waverley Novels was never 'booked' in the Abbey, the author who translated the pseudo-Waverley novel of *Walladmor* (which appeared in German as a translation from the English original of Sir Walter Scott) was certainly there. This was none other than Thomas de Quincey,¹ whose own work is a many-storied literary treasure-house. De Quincey's astonishing daftness in matters of money first brought him to the sanctuary in 1835, where he was 'booked' by the bailie; and he was there, off and on, until well on in 1840. His name appears frequently in the books of the Abbey Court. While in sanctuary De Quincey produced some fine literary work. There, too, he found friends, notably Major Miller, of the Horse Guards Blue, and his daughters. The Millers were fascinated by De Quincey, and spent many pleasant hours in his company. Major Miller is said to have visited him nearly every night, and the talks were 'intellectual, elevated, ranging over many subjects.' De Quincey sallied forth on Sundays like other sanctuary inmates, though he sometimes forgot to return before the expiry of the twenty-four hours, with disastrous consequences.

No Act of Parliament has ever repealed the privilege of sanctuary within the girth of Holyrood Abbey. But no one

¹ Chap. xxi. of Japp's *Life of De Quincey* (1890) is entitled 'In Holyrood.'

now troubles the bailie to book him. The need for sanctuary gradually lessened until in 1880 imprisonment for debt was in most cases abolished. But retreat to the sanctuary remained in certain cases one of the three essentials for constituting notour bankruptcy, and it was only when the Bankruptcy (Scotland) Act, 1913, was passed that retiral to the sanctuary dropped out as one of these essentials. Thus the privilege of sanctuary left its impress on the law of Scotland until the last decade—surely a singular survival from far-back times.

HUGH HANNAH.

SCULPTURED STONES OF THE 'ROYAL MILE': II.¹

THE catalogue of 'The Sculptured Stones of the "Royal Mile,"' previous to 1745, is continued in this article from the Tron Church down to the foot of the High Street at the Nether Bow. The numbers run on from the last entry on p. 100 of vol. xiv. of *The Book of the Old Edinburgh Club*. The triple classification of the stones: '(1) those that retain their original positions in the buildings to which they belong; (2) those whose existence has been ascertained, but which have been moved to some later structure, or other locality; and (3) stones, described or referred to in chronicles of the City, but of which trace has been lost,' has been retained. For convenience of reference, the list of 'Abbreviations' is repeated:—

ABBREVIATIONS

O.E.C.	.	Book of the Old Edinburgh Club.
S.A.S.P.	.	Proceedings of Society of Antiquaries of Scotland.
M.O.E.	.	Wilson's Memorials of Edinburgh in the Olden Time. (Orig. ed., 1848.)
T.E.	.	Chambers's Traditions of Edinburgh. (1st ed., 1825.)
O.E.	.	James Drummond's Old Edinburgh.
O.N.E.	.	Grant's Old and New Edinburgh.
O.H.E.	.	Bruce Home's Old Houses in Edinburgh.

¹ The first article on the Sculptured Stones of the 'Royal Mile' was printed in vol. xiv. of *The Book of the Old Edinburgh Club*, 1925. Previous articles from the same pen, on the Edinburgh Sculptured Stones, appeared in vols. i., ii., iii., and iv. of the Club's Publications.

LOWER HIGH STREET: SOUTH SIDE

103. Niddry Street. Niddry Street has taken the place of the old access to the Cowgate, Niddry's Wynd, which, however, was a little to the west of the present street, and occupied, approximately, the line of the buildings on the east side of South Bridge, with Tavernour's Wynd or Close, to the west, on the line of that thoroughfare formed in 1785 (*O.E.C.*, vol. xii., p. 78). Niddry's Wynd is said to have been 'connected with Robert Niddry, magistrate in 1437,' and Dr. Butler, in his book on the Tron Church, says that the Wauchopes of Niddry had their town mansion in it; but 'no authority is quoted for either statement.' It is more authentically associated with 'Nicol Udward, Provost of Edinburgh in 1591,' who erected 'a large and very handsome quadrangular building' in which King James VI. and his Queen took up residence in that year; and it is described as 'one of the most magnificent private residences in the Old Town.' This house, known later as 'Lockhart's Lodging, in the middle of Niddry's Wynd,' according to the testimony, from his own eyes, of Lauder of Fountainhall (a descendant, in the fourth generation, of the builder, Provost Udward or Edward), had, on a CHIMNEY LINTEL (Class 3), Edward's name and arms, 'with this anagram on his name in French' (by Latinising the words to 'Nicolaus Edwardus'):

VA D'UN VOL À CHRIST

or, as Lauder translates it, 'Goe with one flight to Christ.' Lockhart's Court was named after George Lockhart of Carnwath, who lived here 1753-61. The opposite side of the court was occupied by the family of Bruce of Kinnaird, the Abyssinian traveller. (*O.N.E.*, vol. i., p. 247.)

104. Do. On the occasion when King James sought shelter from the violence of Francis, Earl of Bothwell, in Edward's Lodging (from whence the Earl of Huntly set forth on the ominous expedition that ended in the slaughter of the 'Bonnie Earl of Moray'), the Chancellor, Maitland, Bothwell's deadly enemy, 'withdrew to Alexander Clark's house at the same wynd-

OF THE 'ROYAL MILE'

head.' Clark was Alexander Clark of Balbirnie, Provost in 1581. The LINTEL (Class 2) of his door bore the words:

THE · LORD · IS · MY · PROTECTOR · ALEXANDRUS CLARK

It found a place for a time in the walls of Walter Ross's mansion of St. Bernard's, Stockbridge, and was afterwards removed to Abbotsford.

'In the same wynd, a little further down on the opposite (east) side, stood St. Mary's Chapel, an ancient religious foundation, dedicated to the Virgin Mary.' It was founded in 1504 by Elizabeth, Countess of Ross, the widow of John, Lord of the Isles, who was outlawed and forfeited by James III., for treasonable correspondence with Edward IV. of England (*M.O.E.*, vol. ii., p. 40). It was acquired in 1618 by the Incorporation of Wrights and Masons, and in the form of an early eighteenth-century building became the hall of Mary's Chapel until its removal to Bell's Wynd. Opposite Lockhart Court, James Erskine, Lord Grange, brother of Lord Mar of the '15, had a residence, and it was from her lodging in Niddry Wynd that his wife, Rachel Chiesley, daughter of the assassin of Lord President Lockhart, was, on 22nd January 1732, kidnapped by Lovat's Highlanders into long captivity. At the foot of the street, where it abuts on the Cowgate, east side, is St. Cecilia Hall, the scene of classical concerts during a great part of the eighteenth century.

105. Cant's Close. Below Niddry's Wynd came one of the several Kinloch's Closes (also known as Blacklock's and Davidson's Close), which at the upper end was blocked from the High Street by Mary's Chapel. Its name came from Sir Francis Kinloch of Gilmerton, who lived in it towards the end of the seventeenth century. It was in the occupation of a Richard Blacklock as early as 1529. Next, to the east, came the still existing Dickson's Close, 'opposite the great stone land called the Bishop's Land,' and at different times known as Bruce's, Haliburton's, and Aikman's Close. David Scott, the artist, lived in it. Following it to the eastward was, and is, Cant's Close, which has the rare distinction among Edinburgh alleys of having 'no alias.' It contained the town-house of the Cants of Priestfield, or

Prestonfield, and of St. Giles' Grange; and was known as Alexander Cant's Close in 1514. 'Over the entry to a court in a modern house at the bottom of the close,' R. Chambers, in his MS. notes, records a LINTEL (Class 3) with the inscription :

AL · MY · TRIST · IS · IN · YE · LORD,

a shield with a device being inserted between the letters of 'is.' He notes that it was then (three-quarters of a century ago) 'in excellent preservation, and must have been removed from an earlier house'; and that the same inscription was 'on a house in the Cowgate—the fourth west of the High School Wynd and the second east from Robertson Close.' This latter LINTEL is still in place, and the central device appears to be a barrel or tun.

106. Do. A stone with the arms of John Cant and his wife, Agnes Creich, with the date 1613, is preserved over the archway leading to the courtyard at his old seat of 'St. Giles' Grange.' It is figured at page 26 of Mrs. Stewart Smith's *The Grange of St. Giles*. Wilson says¹ that the initials of the old citizen and his spouse were to be seen on two SHIELDS (Class 3) under the crow-stepped gables of a tall land 'in Cant's Close.' The fore-land at the head of the close was the town-lodging of the Provost of the Collegiate Church of Crichton.

107. Strichen's Close. It appears to have taken its present name from Alexander Fraser, Lord Strichen, who married Lady Ann Campbell, granddaughter of Lord Advocate Sir George Mackenzie of Rosehaugh ('Bluidie Mackenzie'), who resided here, and after whom it was at one time called Rosehaugh's Close. An earlier occupant was Andrew Durie, Abbot of Melrose in 1526 (died 1558), and after whom it bore the name of Melrose's, or the Abbot of Melrose's Close. On a quadrilateral PANEL (Class 2), set into a modern or modernised house in the close, is a shield with two coats of arms impaled, and the date and initials

W.M.

16 00

M.W.

¹ *Reminiscences of Old Edinburgh*, vol. ii., p. 298.

The stone is figured in Drummond (*O.E.*, plate xxxiii.). The arms on the dexter side show a chevron between two mullets in chief and a crescent in base. The impaled coat is, on a bend, three mullets, with a rosette in chief and base. The assignment of the shield to the Halyburtons (Drummond) suits neither the arms nor the initials.

108. Do. 'A greatly defaced carving on the LINTEL (Class 3) of the doorway appears to have been a representation of the Virgin and Child,' and 'accords with the device repeated on the capitular seals of the Abbey' of Melrose (*M.O.E.*, ed. 1891, vol. ii., p. 56).

109. Do. At the north-west angle of the Abbot's lodging, the gable is surmounted by a curiously carved FINIAL (Class 3) combining the rose and fleur-de-lys; while 'a grotesque gargoyle of antique form serves as a gutter to the roof' (*M.O.E.*, vol. ii., p. 41). These ecclesiastical remnants are no longer to be seen.

110. Blackfriars' Street. Blackfriars' Wynd, the 'Preaching Friars' Vennel' of the Protocols, the 'Vicus Dominicorum' of Gordon of Rothiemay, was the road that led to the Monastery of the Black or Dominican Friars on the south side of the Cowgate, and was at one time specially rich in ancient houses and their sculptured relics, including those attached to the Earl of Morton's house, on the west side of the way, and to 'Cardinal Beaton's House' (now, like the adjoining 'Old Mint,' wiped out of existence), at or near the foot of the wynd. The tenement fronting High Street between Strichen's Close and the wynd had as one of its eighteenth-century tenants Lady Lovat, the widow of the notorious Simon, Lord Lovat. The site was, at an earlier date, owned and occupied by Walter Chapman, the first Scottish printer, who had licence in 1510 to have 'staris toward the Hie Strette and calsay, with back staris and turngres in the Frer Wynd.' His printing premises were in the Cowgate at the foot of the wynd. (*M.O.E.*, vol. ii., p. 42.)

On the west side, near the head of the wynd, says Wilson (*M.O.E.*, vol. ii., p. 43), in a building that was later the 'Auld

Cameronian Meeting-house,' was a LINTEL (Class 2), which he figures, with the inscription :

IN · THE · LORD · IS · MY · HOPE
1564.

In the centre was a shield bearing a cross, with the letters 'I.S.' This stone was broken on the demolition of the building, and a mere fragment of it, containing the words 'My Hope' and date, is preserved in the 'Regent Morton's House.'

111. Do. The sole remaining antiquity of the Blackfriars' Wynd still on the ground is the Earl of Morton's House, one-third of the way down, on the west side. It has been sadly battered by time and change. Above the moulded doorway is an OGEE ARCH or TYMPANUM, much weather-worn, and resembling in certain of its features that which belonged to the Gordon House on the Castle Hill. It shows a blank shield, with what appear to be Unicorn supporters.
112. Do. In a room on the ground floor are, along with the mutilated Lintel (No. 110), a spacious ancient FIREPLACE (Class 2) partly restored, and a large Gothic NICHE, enclosing a defaced shield surmounted by a coronet.

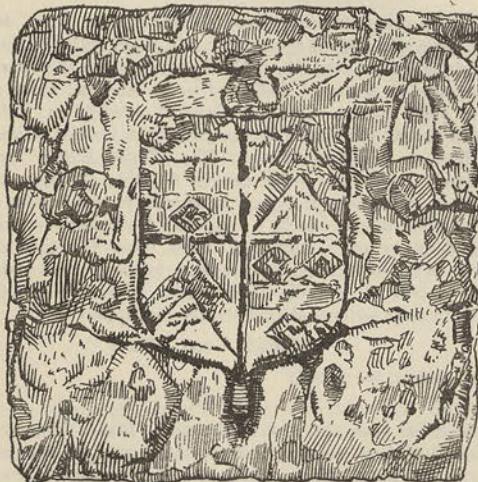
113. Do. Wilson notes a stone, bearing an early date, taken from a house on the east side, near the foot of the wynd. The stone, when he wrote, was in possession of Mr. James Gibson Craig. It was triangular in shape and had apparently been a DORMER (Class 3). It contained a date, partly in Arabic and partly in Roman numerals, thus :

15VI

and was surmounted by 'an unusually large crescent.' Taken along with the suspiciously early date, this strange combination almost suggests that what was held to signify the year '1506' was a conjunction of the initials of spouses, so common on Old Edinburgh dormers and lintels, and should be read 'IS. VI.'

114. Do. The building on the east side of the wyndhead is described by Wilson (*M.O.E.*, vol. ii., p. 47) as forming in his day 'the

sole survivor of all the long and unbroken range of buildings between St. Giles's Church and the Netherbow.' 'The main timbers and gables of its oaken front were richly carved,' but these venerable sixteenth-century features had made way for a commonplace timber front. An outside stair led to the first floor, where the ancient stone turnpike remained in its original



Armorial Stone from 'Cardinal Beaton's House.' See p. 107.

state, the LINTEL (Class 3) being decorated with the abbreviated motto, in fine ornamental Gothic characters :

DEO · HONOR · ET · GLIA.

The building has entirely disappeared. The original house has been described as the residence of John Preston, Lord Fenton-barns, President of the College of Justice; and is reported as among the buildings destroyed in Hertford's invasion of 1544, and again in the siege of 1572.

115. Do. A familiar motto, found in Stevenlaw's Close (No. 53), and almost duplicated in the adjoining Todrick's Close, was inscribed on the LINTEL (Class 3) of an old building, 'deserted and hastening to decay,' on the west side of Blackfriars' Wynd (Wilson). It ran :

THE FEIR OF THE LORD IS THE BEGYNNING OF AL VISDOME.

116. Do. The same authority records (*M.O.E.*, vol. ii., p. 45) that 'a large and ancient tenement' still stood entire in the midst of ruins, on the east side of the wynd, of which the upper story was used as a chapel, dedicated to St. Andrew, which formed the chief Roman Catholic place of worship in Edinburgh until it was abandoned in the year 1813 for the ecclesiastical edifice at Broughton Street. The 'Royal Exiles' from the French Revolution—the Comte d'Artois (Charles x.) and others—came from Holyrood to worship in this humble chapel. The public access was by a projecting stone staircase, and over the doorway was a sculptured LINTEL (Class 2), with a shield of arms in the centre, bearing three stars in chief, with a plain cross, and over it two swords, saltier ways. On either side of this is cut, in large antique characters, the inscription

MISERERE · MEI · DEVS

and, below, the initials

G. G.

which has been also read as the date '1616.' The stone thus described, from what can still be made out of the weather-worn arms and inscription, is identical with a massive LINTEL, built into the terrace wall on the north side of the Greyfriars' Churchyard. Only the word 'Miserere' can now be read, and the arms on the shield are also in course of obliteration.

- 117 and 118. Do. Another of the sculptured relics of the domestic architecture of Blackfriars' Wynd fortunately remains with us, although detached from its setting. This is the fine DOUBLE LINTEL (Class 2) preserved in Lady Stair's House, described by Wilson (who illustrates it) as 'exhibiting the richest group of mottoes to be found on any building in Edinburgh,' and as forming 'the decorations on the architrave of a decayed old

stone land . . . near the head of the wynd,' on the east side. R. Chambers notes that the upper part of the house was modern. Above the principal doorway is inscribed

IN · TE · DOMINE · SPERAVI

and below this, in large characters and in relief,

PAX · INTRANTIBUS.

SALUS · EXEUNTIBUS.

To the left is a shield with a coat of arms having above it :

1619

E. K.

and below a hand pointing to the principal inscription.

The smaller doorway, or window, was surmounted by a moulded panel with the words :

BLISSIT · BE
GOD · IN · ALL
HIS GIFTIS

and to the left of it a similar panel bearing :

NISI
DOMINUS
FRUSTRA

119. Do. 'Cardinal Beaton's House,' also called the 'Archiepiscopal Palace,' stood at the foot of Blackfriars' Wynd, east side, facing the Cowgate and extending to the foot of Todrick's Close. It enclosed a small quadrangle, arched with stone and resting on solid piers, the entrance to which was by an arched passage from the wynd. Over the archway there remained until a few years before Wilson wrote (*M.O.E.*, vol. ii., p. 98) a large TABLET or PANEL (Class 2) 'blazoned with the Beaton arms, supported by two angels in Dalmatic habits, and surmounted by a crest sufficiently defaced to enable antiquaries to discover in it either a mitre or a Cardinal's hat,' the cognizance either of James Beaton, Lord High Treasurer in 1505, and Archbishop of Glasgow, 1509, or of his more celebrated nephew, David Beaton. The Archbishop is believed to have been the builder of the house, in which a number of notable historical events

took place, including the beginning of the famous 'CLEANSE THE CAUSEY' episode in 1520; its association with the Cardinal is 'exceedingly probable,' but he receives no mention in the titles. The fate of Cardinal Beaton's House followed that of its neighbour, the Old Mint; it was pulled down under the Improvement Scheme of 1867. Wilson tantalisingly remarks that 'various carved stones will be observed, built up among the materials of the rubble work' in the back wall of the court; but of these no note appears to have been taken. This fine Armorial Tablet is now in the National Museum of Antiquities (KP 95).

120. **Todrick's Close.** Todrick's Close, called after Archibald Todrig or Todrick, a baker and burgess, who was a bailie in the fifteenth century (*O.E.C.*, vol. xii., p. 82), was that immediately east of Blackfriars' Wynd, with which it communicated. It has a special place in history, because when Queen Mary and her train were coming up the wynd, after visiting Darnley at Kirk o' Field, on 9th February 1567, the myrmidons of James Hepburn, Earl of Bothwell, were stealing down this narrow alley, with the gunpowder and other materials for accomplishing the work of assassination. It is called 'Todrig's Wynd' in Gordon's map of 1647. A little way down it, on the east side, presumably on a LINTEL (Class 3), appeared, 'in large Roman letters over an ancient doorway,' the words :

THE FEIR OF THE LORD IS THE BEGENING OF VISDOME.

121. **Do.** Wilson (*M.O.E.*, vol. ii., p. 48) was also told that another inscription existed over the entrance to Todrick's Wynd, being only covered up with plaster by a former tenant to save the expense of a signboard. This seems to be the same inscription which is stated to have been over a main entrance of a house in Todrick's Close; it was a LINTEL (Class 3), with, 'neatly cut in Roman letters,'

BE · MERCYFUL · TO · ME · O · GOD · 1574.

122. **South Gray's Close.** This close was also known as the Mint Close, and by other names, including Skinner's Close. It is mentioned in 1512 as having belonged to 'umquhile John Gray, burges,'

its presumed name-father. It was formerly part of the possessions of the Grey Friars, which may suggest another origin of the name. It contained, among other noteworthy houses, the mansion of the Earls of Selkirk, which had also been occupied by the Earls of Stirling and of Hyndford, the latter of whom imparted its name to the adjoining, and connected, Hyndford's Close. At the end of the eighteenth century it had as one of its tenants Dr. Rutherford, the maternal grandfather of Sir Walter Scott, and was a haunt of the author of *Tales of a Grandfather* in his early years, especially when he was a pupil in the High School, not far from the foot of the close. Over the entrance to the close is a modern Tablet, recording that in the house were born Henry Erskine, the brilliant wit and Lord Advocate, and his not less eminent younger brother Thomas, Lord Erskine, Lord Chancellor of England. Its southern part was usually known as Mint Close, in which was a lofty tenement enclosing Elphingstone Court, built by Sir James Elphingstone in 1679. Patrick Wedderburn, Lord Chesterhall, dwelt in it, and in it was born another Lord Chancellor, his son, Lord Loughborough.

At the foot of the close was a building known as the 'Cunzie House,' which was the home of the Scottish Mint, after it had removed from the precincts of Holyrood, and, following the siege of 1573, from the Castle. The first Cunzie House in the Cowgate was built in 1559, under the direction of 'William M'Dowgale, Maister of Werk,' and 'probably perished during the siege of 1573' (*O.N.E.*, vol. i., p. 267). The chief external feature was 'a massive tower of finely polished ashlar projecting into the Cowgate.' A 'nobly and heavily moulded doorway' bore on its LINTEL (Class 3) the legend in Roman letters :

BEE MERCYFUL TO ME, O GOD

and the date 1574.

The buildings surrounded a quadrangle, and had, says Wilson, two large and handsome windows above the archway leading into Todrick's Wynd. In the interior were 'some portions of a very fine oak ceiling,' wrought in 'Gothic panelling, and retaining traces of heraldic blazonry.' The Mint was demolished in 1867.

123. Do. The eastern wing of the Mint was a century later in date.
It was decorated by an ornamental SUNDIAL having the date

1674

124. Do. Over the main doorway of this wing, on the first floor, approached by an outside stair, was a LINTEL (Class 3), with the letters

C.R.II

surmounted by a Crown and

GOD SAVE THE KING. 1675

125. Do. Near the foot of South Gray's Close, the site of which is partly covered by St. Patrick's Roman Catholic (formerly St. Paul's Episcopal) Church, and on the east side, is a moulded doorway with a LINTEL (Class 1) bearing the date

1672

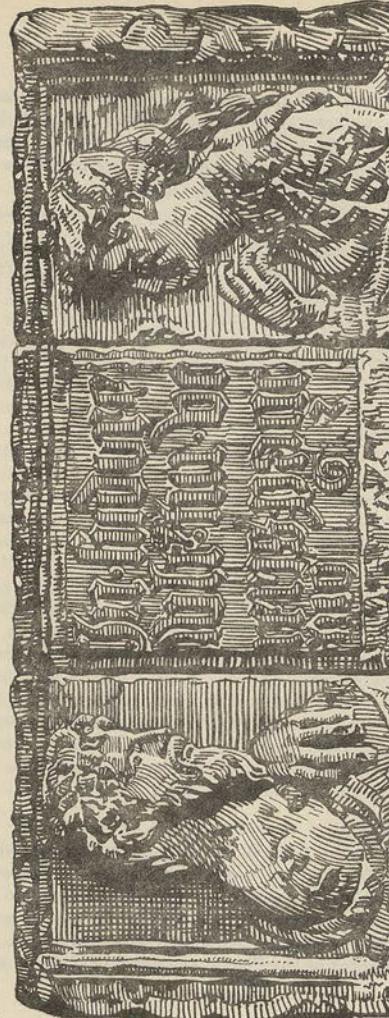
The Mint Court was at different times occupied by the Earl of Argyll who was executed in 1685; by the celebrated Dr. Cullen; by Lord Hailes; by Lord Belhaven; by the Countess of Stair; by Lord Haining; and by Douglas of Cavers.

126. South Foulis Close. Wilson takes note (*M.O.E.*, vol. ii., p. 49) in South Foulis Close of a large mansion having on the LINTEL (Class 3) over its main doorway the date

1539

'with two coats of arms impaled on one large shield in the centre, but all now greatly defaced.'

127. Fountain Close. From the front of an eighteenth-century building which replaced a tall and narrow tenement at the Netherbow, nearly opposite John Knox's House, was taken a piece of ancient sculpture (now in the National Museum of Antiquities, KG 41), which has been the subject of controversy as to its original site, as well as its date, meaning, and history. It is a large oblong TABLET (Class 2), in three parts, on which are sculptured, in high relief, a male and a female head, identified by Alexander Gordon, who first notices the relic in his *Itinerarium*



The 'Roman Heads,' formerly at Netherbow. See p. 110.

Septentrionale (1726), on the authority of 'a very learned and illustrious antiquary,' as those of the Emperor Septimius Severus and of his wife Julia. Between the heads—the identification of which has since been questioned and indeed exploded—is the inscription in Old English characters :

IN SUDORE VULTUS. TUI VECERIS, PANE TUO

followed by what Wilson gives as 'G3,' but which has also been read as '63,' and taken as part of the date 1563. (The year has also been read as 1603 and 1621.) In *M.O.E.*, vol. ii., p. 50, it is pointed out that the quotation is 'from the Latin Bible, of the curse pronounced on our first parents after the fall ; that the inscription exactly corresponds with the reading of Gutenberg's Bible, first edition, printed in Mentz in 1455 ; and that the tenement is thus associated in some degree with the introduction of the first printed Bible into Scotland.' This Bible was issued, in 1574, from the premises of Thomas Bassendyne, which, it has been held, were on the west side of Fountain Close, and are described as a tenement of land, 'commonly called the Fountain, a little above the Nether Bow, on the south side of the High Street of Edinburgh,' which tenement, formerly called the Backland, had belonged to Nicol and Alexander Bassendyne, lawful sons of Michael Bassendyne, lying in the close called Bassendyne's Close. (There was a Bassendyne's Close on the other side of the street.) Maitland, who thought the heads were those of Adam and Eve, was first responsible for the statement (repeated by Stark in 1820) that in his time the stone had been removed from a house on the opposite side of the street where it had a place over a baker's shop. That the text was one deemed appropriate to the baker's calling is shown by its repetition, in English, in the Baxters' Incorporation Stone now at the Dean Bridge, and elsewhere.

128. Tweeddale Court. Below Fountain Close comes Tweeddale Court, 'so called from the town mansion of the family of Hay, Marquis of Tweeddale' ; the first of whom who lived here was John, second Earl (and first Marquis), to whom the house and garden were bequeathed by 'the famous Lady Yester.' 'An older name was John Laing's Close, derived from Mr. John Laing, Keeper of the Signet, successor to the late Neil Laing,

Writer, builder of the great tenement acquired later by Sir William Bruce of Balcaskie, architect of Holyrood Palace and first designer of the North Bridge.' The house contains some remnants of the first town wall. In the close are a fine old iron gateway and a Sedan-chair shelter, while the entrance and staircase on the west side are associated with the robbery of the British Linen Bank and the murder of Begbie, the bank porter, in 1806. Above the moulded doorway of this dark entry is a LINTEL (Class 1) which has apparently escaped the close scrutiny of previous investigators. It bears an inscription that is more than half mutilated and undecipherable. In the left-hand corner is a device that may be a 'merchant's mark.' Following this are the letters

R. H. I. S

The 'H' may suggest that it stands for the name of a member of the Hay family, who so long occupied the close.

129. World's End Close. Next to it is World's End Close, 'so named from its position, almost at the very end of the High Street. It was formerly Swift's Close,' John Swift owning a fore-land house in it in 1595. In the house of a barber and wigmaker in World's End Close was born in 1732 William Falconer, the poet of *The Shipwreck*. At one time it was known as Stanfield Close, taken from Sir James Stanfield. He was owner of Amisfield in East Lothian, and his murder in 1687, and the subsequent trial and execution of his son Philip, after undergoing the 'ordeal of touch'—the last in Scotland—are well known in the history of Scottish criminal law. 'On the LINTEL' (Class 3) 'of an old land at the foot of the close' (*M.O.E.*, vol. ii., p. 55) there is a shield of arms, now partly defaced, and this variation of the common motto :

PRAIZE · THE · LORD · FOR · AL · HIS · GIFTIS. M.S.

It is no longer discoverable on the site.

130. Do. 'Over the doorway of a modern land is a finely carved piece of open tracery, apparently the top of a very rich Gothic NICHE' (Class 2) 'similar to those in Blythe's Close and elsewhere.' It is still in place.

LOWER HIGH STREET: NORTH SIDE

131. Halkerston's Wynd was 'an ancient vennel or throughgang, whose lower exit was by the New Port, a postern-gate which guarded the Dam-head at the east end of the Nor' Loch' (*O.H.E.*, vol. i.). On the east side of this alley (now removed), 'which commemorates the death of David Halkerstoun of Halkerstoun, while bravely defending this passage against the English in 1544,' stood a house whose LINTEL (Class 3) bore the sacred monogram

I h S

followed by a 'cross fleury,' and the letter 'D,' surmounted by a coronet. It is figured by Wilson, in *M.O.E.*, vol. i., p. 118, who says that the whole style and character of this doorway 'indicated a date long anterior to the Reformation,' and was set in a later timber-fronted land (also disappeared), which had 'a good deal of carving along the gables, and an ornamental stone staircase projecting beyond, altogether indicating the remains of a magnificent and costly mansion of the olden time.' Wilson, without giving his evidence, would attribute the name to John Halkerston, Master of the fabric of Trinity College Church. Immediately to the west of it, on the site of what is now North Bridge, was the 'Cap and Feather Close' (so called from the Cap and Feather tavern, demolished 1763), the birthplace of Robert Fergusson.

132. Do. LINTEL (Class 3) of an adjoining doorway, in a more modern building, bore the inscription :

BLISSIT · BE · GOD · FOR · AL · HIS · GIFTIS. · RD · D · 1609
(*M.O.E.*, vol. ii., p. 30).

133. Kinloch's Close. LINTEL (Class 3). 'Over the main entrance' of a 'very handsome and substantial old stone land, with large and neatly moulded windows, and abounding with curious irregular projections, adapting it to its straitened site,' which was standing until within four years of the date (1848) of the appearance of the first edition of *M.O.E.*, vol. ii., p. 31, was 'a finely carved LINTEL,

having the Williamson arms boldly cut in high relief, with the initials I.W., accompanied by the singular device of the Cross of Passion springing from the centre of a saltire,' and with the inscription and date in Roman letters :

FEIR · GOD · IN · LUIF. 1595.

The Williamson arms are figured in *O.E.C.*, vol. i., p. 101 (Dean Group), and are described as 'a saltire between a boar's head erased in chief, and three mullets in flank and base.' In R. Chambers's MS. notes, where the lintel is said to be above 'the first turnpike stair on the right hand' of the close, there is a drawing of the arms, showing the boar's head *in base*, and the three mullets in chief and flank. Kinloch's Close, not to be confused with other closes of the name in the High Street and Canongate, was interposed between Halkerston's Wynd and Carrubber's Close, and at the head of it was the picturesque timber-fronted building, with forestair to the High Street, and only demolished in 1898, in which, 'at the sign of the Mercury opposite Niddry Wynd,' Allan Ramsay conducted his wig-maker's business and published his books up to 1726.

134. Do. In the outer office of the High Street branch of the Commercial Bank, which stands near the site, there are, set into the wall, a PANEL (Class 2), with a graceful classical design of vases and flower-wreaths, and alongside of this two smaller Plaques containing charmingly-cut thistles. These seem to be the only relics left of Allan Ramsay's House.

135. Carrubber's Close. (Bishop's Close.) Adjoining Kinloch's Close to the east was Carrubber's Close—'the retreat (in Paul's Chapel) of the faithful remnant of the Jacobites of 1688'—supposed to derive its name from 'William de Carabris, a bailie in 1454' (Grant); and next to it, or incorporated with it and with North Gray's Close still farther east, was Bishop's Close, containing the Bishop's Land, which, according to Wilson, was occupied by Archbishop Spottiswoode, of St. Andrews. Mr. Boog Watson, however, gives reasons (*O.E.C.*, vol. xii., p. 42) for assigning its designation to Thomas Sydserf, Bishop of Orkney and of Galloway, who, the protocols show, inherited

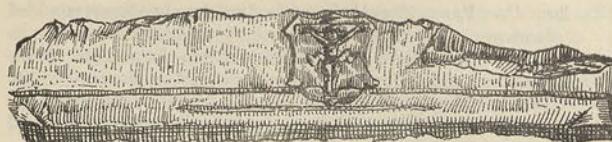
the property and rebuilt the house. The ground floor of the episcopal residence was formed, says Wilson (*M.O.E.*, vol. ii., p. 33), 'of a deeply arched piazza supported by massive stone piers,' and over the main entrance a carved LINTEL (Class 3) bore the inscription :

BLISSIT · BE · YE · LORD · FOR · ALL · HIS · GIFTIS. 1578
'with a shield impaled with two coats of arms,' and the initials

V. N. H. M.

which it seems impossible to identify with either of the bishops named. A modern stone, inserted into a building on the east side of Carrubber's Close, bears a mitre, the name of Archbishop Spottiswoode, and the dates 1578 and 1868, the latter that of the latest rebuilding. Bishops of Dunkeld and of Glasgow seem at different times to have owned the mansion. But the initials appear to accord more with the Nisbets of Dirleton, after whom Bishop's Close was at one time called. Edward, son of William Nisbet, was admitted a burgess and guild-brother in 1596, and owned a back-land in the close. North Gray's Close contains, on its west side, two old and combined moulded doorways, now covered with whitewash.

136. Do. In his drawing of Carrubber's Close (*O.E.*, pl. xxv.) Drummond shows, on the west side, an ogee DOORWAY (Class 3) surmounted by a ball and having on either side a shield bearing an incised Latin cross.
137. North Gray's Close. Wilson (*M.O.E.*, vol. ii., p. 34) furnishes an illustration of 'a very curious and beautiful Gothic CORBEL, carved in the form of a grotesque head, with leaves issuing from the mouth, found on the east side of North Gray's Close about two years since (1846), in excavating for a tan pit.' It had evidently belonged to some pre-Reformation ecclesiastical building, although there is none associated with the site. It is stated to be among the carved stones 'preserved in the nursery of Messrs. Eagle and Henderson, Leith Walk.'
138. Bailie Fyfe's Close. Next below North Gray's Close comes Morrison's Close and then Bailie Fyfe's Close, which, with



Lintel from High Street, with 'Crucifixion.' See p. 134.

Paisley Close, leads into a court behind. Morrison's Close takes its name from John Moriesome, merchant, whose house is described in the protocols as having the town wall lying to the north; while Fyfe's Close perpetuates that of Gilbert Fyfe, merchant, who was bailie in 1677, 1680, and 1686. On a large PANEL (Class 2) formerly over a third, Chambers says a fourth, story of the street front of a 'stately tenement,' whose appearance is well shown in *O.H.E.*, vol. ii., was a shield with the arms of the Trotters of Mortonhall—two mullets in chief and a crescent in base—with the initials and date

I. T.
16 12
I. M.

The tablet is preserved, broken into three parts, in the collection in Lady Stair's House. A former name of the close was Trotter's Close, from a tenement owned by the family of Trotter of Mortonhall (*O.E.C.*, vol. xii., p. 44). John Trotter was bailie in 1637.



Lintel from Bailie Fyfe's Close. See above.

139. Do. On a PANEL (Class 1) formerly above two handsome moulded doorways, and now set, on the same site, over the entrance to the close, is a shield (illustrated by Wilson, Drummond, Bruce Home, and others), with what are regarded as the arms of the Yorkshire family of Parley—a chevron between three mullets—impaled with the arms of Hay, viz., three escutcheons, two and one, and the initials

I.P. M.H.

The records do not throw light on this interesting stone, and the assignment to the Parleys may be only a conjecture suggested by the resemblance of the arms and the initial P. A better guess might be that the arms are those of a branch of the Paisleys. Those of the Paisleys of Craig, registered in 1747, were 'on a chevron, between three roses, argent, as many thistles, vert.' The scrolls, or mantling, supporting the panel are composed of rose and trefoils. The adjoining Paisley Close, also known as East Bailie Fyfe's, derived its name from Henry Paislie, who acquired part of the tenement in 1711 from the Hendersons of Fordell. An older name of Paisley Close was Smith's Close, commemorated by a modern shield set into what is known as the 'Heave-awa' House, the predecessor of which suddenly collapsed, with disastrous consequences, in 1863.

140. Do. On a moulded LINTEL (Class 3) below the last-mentioned stone, in its original position, was the inscription, in Roman characters, which in Wilson's time (*M.O.E.*, vol. ii., p. 34) was much defaced :

BE · PASIENT · IN · THE · (LORD).

141. Do. The court behind Fyfe's and Paisley Closes, says Bruce Home, who gives three drawings of the place, remained 'an exceedingly quaint and picturesque alley until, in 1902, it was demolished, along with a number of other characteristic buildings, to enlarge a whisky store.' A conspicuous feature was the 'massive tower-like structure which terminated the group of antique buildings that occupied the upper end' of Bailie Fyfe's Close. 'A very substantial building, with strongly vaulted basement, occupied the east side of Morrison's Close,

and enclosed a small courtyard the only access to which was by an unobtrusive opening in Bailie Fyfe's Close, guarded by double doors. The vaulted ground floor was entirely isolated from the superstructure, which entered from Bailie Fyfe's, and was marked by a number of features which appeared to indicate that it was the secret oratory of some unpopular faith. On the third floor of the tall tenement, a very unusual place, there was discovered a moulded LINTEL (Class 2), with 'a curiously significant inscription' (*O.H.E.*, vol. ii.):

ENEMEIS · OF · GOD · AND · THE · KING
TO · THE · EARTH · DID · ME · DOVN · DING.

1572

It is now set above a brick doorway on the west side of the court. The situation, the inscription, and the date—the year when strife in the Edinburgh streets between the 'King's men' and the 'Queen's men' came to a temporary close, after a great part of the city had been 'dung down,' with the proclamation of a truce at the Cross and the return of John Knox a few months before his death—beget speculation.

142. Chalmers' Close. Barringer's Close came between Paisley Close and the more noteworthy Chalmers' Close, which, says Mr. Boog Watson, derived its name from Patrick Chalmers, beltmaker, Captain of the Trained Bands in 1682, who owned a tenement in it (*O.E.C.*, vol. xii., p. 45). It also bore the name of Dunsyre's Close, from the house of William Dunsyre, 'which stood on the west of the great mansion of Andrew, Bishop of Moray, on the north side of the High Street' (1495), on the site apparently now occupied by the Carrubber's Close Mission buildings. In Wilson's time (*M.O.E.*, vol. ii., p. 34) an ancient tenement remained in good preservation in Chalmers' Close, possessing claims of special interest to the antiquary 'as one of the very few now left (1848) in which the curious sculptured stone niches occur. It stood on the west side of the close, and a narrow turnpike stair gave access to an apartment whose general construction rendered it exceedingly probable that it might have been used as a private chapel before the Reformation.' It was once the residence of the paternal grandfather of Lord

Jeffrey, with whom the close was a favourite haunt. On a LINTEL (Class 3) over the doorway of the adjoining staircase, which projected into the close, was cut in large Old English characters the name

JOHNE HOPE,

with a defaced coat of arms.

143. Do. On the lowest crowstep was a SHIELD (Class 3), sculptured with armorial bearings, and the initials

I. H.

The dilapidated building, says Wilson, retained 'considerable traces of former magnificence, as well as undoubted evidence of an early date.' There can, he thinks, be little doubt from the style of lettering on the inscription and the character of the building that this was the mansion of John de Hope, the founder of the Hopetoun family, who came from France in 1537 in the retinue of the Princess Magdalene, Queen of James v., and afterwards became a substantial burgher in the Luckenbooths, visiting the Continent from time to time, and importing French velvets, silks, gold and silver laces, and the like valuable foreign merchandise.

144. Sandilands' Close (now disappeared), named after Robert Sandilands, bailie (1647, 1652, and 1661) and Dean of Guild (1661-4), had, as the chief feature of its east side, 'a large and remarkably substantial stone tenement,' presenting an appearance of great antiquity (Wilson). The vaulted ground floor was entered by doorways with pointed arches, with a small vaulted window over one of them, 'splayed and otherwise constructed as in early Gothic buildings.' Wilson figures part of a MANTELPIECE (Class 3), 'one of the most interesting pieces of ancient sculpture in Edinburgh,' which formed part of the internal decorations of this old edifice. It shows the seated figure of a woman, with a child on her knees, to whom she is offering an apple or other round object, while another figure appears to be endeavouring to remove the infant. Wilson thinks it is intended to represent, in bold relief, the offering of the Wise Men of the East.

145. Do. He adds: 'One of the present owners described a SCULPTURED STONE (Class 3), containing a coat of arms surmounted by a mitre,' removed from over the inner doorway. These appear to have been the Kennedy arms. 'If it be permissible to build on such slender data, in the absence of all other evidence, we have here, in all probability, the town mansion of the good Bishop Kennedy, the munificent patron of learning, and the able and upright counsellor of James II. and James III.' Or it might possibly be identified with the 'great mansion of Andrew, Bishop of Moray,' which, as has been seen, stood on or near this spot. It is sketched by Drummond (*O.E.*, pl. xxxiv.), who 'detected features of an ecclesiastical character' in this as in Barringer's and Chalmers' Closes.

146. Monteith's Close. Drummond gives (*O.E.*, pl. xlvi.) a drawing of a LINTEL (Class 3) in a building with projecting timber front and fine stone forestair at the head of the close, bearing an inscription and the date 1562. It is apparently the same as that mentioned in R. Chambers's MS. Notes as 'in the High Street above Knox's House,' and bearing

1562. ALL · GLOIR · TO · GOD.

147. Trunk or Trunk's Close. On the pediment over the DORMER WINDOW (Class 3) 'of a fine old stone land on the west side of Trunk's Close' was the inscription in bold characters:

HODIE · MIHI · CRAS · TIBI.

The buildings on the west side of Trunk's Close were demolished within the half-century preceding the date (1907) of the publication of *Old Houses in Edinburgh* by Mr. Bruce Home, who describes the structure on the eastern side, known as the 'Mowbray House,' as 'one of the most notable relics of Scottish domestic architecture which survive in Edinburgh.' To the street it presents a gabled elevation; towards the Close, the building is 'diversified by two great projections, supported on a remarkable series of corbels; while, near the top, other corbellings of an extremely curious character indicate the existence of staircases which, in connection with passages lodged in the great outshots, give access to the various parts of

the interior' (*O.H.E.*, vol. ii.). The Mowbray House was saved in 1910 from the fate that has overtaken so many of its neighbours by the interposition of the Cockburn Association, and with the aid of public subscription. The shop on the street front, opposite the Fountain Well, the resort, while it was the bookselling premises of Archibald Constable, of the Edinburgh *literati* of the time, is now that of an antiquarian dealer. The stories above are in the occupation of the Women's Missionary Settlement, in whose drawing-room, on the second floor, is a fine seventeenth-century plaster ceiling, adorned with cherubs, caryatids, fleur-de-lys, pine cone, and other devices, and, inserted in the wall, a PANEL (Class 1), from a plaster ceiling, containing a shield bearing what has been recognised as the arms of the Pringles of Yair—'on a saltire engrailed, five escallops,' and the date

1630.

In the room facing the street in the first story was born, on 1st September 1816, James Drummond, whose pencil has done so much to preserve the aspect and details of old Edinburgh houses that have since disappeared, especially those grouped about his birthplace near the Netherbow.

An earlier name of the close was Turing's or Touring's Close (of which Trunk's is probably a corruption), and it owes it, says Mr. Boog Watson, to 'the Aberdeenshire family of Turing of Foveran, one of whom, James, had his town house in the close' (Protocols of 1529). In 1764, a tenement on the north side of the High Street, having that of Andrew Mowbray on the east, was owned by Walter Turing, his heirs and successors. Their residence stood at the north-west extremity of the close, and south of it was the house of the Kerrs, Earls of Ancrum, purchased about 1705 by Sir Gilbert Elliot of Stobs, whose second son, Lord Heathfield, the hero of the Siege of Gibraltar, is believed to have resided here while attending school in Edinburgh.

148. John Knox's House. The house assigned by popular tradition, with little or no support from historical data, as the manse of John Knox, continues to assert the position, accorded to it by Wilson, of 'the chief Lion among the venerable fabrics of the old town of Edinburgh' in the form at least of domestic archi-



Arms of Alexander, third Duke of Albany, from Trinity College Hospital. See p. 132.
(Quarters: 1st, Scotland; 2nd, Earldom of March; 3rd, Isle of Man; 4th, Lordship of Annandale.)

tecture. Robert Chambers described it as 'perhaps the oldest stone building of a private nature' existing in the city at the time the *Traditions* were published (1825); and states that, before Knox's time, 'it was inhabited by George Durie, Abbot of Dunfermline and Archdean of St. Andrews.' This, and even its direct connection with the life and labours of the great Scottish Reformer, has been questioned. But its intense interest, both externally and internally, for the archaeologist as well as the historian, is beyond all dispute. It now belongs to the United Free Church, and is occupied as a bookshop and as a museum and showplace of Knox and other antiquities. Its builder appears to have been James Mossman, goldsmith, whose name appears frequently in the records, and who was an adherent of Mary and of Kirkaldy of Grange, with the latter of whom he suffered execution after the capture of the Castle in 1573. His arms appear on a PANEL (Class 1) on the front of the house facing up the High Street—a chevron bearing three crowns, between two oak-trees in chief and one in base, placed between his initials and those of his wife, Mariot Arres :

J. M.

M. A.

149. Do. Across the greater part of this front, and passing round the corner to that facing the narrowed thoroughfare above the Netherbow, is a scroll or PANEL (Class 1) with the inscription :

LVFE · GOD · ABVFE · AL · AND · YI · NYCH
BOVR · AS · YI · SELF.

150. Do. Higher up, in the corner of the building above a sundial, is a figure with flowing robe and beard (probably intended for Moses, but identified in the popular mind as John Knox in the act of preaching), and pointing with his right hand to a PANEL (Class 1) bearing the image of the sun emerging from clouds, with the name of the Deity inscribed in Greek, Latin, and English :

ΘΕΟΖ
DEUS
GOD.

151. Do. The Mossman armorial shield has been copied in the panelled room in the second story. A doorway, on the ground floor leading from Knox's House into the adjacent Mowbray House, has a MOULDED STONE JAMB (Class 1), evidently part of a handsome entrance, opening from what was Hope Court, a branch of Society Close, where, as mentioned below, the Hon. John Maule, Baron of Exchequer, had property and resided in the middle of the eighteenth century.

152. Do. In the Scottish National Museum of Antiquities (KG 79) is the cast of a small SHIELD (Class 3), described in the catalogue as presented by Mr. James Smith in 1850, and as having come from John Knox's House. It contains a Latin cross with the Symbols of the Passion—including wreath and pierced heart, hands, and feet, these last being so archaic in form and treatment as to suggest a pre-Reformation date considerably earlier than the presumed age of the dwelling.

153. Society Close (previously known as Panmure's and as Bassendyne's Close) took its name from the house at the foot of the close occupied by the Society for Propagating Christian Knowledge (*O.E.C.*, vol. xii., pp. 48-9). Its identity with Panmure's and Bassendyne's Close is definitely shown in *O.E.C.*, vol. v., p. 161. The former name came from an early eighteenth-century owner, Henry Maule of Kellie (brother of the Earl of Panmure), whose son John was made a Baron of Exchequer in 1748. According to Grant, the close took the name Bassendyne from Alison, daughter of the famous printer Thomas Bassendyne, who married John Ker who owned a house in the close in 1624. Wilson (*M.O.E.*, vol. ii., p. 39) says that on the west side of the close 'an ancient stone land of singular construction' had over its main entrance a LINTEL (Class 3) with the inscription :

R.H. · HODIE · MIHI · CRAS · TIBI · CUR · IGITVR · CVRAS.

There appears, he says, to have been a date, but it was already in his time illegible.

154. Do. Adjoining Society Close to the east were Baron Grant's Close and Little or Bailie Grant's Close, the former 'evidently owing its name to John Grant, Baron of Exchequer, who

resided at the Netherbow'; and the other apparently derived from James Grant, who was bailie in 1749-52. One of these closes, 'the second within the Netherbow, north side,' was also called Salutation Close (probably from an inn or tavern), and was divided by only a narrow piece of ground from Leith Wynd, now Cranston Street (*O.E.C.*, vol. xii., p. 49). At the head of Society Close, on the site below that now occupied by the Moray-Knox United Free Church, stood 'an old timber-fronted land bearing the royal arms of Scotland on its third floor, and entered by a stone turnpike,' the LINTEL of which (Class 3) had the legend :

DEVS · BENEDICTAT

Wilson (*M.O.E.*, vol. ii., p. 39) says a floor of this old land sufficed for the accommodation of the Scottish Excise Office before its removal, in the course of many flittings, to more commodious quarters in the Cowgate.

155. Do. ('Balmerino House'). R. Chambers notes (*T.E.*, vol. i., p. 245), in a house in this locality associated by tradition with the Balmerino family, a LINTEL (Class 3) bearing :

THE LORD GIVETH	BLISSET BE HIS
L	R.M.
AND TAKETH	NAME FOR EVER

1601.

156. The Netherbow. On the front of the building which has taken the place of the old Excise Office is carved an effigy of the Netherbow Port, and some architectural fragments of the building, associated with so many passages of national and burgh history, that formed the gate of entrance and exit in passing from the City to the Canongate, are preserved behind the railings of the church just mentioned. These include a PEDIMENT (Class 2), to which is attached a label bearing that it supported a spike on which were affixed the heads of Covenanters and others who suffered the last penalty of the law, and, among the rest, that of James Guthrie, executed in 1661. The gate, demolished amidst the lamentations of 'Claudero' and other citizens in 1764, appears to have been built in 1606. There seems to be no information as to the appearance of its predecessor,

which was repaired in 1538, and was blown open by the stone shot of Hertford's cannon in 1544 (*O.N.E.*, vol. i., p. 218). 'This gate having become ruinous, the magistrates . . . three years after James vi. went to England built a new one—a handsome building which quite enclosed the lower end of the High Street.

157. Do. The arch, an ellipse, was strengthened by round towers and battlements on the eastern or external front, and in the southern tower there was a wicket for foot passengers. On the east side of the arch were the arms of the City. The whole building was crenellated, and consisted of two lofty stories, having in the centre a handsome square tower, terminated by a spire. It was adorned by a statue of James vi., which was thrown down and destroyed by order of Oliver Cromwell. According to its 'Last Speech and Confession,' by 'Claudero,' it had on it a PANEL (Class 3), with a Latin inscription, including an 'anagram'—'Aris Exculo' (*Jacobus Rex*)—with the words :

NON SIC EXCUBIÆ, NEC CIRCUMSTANTIA FILA,
UT TUTATUR AMOR.

Englashed thus :

'Watch towers and thundering walls vain fences prove,
No guards to monarchs like their people's love.'
Jacobus vi. Rex, Anna Regina, 1606.

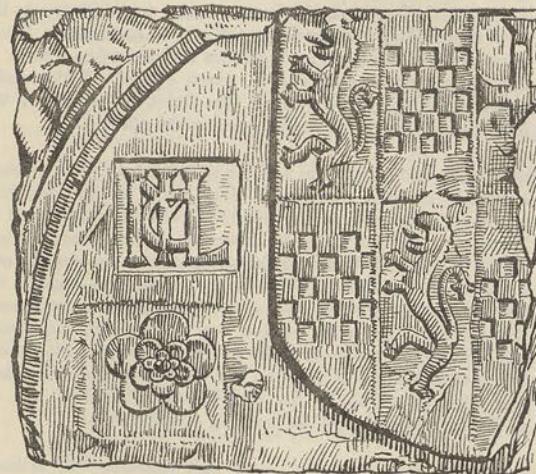
'The clock in the spire was afterwards placed in the old Orphans' Hospital near Shakespeare Square, where it remained until the removal of that edifice in 1845, when the North British Railway was in progress, and is now in the pediment between the towers of the beautiful Tuscan edifice built for the orphans near the Dean Cemetery.'

158. Leith Wynd. Bounding the east side of Chalmers' Close, with its front to Jeffrey Street, is the 'restored' Trinity College Church (opened in 1877), which incorporates a large portion—the apse and adjoining part of the choir—of the original building founded in 1462 by Mary of Gueldres, widow of James ii. of Scots, and dedicated to the Holy Trinity, to the Virgin Mary, and to St. Ninian the Confessor, whose name was borne by the adjacent suburb lying under the Calton Hill and beyond the Leith Wynd

Port. As the Queen died in the following year and was buried in the church she founded, she was unable to complete her original intentions. The church was endowed for 'a Provost, eight prebends, and two singing boys,' and to these were afterwards added a dean and subdean. The building, of the Scottish Gothic of the fifteenth century—according to Lord Cockburn, the finest fragment of Gothic architecture in Edinburgh—stood on the west side of Leith Wynd, and consisted of an apsed choir, with north and south aisles, north and south transepts, the beginnings of a tower at the crossing, and what has been called a chapter-house or vestry, but was probably a sacristy.¹ After standing for nearly four centuries, with no other external injuries than those inflicted by time, the blocking of some of the traceried windows, and the substitution of slate for the original stone roofs, the church, which had been one of the parish churches of the City since 1584, was removed in 1848 to make way for the station and lines of the North British Railway (now L.N.E.R.). The numbered stones lay for long on the adjoining slope, and although Mr. Lessells, the designer of the New Trinity College Church, 'endeavoured to make use of as many of the old stones as could be made available,' in the course of demolition and in the interval before partial restoration much of the materials, including the architectural decorations in which the old building was so rich, had doubtless been lost. The massive grey structure, with Gothic windows and pinnacles, groined vaulting, enriched corbels, and projecting gargoyle that overlooks Chalmers' Close is in marked contrast in style and feeling to the modern part of the church, in which have been inserted CANOPIED NICHES (Class 2), and other fragments of the fifteenth-century building. Twenty-nine of the carved corbels and gargoyle were sketched in 1845, while still in the original positions, by Drummond, and are reproduced at pp. 102-3 of Maegibbon and Ross's volume. A number of them form tail-pieces in Colston's *Trinity College and Trinity Hospital*. They are grotesques of a somewhat debased style of art, and the monkey form, and figures with masks, are repeated in many of them. Most of the grotesques have been inserted in the restored building.

¹ Maegibbon and Ross's *Ecclesiastical Architecture of Scotland*, vol. iii., pp. 89-104.

159. Do. Other architectural vestiges of the Trinity Collegiate Church, including window tracery, bosses, spandrels, and crocketed pinnacles, have been gathered into the collection of sculptured stones in Lady Stair's House, after having lain exposed for a generation or two in West Princes Street Gardens and at Canonmills; a GARGOYLE (Class 2) is preserved in the



Armorial Stone from High Street, in National Museum of Antiquities. See p. 133.

National Museum of Antiquities; and still other specimens are built into a terrace in Greyfriars' Churchyard or are scattered about the town and neighbourhood.

160. Do. One noteworthy carved CORBEL (Class 2), apparently identical with a specimen sketched by Drummond, has found shelter in Lady Stair's House, after being exposed to the elements in Princes Street Gardens. It represents the trussed and squatting figure of a man with his hands bound together above

his ankles, and a pole thrust over his elbows and under his knees.

161. Do. The interior, like the exterior, has been sadly despoiled. A PISCINA (Class 2), with elaborately carved canopy and base, in the tracery of the period, has, however, been preserved, and has been built into the wall of the porch of the modern church. According to Drummond's sketches, there was a piscina in the choir (south side), and a credence table in the north aisle. There appears to have also been a piscina and a credence table in the sacristy or chantry chapel, which opened off this aisle; and it is probably this piscina, 'the finest of its kind in the building,' that now occupies a place in the porch.

162. Do. Search will be made in vain for all but a few of the 'various armorial bearings adorning various parts of the building, particularly the east end of the choir,' that are mentioned by Wilson. A SHIELD (Class 3), described by both Maitland and Arnot, which had, 'from its sheltered position on the side of a buttress at the west angle of the south transept, escaped the general decay,' up to the time of the demolition, has apparently disappeared. The arms on this were those of the foundress's son, Alexander, the third Duke of Albany, who at the time of her decease was residing at the Court of the Duke of Gueldres, and who, according to Dr. David Laing (*S.A.S.P.*, vol. x., p. 322), 'contributed to the building of the church.'

163. Do. 'From the royal supporters still traceable' in Wilson's time, 'attached to a coat of arms sculptured,' on a SHIELD (Class 3), 'on the north-east buttress of the vestry' (sacristy), it was supposed that these were the arms of Mary of Gueldres and had been placed in a part of the church adjacent to where she was buried (*M.O.E.*, vol. ii., p. 175). What were taken at the time to be her remains, enclosed in an oak coffin, were disinterred in May 1848 from the centre of the sacristy, and were removed to the Royal Tomb in Holyrood Abbey. Controversy arose when, six months later, another female skeleton, in a lead coffin, was unearthed from a grave in front of the high altar, and, being held by Laing and other authorities to have a better

claim to be regarded as that of the foundress of Trinity College Church, was buried in the Chapel Royal, in a position under the great east window and opposite the entrance to the royal vault. It will be remembered that the diptych that adorned the altarpiece of the Trinity College Church has found a place in the Picture Gallery at Holyrood. It contains, along with portraits of James III., his son, afterwards James IV. (or, as Laing thought, his brother Albany), and his Queen, Margaret of Denmark, others which are believed to represent Mary of Gueldres and Edward Bonkill, the first Provost of her church.

164. Do. One heraldic design, inserted, along with a finial and a floriated scroll, over a modern doorway and windows, is in a position where it can be easily seen from Chalmers' Close. This is a SHIELD (Class 1), attached to a scroll enclosing a head, bearing three mullets in chief and, in the field, a bird resembling a parrot, but possibly, with the aid of the initials

I. B.,

to be recognised as a 'Bunting,' as in the 'canting' arms of John Bontine, noticed, in No. 95 of this Catalogue, as occurring, with the date 1523, on a stone in the adjoining St. Mary's Street.

165. Do. A corresponding SHIELD (Class 2), with the same device and initials on a larger scale, has been inserted over the Gothic window in the west end of the restored church, on the left side, but can only be clearly seen from the windows or roof of the warehouse on the opposite side of the close, on nearly the same level.

166. Do. This is equally true of a SHIELD (Class 2) which balances the other shield on the right or southern side of the west window. It contains a 'Portcullis' (the familiar cognizance of the Tudors, who derived the device from their ancestors, the Beauforts), and the initials appear to read :

I. B.

It seems natural to read this as commemorative of Jane, or Joanna, Beaufort, Queen of James I., and inspirer of the 'Queen's Quair,' and thus mother of the 'most tender husband' of the foundress of the church and hospital.

167. Do. The canopy—a piece of elaborate Gothic work, with ogee arch and finial—of an altar tomb, understood to have been among the relics removed from the Trinity Collegiate Church to the collection of sculptured stones in Lady Stair's House, has two flanking SHIELDS (Class 2) having blackletter inscriptions that read, respectively, 'IESUS' and 'MARIA.'

168. Do. The cast of a SHIELD (Class 3), with monogram, 'from a pillar in Trinity College Church' (KG 13), is in the collection in the National Museum of Antiquities.

169. Do. Trinity College Hospital, founded and endowed by the same royal benefactress for the support of 'thirteen poor bedemen,' to be clad in blue gowns, stood adjacent to the church, and was demolished about the same time, and for the same utilitarian reason. Along with the church and the collegiate buildings, it was bestowed, in 1567, by the Regent Moray, on Sir Simon Preston of Craigmellar, then Provost of the City, who in the same year gave it to the town for the 'support of the sick and poor,' and it became part of the foundation of the important Trinity College Charity. Wilson (*M.O.E.*, vol. ii., p. 176) says that when the old hospital building was swept away in 1845 there were brought to light 'many curious evidences of its earlier state,' including, in the north gable, 'a large Gothic fireplace, with clustered columns and a low pointed arch'; while 'many rich fragments of Gothic ornament were found built into the walls, the remains, no doubt, of the original hospital buildings.' Removed from the Great Hall of the hospital was a mantelpiece containing a SHIELD (Class 2) with the arms, surmounted by a ducal coronet, of the third son of the foundress, Alexander, Duke of Albany, of which a cast is preserved in the National Museum of Antiquities (KG 92). The original was 'in the possession of Mr. James Gibson Craig.' The arms, almost identical with a seal in the Museum, show, in the 1st quarter, the Scottish lion within a trellis; 2nd, a rampant lion, surrounded by eight rosettes (March); 3rd, the 'three legs in armour' of the Isle of Man; and 4th, the Scottish saltire (Annandale), with two bears as supporters. They can be clearly distinguished in the views of the Great Hall given by Wilson and by Colston.

170. Do. On the other, or east, side of Leith Wynd stood 'Paul's Wark,' latterly a house of correction, or bridewell, on the site of an old religious foundation, which in 1479 had been converted, by Bishop Thomas Spence of Aberdeen, into a hospital for the reception and entertainment of twelve poor men, and dedicated to the Virgin, under the name of 'the Hospital of Our Lady in Leith Wynd' (*M.O.E.*, vol. ii., p. 132). Paul's Wark was rebuilt in 1619, and the building, which later shared the fate of the neighbouring Trinity Hospital, was decorated with 'the City arms and sundry other rudely sculptured devices on the DORMERS' (Class 3).

171. Do. On a LINTEL (Class 3) over the doorway was inscribed
GOD · BLIS · THIS · WARK · 1619

172. High Street (undefined). Two interesting sculptured stones in the National Museum of Antiquities (KG 42 and IB 191 in Catalogue) are described as taken 'from old houses in the High Street,' but the particular locations are not mentioned and have not been ascertained. One of them is a fragment of what has evidently formed the TYMPANUM (Class 2) of a large moulded doorway. The centre part is occupied by a shield, of which little more than half remains. It bears impaled arms, cut in high relief, the dexter containing, 1st and 4th, a lion rampant; and 2nd and 3rd a fess chequy. (This coat is the same, except that the positions of the charges are reversed, as in a tablet containing the Lindsay and Abernethy arms in the same collection.) Of the impaled coat only a narrow fragment is left, but it is enough to show that it bore in the 1st quarter a cross moline, and in the 3rd a fess chequy, and it may be presumed that these charges were repeated in the 4th and 2nd quarters respectively. On the dexter side of the shield (*i.e.* to the left of the spectator) are a large rosette, and a monogram which may be supposed to contain the initials of the spouses; and the 'L' and the 'C' strongly support the view that the arms are those of Lindsay and Colville—perhaps to be read :

I L M C

173. Do. The other stone is a moulded LINTEL (Class 2) slightly convex, in the centre of which is a shield containing a well-

sculptured Crucifixion. The cross appears to be of the 'Tau' form, but this may be from lack of space at the top of the stone. (See illustration, p. 117.)

174. **Do.** Above the door of the Rainy Hall, in the corridor of the United Free Church College on the Mound, has been placed the Lintel from Blyth's Close, described by Wilson and numbered 12 in this Catalogue. It is there placed in Class 3, which should be altered to Class 2. Above the fireplace, in the same corridor, is a LINTEL (Class 2) in fine preservation, and presumably from the same or an adjoining site, with the favourite motto :

BLISSIT · BE · GOD · FOR · ALL · HIS · GIFTIS

1580

175. **Do.** In the Greyfriars' Churchyard, side by side with the 'Mis-ere' stone, No. 116, from Blackfriars' Wynd, and along with other stones said to have come from Trinity College Church, is a LINTEL (Class 2), with an inscription only the latter part of which can be read :

* * * * * His . Giftis H. H.
I. S.

The motto is evidently the familiar one, 'Blissit be God for al His Giftis.' The locality of origin has not been ascertained.

176. **Do.** Beside it is a ridge-end, or skewput, with the letters, in monogram :

G. H.

—perhaps associated with the neighbouring Heriot's Hospital.

177. **Do.** A stone that may be placed in the same category is one to which Mr. David Barnett has called my attention. It is a LINTEL (Class 2), with the inscription, in bold Roman lettering :

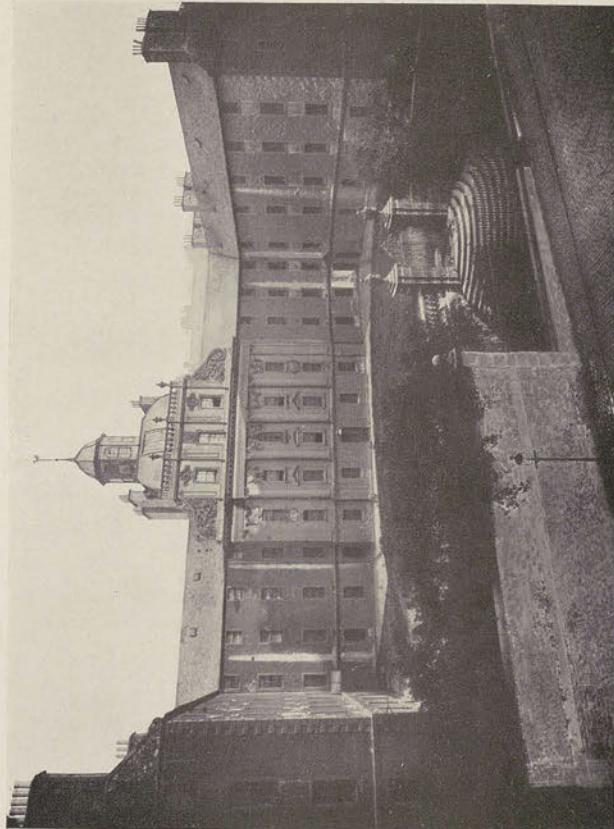
FEAR . GOD . HONOUR . THE . KING.

F. B. V. B. 1675

The date is followed by two 'baker's peles,' crossed saltire-wise, the insignia of the Baxters' Craft. The stone is now built into a tenement in Watson Crescent, Fountainbridge.

JOHN GEDDIE.





THE OLD INFIRMARY FROM THE NORTH

THE OLD INFIRMARY AND EARLIER HOSPITALS

EDINBURGH has been called by a famous preacher 'a City of Hospitals.' Though few of these were established for the purpose of housing and helping the sick poor, they all testify to the generous wish of their pious promoters that their wealth should be devoted to the benevolent purpose of sheltering and maintaining the aged or helpless poor. In this paper I propose to deal with hospitals which were erected or endowed or used for the purpose of curing or treating the sick poor, and not with hospitals such as Trinity Hospital, St. Thomas's Hospital adjoining the Watergate, or the hospital attached to the Chapel of St. Leonard's, which were endowed for the purpose of maintaining indigent and helpless men and women, and were rather almshouses than hospitals in the medical sense of the word.

The earliest hospital which we know of, devoted entirely to helping the sick, was the Leper Hospital of Liberton, from which that village takes its name. As early as the reign of David I. the name appears in a charter granted by that king to Holyrood Abbey. Though not a vestige of the hospital remains and its site is uncharted, there are still in existence writs which describe the lands of Liberton under the title 'terrarum de Spittleton.' Mr. Good, in his elaborate history¹ of the village, throws doubt on this origin of the name, but the arguments he adduces are by no means conclusive, and it will require more powerful reasons to dislodge the popular belief that Liberton is merely a corruption of 'Liper town'—'liper' being the old Scots term for leprosy.

¹ *Liberton in Ancient and Modern Times*, by Geo. Good, 1893.

Of a much later date is the Leper Hospital established at Greenside, which in the sixteenth century was a suburb and not an integral part of the town. In the Council records for 30th September 1584 there is a missive for Michael Chisholm and others to enquire into the 'estait and ordour of the auld foundation of the Lipperhouse besyde Dingwall.' The Castle of Dingwall, at that time the residence of the Provost of the adjoining Trinity College, and the site of which is marked in Gordon of Rothiemay's map of Edinburgh, dated 1647, formerly stood at the western edge of the Calton Hill on the site of the Orphan Hospital behind Shakespeare Square.

This Lipperhouse had evidently fallen into decay, for in 1589 the Council granted permission to John Robertson, merchant, in virtue of a vow on his receiving a signal mercy from God, to erect a house or hospital for leprous persons. The ground set apart for this purpose was that part of Greenside which had been granted by James II. in 1456 for the purpose of holding tilts and tournaments. In 1520 this piece of ground, with the consent of the King and the Archbishop of St. Andrews, was handed over by the Council of Edinburgh to certain Carmelite Friars for the purpose of erecting a monastery, an arrangement which proved of short duration owing to the ecclesiastical disturbances which then upset the country. Maitland describes the situation of this hospital as a spot of ground on the north-eastern side of the Craigend Gate and eastern side of the pathway leading to Leith, evidently in the neighbourhood of the present Greenside Row.

This hospital was opened on 28th November 1591 for the reception of five lepers, and very stringent rules were framed for the maintenance and guidance of the inmates. They were allowed four shillings Scots weekly—4d.—and to eke out a livelihood they were permitted to sit daily in rotation at the door of the establishment and solicit alms, using a 'clapper' to attract the notice of passers-by. It was enacted that 'nane

of the said Personis Lipperis or their wyffes depart or resort from the said Hospitall to na oyder pairt or place but sit still thairat and remayne thairin nicht and day, halyday and wark day, and that they keip the dure of the said Hospital fast and clois fra the down-passing of the sone to the rysing thairof under the Payne of hanging.' It was also enjoined that 'ilk ane of thame leif quietlie and gif no sclander be banning, sweyring, flyting, skalding, filthie speaking or vitious living or any oyder way under the paynes to be enjoynit be the Counsell.' In order the better to enforce the rules, a gibbet was set up 'at the Gavell of the said Hospitall.' The wives of two of the inmates accompanied their husbands to this dismal retreat, and their duties were to look after the inmates, wash the clothes, and keep the place clean. One of the women only could 'cum to the Marketts for buying sic viveris as is necessary to the saids Personis, and presume to gang to na oyder Pairt nor Place in her cuming and returning to and frae the saids Markatts.'

This hospital does not appear to have had a long career, as in 1652 the Magistrates ordered that the roof of the leper-house be taken off and its wood, slates, etc. be used to repair the town mills and other public buildings; and four years later a similar fate was meted out to the stones contained in the walls of the leper-house and to the fence around its yard and garden. Fortunately, by this time cases of leprosy were becoming rarer, though they lingered on till towards the end of the eighteenth century.

Until the erection of the Old Infirmary there was no other building in Edinburgh solely devoted to and built expressly for the purpose of caring for the sick poor.

Prior to the battle of Dunbar in 1650, Paul's Wark at the foot of Leith Wynd on the east side was used by General Leslie as an hospital for his soldiers wounded in the general skirmishes which preceded that battle. Cromwell, after his victory at Dunbar, took possession of the city and uncere-

moniously quartered his sick and wounded soldiers in Heriot's Hospital, then barely completed. Thus early in its history was this building, designed for a very different purpose by its generous founder, converted into a military hospital. It remained in this capacity till 1658, when a committee of the governors approached General Monk, who at that time commanded the English forces, to persuade him to vacate the building. In order to secure this end they agreed to fit up a house with all conveniences for the sick soldiers, to keep the same in repair, and to grant additional salaries to the physician, surgeon apothecary, surgeon's mate, and gardener of the establishment. These terms were accepted by Monk, and the soldiers were the same year transferred to a new hospital in the Canongate.

The site of this hospital was probably in Kinloch's Close at the foot of the Canongate on the south side, ground now covered by Younger's Abbey Brewery. Mr. Malcolm Stuart, W.S., Clerk and Law Officer to the Heriot Trust, to whom I referred the matter, states in a letter to me that in an ancient Inventory of Writs of the various documents in the archives of the Hospital there appears an agreement 'betwixt my Lady Launderdaell and the Commissioners for the Commonwealth of England for ane House at the foot of the Canongait, called Kinloch's Land, 20 December, 1652.' A postscript to the above item is to the following effect: 'Heriot's Hospital was taken possession of by Cromwell for a Barracks—the Governors of the hospital memorialised for its being restored to them, and in reply were informed that if they provided another Barrack, their prayer would be granted. Hence the agreement regarding Kinloch's Land.'

In those days the sick poor got scant attention, both in town and country. In cities like Edinburgh the Magistrates allotted a certain sum for their support, and appointed a physician and surgeon to attend them as their cases might require. In the Town Council records under the date 4th

December 1723 the annual salary to be paid to the chirurgeon appointed to treat the poor was fixed at £33, 6s. 8d. Scots. It was reported that during the preceding year twelve or fourteen fractures and dislocations had been cured and one hundred and forty 'bloodings' performed. The Council of that time were evidently more careful of their funds than their successors, as three guineas for all this work was not very liberal remuneration. Those poor only who were 'free of the city' (*i.e.* had been residents for a certain period of time) were entitled to these privileges.

To the Royal College of Physicians in Edinburgh belongs the credit of endeavouring to remedy this miserable state of affairs. This body received its Charter on 30th November 1681, and at its third meeting, on 10th February 1682, it ordained that two of its Fellows 'shall until the next election of the College serve the poor of the city and suburbs, and recommends to the President and Censors to acquaint the Provost of the College's Resolution, and to charge the Provost to acquaint the Council to nominate some person to be Apothecary—and that the ministers of several Kirk Sessions be acquainted herewith who are desyred to give certificates that the poor that are sick are in their bounds.' That this was no merely pious resolution, but was literally carried out, is evidenced by numerous Minutes of the College indicating the appointment of Fellows for this purpose, with fines for non-attendance to these duties.

In 1704 the College purchased for £194, 8s. 10d. the house and grounds of Sir James M'Kenzie in Fountain Close, immediately adjoining that of the Marquis of Tweeddale, and the following year they expanded their scheme for attendance on the sick poor by passing a law that 'two of the Fellows shall attend at the place of meeting every Monday, Wednesday and Friday betwixt three and four in the afternoon for giving advice to the sick poor gratis.' Two years later it was ordained anent the weekly attendance on the poor that each absent

shall pay 40 shillings Scots for each day's absence and 7 shillings for being *sero*. Such fines were utilised for the payment of drugs to the poor.

That the efforts of the Fellows to mitigate the suffering of the sick poor did not pass unheeded by the citizens is proved by a Minute under the date 27th June 1707: 'The which day it being represented to the College that Mary Erskine, a relict of James Hare, Druggist, Burgess of Edinburgh, had from a pious and charitable disposition delivered and mortgaged to the said Royal Colledge the sum of twelve hundred and fifty merks Scots money, which is to be laid out in good security and the rent thereof to be yearly employed for buying and furnishing of Drugs and Medicament to the sick poor which have their advice gratis from the said Royal Colledge.'

As time went on the College felt that their efforts to cure were in many instances futile owing to the wretched home conditions of the invalids. They were miserably housed, miserably fed, and miserably clothed, factors which more than counter-balanced any drugs and advice given by the doctors. In 1721, to overcome this difficulty they advised the erection of an hospital or infirmary where the sick poor could be housed and cared for, and where at the same time their diseases might be studied in a systematic way.

The Physicians found that other persons had been moving towards the same objective from a different direction. Dr. John Monro, the father of Professor Alexander Monro, primus, an ex-army surgeon, had settled in Edinburgh in 1700, joined the Incorporation of Surgeons in 1703, and was deacon in 1712. He was a shrewd, far-seeing Scotsman, and was using all his influence to establish a medical school in the city of his adoption. Such a school was incomplete without a hospital where students could see the practice of physic and surgery, and hear the lectures and demonstrations of the professors. Such hospitals were attached to all the famous Continental medical schools. Accordingly a scheme was drawn up by John Monro,

with the assistance of the Physicians and Surgeons, for raising by subscription a fund for building and supporting an hospital for the reception and treatment of the sick poor, and Monro issued a pamphlet setting forth the advantages which would attend such an institution.

In this it was argued that the establishment of an infirmary was not only a Christian duty but a national obligation, for as many as recovered in such an institution were so many working hands saved to the country. Then followed an argument which would appeal to the thrifty Scots—the students of physic and surgery might have better and easier opportunities of gaining experience than they had hitherto had by studying abroad, where such hospitals are, at a great charge to themselves and a yearly loss to the nation. (Of the first fifty Fellows of the College of Physicians only one had a Scots degree.) Another powerful argument used in the pamphlet was that stated by the Fellows of the College of Physicians, who had the mortification of seeing their advice and medicines unsuccessful owing to the poverty and bad housing of their patients. Unfortunately, their efforts were unsuccessful; the scheme proved abortive, and nothing was done for some years.

In 1725 an opportunity arose and the Physicians at once took advantage of it. A fishing company was being dissolved, and the remainder of the stock was about to be divided between the proprietors, when they received and adopted a proposal put before them by Lord Provost Drummond, who was interested in the company, that they should assign their shares to Mr. David Spence, Secretary to the Bank of Scotland, for the purpose of founding an hospital in Edinburgh for the sick poor. At the same time the charitable public were approached to sign bonds obliging them to pay the sums affixed to their names to Mr. Spence. The obligations were declared to be null unless within a prescribed time the sum of £2000 was promised, which was the smallest sum with

which the erection of an hospital could be started. These bonds were handed round by Fellows of the College of Physicians and Surgeons, who willingly undertook to solicit subscriptions and gave freely themselves, so that before the appointed day more than £2000 had been promised.

No sooner was this accomplished than the College of Physicians in August 1727 caused an advertisement to be inserted in the newspapers 'obliging themselves for the encouragement of such a pious undertaking that one or more of their Members shall attend the said hospital faithfully and freely without any prospect of reward or salary until the stock of the said hospital shall be so increased that it can afford a reasonable allowance for one or two physicians for their proper use.' So promising were the prospects of a further increase in the subscriptions that the Physicians in February 1728 called a meeting of the contributors and donors, to whom an account was given of all the steps that had been taken and of the present state of their affairs. At this meeting twelve gentlemen were appointed as a committee to call up the money promised, to take steps to secure subscriptions, and to prepare a plan for the management of the infirmary.

In May of that year the College of Physicians also successfully petitioned the Assembly of the Church of Scotland for a contribution to be taken for the Infirmary in all the parishes of Scotland. Though the returns from this source were at first very meagre, still by 1730 seventy-two parishes had contributed, including churches all over Scotland, from Evie in Orkney to the wilds of Dumfriesshire.

In later years it became the custom to make an annual collection in all the churches in the country for the benefit of the institution, and a large sum was thus usually raised. Robert Chambers tells the story that on one occasion a novel by the author of *Waverley* was published on the Saturday before the annual collection was to be taken, and the total amount was found to be about two hundred pounds, or a

third less than usual, and this was attributed to absentees absorbed in the charms of the new novel.

In December of that year, 1728, the Committee, judging that they had now sufficient money collected, the annual rent of which might maintain a few patients, called a meeting of the contributors, who gave instructions for the erection of a hospital to be proceeded with, and appointed a committee of twenty representative citizens, to be called 'Managers,' whose duty it was to see that their wishes were carried into effect.

The Managers drew up a series of rules for the management of the infirmary, and proceeded to look out for a suitable building in which to start in a small way. A little house with accommodation for six patients was taken at the top of Robertson's Close, adjoining the ground which for three or four hundred years had been occupied by the Dominican Monastery of Blackfriars. This house was leased for nineteen years from the College Committee of the Town Council, with a break every three years, at an annual rental of £50 Scots (£4, 3s. 4d.), and was opened to receive patients on 6th August 1729.

While the Fellows of the College of Physicians had agreed to attend the patients without reward, there arose difficulties regarding the treatment of surgical cases and the supply of drugs, as the Corporation of Surgeon Apothecaries could not agree among themselves as to the most appropriate method of giving their services. The Managers accordingly accepted the offer of Professor Monro and five other surgeons, who agreed 'to attend the hospital daily in their turns without any reward or salary, to dispense the medicines prescribed by the physicians faithfully from their own shops, each in the course of his attendance, gratis.' In carrying through all the necessary arrangements for the equipment and management of the hospital the ruling spirit was George Drummond, who in 1726 was Provost for the first time.¹

¹ *Book of the Old Edinburgh Club*, vol. iv.

In order to encourage visitors or inmates to contribute to the funds of the institution, an iron box called the 'charity box,' with two locks, having a hole in the top, was set up in the passage to the patients' chambers. One key was kept by a physician, the other by Mr. Spence, the Treasurer. This box was first opened three months after the little house was started, and was found to contain £4, 6s. 6½d. The largeness of the amount apparently staggered the Managers, as at their next meeting they ordered 'that it shall be opened once a week for the future, to prevent Rogues entertaining a notion of valuable cash being in it, and so expose the Infirmary to ane attempt at Robbery.' This identical box still stands just inside the main entrance to the present Infirmary to receive subscriptions from grateful patients or their friends.

At the end of the first year the Managers issued a report which contains one or two interesting items. Opened on 6th August, the hospital had six patients by the end of the month. Of these only two were natives of the city, which shows the broadminded view of the Managers, that the charity was not to be confined to local invalids, but was to be extended to any poor deserving person who might seek admission and require treatment. The first person admitted on 6th August was Elizabeth Sinclair from Caithness, suffering from anaemia. During the year thirty-five persons were treated in the hospital, of whom nineteen were discharged cured, five recovered sufficiently to be able to go about their ordinary duties, five were dismissed either as incurable or for irregularities. One died (from consumption), and five were in residence at the close of the year—a very good record. Twelve only of the patients came from the city, or only eight if the West Church Parish is excluded. The cost of upkeep from 6th August 1729 to 6th July 1730 was, according to the Minutes of the Infirmary Managers' meeting, only £97, 19s. 7d., showing that the prudent governors had kept within the interest of the amount collected, which by that time had amounted



THE 'CHARITY BOX'
A RELIC OF THE EARLY DAYS

to £2129, 19s. 7d. The report concludes with a list of the original subscribers to the infirmary, which contains the names of many of the Scottish aristocracy and many important Edinburgh citizens of the day, amongst them being that of the ill-fated John Porteous, Captain of the City Guard.

Soon after the hospital had been started, it was found that the little house was so crowded with apprentices and others who had no title to be there, admitted during the physicians' daily visit, that the work of examining and prescribing for patients and of operating could not be properly carried on. The Managers therefore determined that no student of physic or apprentice was to be admitted without a ticket granted by the physician-in-waiting or any of the surgeons, and that no physician or surgeon could grant more than two tickets at one time.

By July 1731 the stock of the infirmary amounted to £2735 and the expense of carrying on the hospital for the year closing was £84, 19s. 4d. During that year thirty-seven patients were treated, of whom sixteen were cured, five recovered so as to be able to resume work, seven were dismissed, three died, and six were still undergoing treatment.

From the date of its first opening the inmates of the hospital had the privilege of taking the air in the College garden. This was a large piece of ground lying to the south and east of the College, now occupied by the south end of the South Bridge and Nicolson Street and South College Street, extending as far east as the ground of the Blackfriars. In 1724 this area had been leased from the authorities by Drs. John Rutherford, Andrew Sinclair, Andrew Plummer, and John Innes, with the view of rearing pharmaceutical plants, and they set up at their own cost a chemical laboratory in order to supply the apothecaries' shops with reliable drugs.

In addition to this garden there were three other gardens in Edinburgh at that time associated with the medical profession.

T



There was first the 'Medicine Garden' started forty years before this time by Sir Robert Sibbald and Sir Andrew Balfour 'in ane enclosure forty foot of measure every way, obtained of John Brown, gardener of the north yardes in the Abbey of Holyrood.' It had the threefold purpose of teaching the laity the rudiments of botany, of instructing students and pupils of practitioners in the vegetable *materia medica*, and of providing pharmacists with fresh plants for preparing their drugs. So successful was this venture that its owners had soon to look out for more extensive premises. These were found in the garden of Trinity Hospital, which was known as the Physic Garden to many generations of Edinburgh citizens. There was next the Physicians' Garden attached to their Hall in Fountain Close, and lying between that building and the Cowgate. It was beautifully laid out, and formed a desirable open-air resort, not only for the Fellows of the College, but for many of the gentry living in the neighbourhood, who, according to the Minutes of the College, frequently applied for permission to take exercise there. It was always stipulated when this was granted that the key for admission was only to be used by the person himself, and given up at any time at the request of the College. Lastly, there was the garden lying to the north of the Surgeons' Hall, and belonging to them, as seen in Sandby's engraving. Soon after the Corporation of Surgeons had taken possession in 1656 of the property known as Curry-Hill House Yards they laid out the garden at a cost of £200, built a gardener's house, and appointed a gardener, who was to furnish the garden "with all kinds of medicinal herbs and flowers that can be had anywhere." He received no fee for his services, but was allowed to live in the house rent free during the Corporation's pleasure. In the eighteenth century, at a time when financial troubles harassed the Corporation, they sold, in 1764, the area to the north-east of the Hall to Mr. Wm. Mylne, architect, and twenty-two years later the remainder of the ground was feued and those

buildings were erected which formed Surgeons' Square and became the cradle of modern Edinburgh surgery.

The work done in the small hospital in Robertson's Close being eminently satisfactory, and the capital gradually increasing, the Managers in 1736 felt justified in applying to King George II. for a charter in order to establish and perpetuate their institution. This charter erected the contributors into a corporation with perpetual succession by the name of the Royal Infirmary of Edinburgh, and bears the date 25th August 1736.

By this charter the Infirmary was put under the government of twenty Managers elected from the various public bodies in Edinburgh. They were men of known ability in the conduct of affairs. Among the first Managers were David Erskine of Dun, Gilbert Elliot of Minto, Duncan Forbes, Lord Advocate, Charles Erskine of Barjarg, Solicitor-General, Robert Dundas (younger) of Arniston, Dr. Robert Louis, President of the Royal College of Physicians, and Dr. John Clerk, Fellow of the Royal College of Physicians (who was always consulted by Drummond in any of his difficulties about the Infirmary), Dr. John Rutherford and Dr. Robert Whytt, Professors of Medicine in the University of Edinburgh, and Dr. Alexander Monro, Professor of Anatomy. With such men on the Board one can understand how subscriptions now began to pour in more freely and how the need for more extensive premises would at once arise.

The year 1736 saw another extension of the medical charities in Edinburgh. Certain members of the Corporation of Surgeons (twelve in all) who had not been included in the staff of the Infirmary resolved to erect another hospital which they designated the 'Surgeons' Hospital' to distinguish it from the building already established. They defended their action on the plea that there were still many indigent and diseased poor who died from want of proper care, and that there were also many well-disposed persons willing to contribute to

such a laudable object. But their main reason was educational. They wished their apprentices to get a more definite and systematic training than was otherwise available.

Though there were conferences with the Infirmary Managers on the subject of union, nothing came of them at the time, and the Surgeons' Hospital was duly opened in College Wynd in July 1736. There are no known records extant showing the size of the hospital or what was done in it. We know that the Surgeons were evidently not satisfied with their building, as we find the following Minute of the Town Council under the date 26th October 1737 :—

Reported by Baillie Balfour from the Committee of Publick works, to whom the petition of John Kennedy, Surgeon, in behalf of the Surgeons' Hospital, craveing warrant for Building their Hospital house upon the city wall at the foot of Leith Wynd was Remitted. That they haveing visited the ground feued to the petitioners for building of their house and haveing likewise Inspected the conditions upon which the said feu is granted together with the plan of the said Intended building, found they cannot Build their said House nearer the City's wall than six foots and that they are otherwyse tyed down to make their said Building according to the plan produced and which was given in by the petitioners when the said feu was granted, and is therein Referred to—which plan of Building and conditons of feu They Found could not be altered by them, they haveing no such power given, and therefore submitted what they craved in their petition to the Council, and were further of opinion that the Council ought to grant no Right or Liberty in any sort to any person, corporation, society or Body Politic whatsoever, to build upon city walls either houses two falls or others as the Report signed by the committee bears, which being considered by the Council they with the Extraordinary Deacons approved thereof and did resolve and agree not to grant any Right, warrant or allowance to the said Hospital or to any person or Society whatever for Building in any sort upon the City Walls at any time hereafter and that the said walls be keeped free and independent of any sort of Building except for supporting and strengthening the same !

That the building in College Wynd had some apartment that was not used for hospital purposes is evident from a

Minute preserved in the College of Surgeons, which records that a Captain Sutherland presented the College in 1737 with a strange creature called an orang-outang, and it was sent to the Surgeons' Hospital till a room could be prepared for it in their own building.

In a memorial which the Surgeons issued in 1737 they mentioned as a well-known fact that their hospital was remarkably well conducted, and that 'the patients in every respect were much better attended to than at the other Hospital.' This is supposed to have excited the jealousy of the Managers of the Physicians' Hospital, and the proposal for a coalition was renewed. Whether it was jealousy or not we do not know, but we do know that in May 1738 the erectors of the Surgeons' Hospital put forward a proposal that every member of their Corporation and their successors should be permitted to serve in the Royal Infirmary and their students should be permitted to attend there without distinction or partiality, and that in return they should, with the consent of the donors, hand over to the Treasurer of the Infirmary the whole stock belonging to their hospital for the use and activity of the Infirmary. To this the Managers replied that as soon as that part of the building first designed for the patients, which they had agreed to build, was finished, all the Masters of the Incorporation would be admitted to be surgeons on the same terms as the present surgeons, and their pupils and students would be privileged to attend the Infirmary under such regulation as the Managers might from time to time appoint.

After one or two conferences matters were definitely arranged between the two parties, and in July 1738 the coalition took place, the erectors conveying all their funds, amounting to £500, and the whole effects of their hospital to the Managers of the Royal Infirmary. The building in College Wynd continued to be used as a surgical hospital under the supervision of the Infirmary Managers until 1743,

when accommodation for the patients was provided in the new hospital. In the following year the property was disposed of to Andrew Good, wright, for £170.

As mentioned above, the financial affairs of the Infirmary progressed rapidly after the charter had been granted in 1736, and the Managers felt justified in proceeding with the erection of an hospital of such proportions as could conveniently lodge all the sick people who might reasonably be expected to apply for admission. Mr. Wm. Cowan, in volume v. of the Club's Publications, has told in detail how a site was secured close to Robertson's Close on ground formerly covered by the Blackfriars' Monastery. The Managers had to go warily, as by their charter they were forbidden to touch the capital (which at that time amounted to about £5000) and could only use the interest for building purposes. Still, they had confidence that the great benefits secured for the sick poor, and the extraordinary cures which might from time to time be performed, would satisfy all charitably disposed persons, and that the public would not let them down, and they found that that trust was not misplaced.

On 20th April 1738 they were able to accept the plan of Mr. Adam for an hospital to contain 200 people. The building was to consist of a block 206 feet long, extending east and west, having a northern exposure, with a wing extending 70 feet forward at each end. It was to have three stories, with an attic and garrets above. One half of the hospital was to be allotted to male patients and the other half to women, and these two halves were to be separated by a central block containing the great staircase—spacious enough to admit of sedan chairs (the ambulance wagon of the period) being carried up and down with patients—administrative rooms, and a theatre to contain 200 students on the top flat. Stretching east and west from the central block were wards each containing 24 beds; and as there were also 12 beds in each wing, there would be accommodation for 72 patients on each

floor, or 216 beds in all. The first two floors were set apart for medical cases, while the third was reserved for those of a surgical nature, so that they could have easy access to the operating theatre on the same level. On the attic story, sufficiently separated from the rest of the house, was a ward for lying-in women, under the direction of the Professor of Midwifery. On this flat also, in a remote part of the building, was a salivating ward for female patients, containing twelve beds, as well as a small ward with four beds for married women similarly afflicted through no fault of their own. In the basement there were to be apartments for twelve lunatics, for the kitchen premises, and also for the apothecary and porter.

The appearance of the hospital from the north front was, according to the plan, dreary and monotonous in the extreme, as the Managers did not feel justified in expending the limited means at their command on unnecessary architectural decoration. Some of the contributors, however, who had given liberal donations to the building fund signified to the Managers that the central or administrative block might be made more dignified and attractive to the eye without interfering with the general scheme of the building. Accordingly they erected in the centre of the building a graceful pillared façade, finished by an ornamental entablature, and surmounted by a gracefully designed attic and lantern dome. In an alcove above the main entrance was afterwards placed a full-length statue of George II. in a Roman dress: this now stands in front of the main entrance to the Royal Infirmary. At either side of this alcove are tablets, on one of which is inscribed: 'I was naked, and ye clothed me'; and on the other: 'I was sick, and ye visited me.'

As the funds were limited, they instructed Mr. Adam to proceed with the east wing first, to accommodate 72 patients, at a cost of £1573, 16s. 2d. On 2nd August of that year, 1738, the foundation-stone was laid with great ceremony.

The following account of the proceedings from *The Caledonian Mercury* for Thursday, 3rd August 1738, may prove of interest:—

Edinburgh, Aug. 3. Yesterday, between 3 and 4 after noon the first stone of the New Royal Infirmary of the City was laid, in the following manner.

The Lord Provost, Magistrates, and City Council, preceded by the City Serjeants, and Mace, walked in Procession from the Council-Chamber to the ground where the Foundation was dug: Immediately after them walked in a Procession the Free and Accepted Masons, in their proper Cloathing and Jewels, in the following Order.

1. The Servants of the Several Lodges of this City and Neighbourhood.
2. Such Brethren as did not belong to the Grand Lodge walking by threes.
3. The Lodges as they stand inrolled; the youngest walking first by threes, the Master supported by his Wardens.
4. Officers of the Grand Lodge.
5. The 9 Stewards by threes.
6. The Secretary with his Clerks.
7. The Treasurer with his Purse.
8. The Grand Wardens.
9. The Grand Master attended by those Brethren of Distinction who did not represent any particular Lodge.

The President and College of Physicians walked in a Procession from their own Hall.

The Surgeons from their Hall, and with them several of our Judges, the Dean and many of the Faculty of Advocates, Writers to the Signet, the Presbytery of Edinburgh, several of the Incorporations, and a great number of Persons of Quality and Distinction.

When the Company came to the Ground, the Grand Master and his Brethren of the Free and Accepted Masons surrounded the Plan of the Foundation hand in hand: Then the Grand Master [the Earl of Cromarty was Grand Master that year], Master Mason of the Work, and the Preses of the Managers of the Royal Infirmary, George Drummond, coming to the East-Corner of the Foundation where the Stone was to be laid, placed the same in its bed; the Rt. Hon. the Lord

Provost having first laid a Medal under it, each in their Turns giving 3 strokes upon the Stone with an Iron-Mallet, which was succeeded by 3 Clarines of the Trumpet, 3 Huzzas and 3 Claps of Hands.

Several Societies and Persons of Condition made large Contributions upon this Occasion for the Carrying on of the Work, Gentlemen Proprietors of Stone-Quarries having made presents of Stones, others of Lime, Merchants have given considerable Parcels of Timber, the Wrights and Masons have contributed largely, the Farmers in the Neighbourhood have agreed to carry all Materials gratis, the Journey-men Masons are to contribute their Labour in furnishing each a certain Quantity of hewn Stones. And as this Undertaking is for the Relief of the Diseased, lame and maimed Poor, even the Day-Labourers employed have agreed to work a Day in each Month gratis.

So much Money is already raised by voluntary Contribution, to carry on this so useful and necessary a Work; and there appears such a Spirit in Persons of all Ranks to encourage it, that 'tis not doubted but the Building may be finished without the least Encroachment upon the Capital Stock.

After the Ceremony was over, the Magistrates, attended by a great many of the Company, returned to the Burrow-room, where they drank the healths of his Majesty, Prince and Princess of Wales, and all the Royal Family, Prosperity to the Royal Infirmary, the Healths of the several Societies and other Contributers to the Good Work, and other proper Healths.

A considerable sum was collected for the Workmen employed in this laudable and pious Undertaking.

This Night, Ladies are to contribute to this Building by an Assembly, which will be well attended.

The Managers in inviting the various corporations and persons of distinction were wise in their generation, as we learn from the Infirmary Minutes that at the next meeting, on 2nd September, donations to the amount of £132, 19s. 2d. had been collected after the ceremony. Among these were £39, 15s. from the Royal College of Physicians and £34, 3s. 2d. from the friends of the erectors of the Surgeons' Hospital. Lord Lovat also contributed £5, 5s.—we wonder what had been behind this wily fox's mind when he undid his purse strings for this purpose.

Though the funds at the disposal of the building committee were so meagre, still, from the time the building was started until the whole scheme was completed, they were always able to clear off their weekly bill of expenses every Saturday night, which amounted to £35 on an average during the building season. It is said that Drummond and Monro personally paid the wages to the workmen each Saturday. Often the funds were so low that after paying the wages for the week there were not sufficient funds left to meet the incoming week's demands, yet the requisite sum never failed to appear.

It is well known how every one helped the good cause.¹ In addition to donations of money, gifts in kind were numerous. The Edinburgh members of St. Mary's Chapel gave work, the wrights made presents of window sashes ready made, the joiners gave windows, the quarries at Easdale provided slates which the slaters dressed and laid on. Timber was given by Leith merchants, while the Duke of Argyll's Duddingston tenants gave 6000 dales (planks). The brewers promised to supply the house with malt, the coal-masters with coals, farmers lent their carts, and even many workmen, who could ill afford money, gave one or two days' labour free. The General Assembly renewed their appeal for subscriptions and ordered collections to be made at all the church doors, while many of the ministers not only set an excellent example to their parishioners but solicited contributions from their own friends on behalf of the charity. Not to be outdone, the Episcopal clergy took up the matter and were themselves amongst the largest contributors in their congregations, as they did not subtract their ordinary collections (the only fund for their subsistence) from what was given on those Sundays when the collection for the building was made. The Managers of the Dancing Assembly gave benefit nights and deducted nothing for expenses. Mention must also be made of the

¹ Stark, in his *Picture of Edinburgh*, states that Drummond, while the work was going on, used frequently to go to the Cross to solicit subscriptions.

efforts of Miss May Drummond, the sister of George Drummond, the famous preaching Quakeress, who travelled through England collecting money for this benevolent institution. At one time she sent £83, and a great deal more was expected from the same source. She persuaded a company of glass-workers in Newcastle, in which some of her own persuasion were interested, to send as much glass as was required for that part of the building erected at that time.

In August 1739 Lord Provost Drummond issued a special appeal for funds, couched in dignified and persuasive language, which was distributed not only over Scotland and England but to Scotsmen settled in various parts of the civilised world. It met with a very hearty response. By 1740 the building fund was so prosperous that the Managers felt justified in starting the erection of the western block, and on 14th May the foundation-stone was laid by the Grand Master Mason (James, Earl of Morton), who, in the procession from St. Mary's Chapel in Niddry's Wynd, was preceded by trumpets and other instruments of music, and accompanied by all the dignitaries of the Order. So enthusiastic were the Managers and so energetic the workmen, that the eastern section, along with the central or administrative block, was opened to receive patients in December 1741. During 1742, 154 patients were treated, of whom 10 died.

In 1742 a windfall came to the Managers in the shape of a grant of £400 per annum for twenty-five years from the Earl of Hopetoun, of which sum £100 were to be added yearly to the capital stock, £100 were to be used for building and furniture, £50 were allotted for the maintenance of five people judged to be incurable, and £150 were to be employed in the entertainment of the ordinary patients in the house.

The building was probably completed in 1748, but it was many years before it could be used to the full advantage, through want of the necessary funds for maintenance and

treatment. In the *Scots Magazine* for 1747 it is stated that the interest of the present capital is not sufficient to maintain about 14 patients, but by 1750 it was sufficient to maintain 50. It was also then arranged by the Managers that indigent curable patients who could not be admitted might be boarded in the house for 6d. per day until their turn came to be put on the establishment.

Just as Heriot's Hospital in its early days was commandeered for the treatment of sick and wounded soldiers, so our Royal Infirmary was similarly used during the '45 Rebellion. Owing to the disturbed state of the country in 1744, a ward of twenty-four beds was opened for soldiers from the regiments quartered in the neighbourhood of the city, but after the battle of Prestonpans on 21st September 1745 the building practically became a military hospital. According to the *Scots Magazine*, only six ordinary patients applied for admission between that date and midsummer 1746.

The Managers during this time still maintained the control of the institution and regulated the prices to be paid for the maintenance and treatment of the military inmates. On 1st April 1745 they demanded from the Government 2s. 7½d. Scots per diem for the soldiers, as they found 2s. 6d. too little, owing to the wear and tear of furniture. In January 1746 it was proposed by the Physician-General of the Forces that the whole house but two wards be made the Grand Hospital for troops at the rate of 4½d. sterling per day for each for food and furniture, but this amount was, two months later, raised to 5d. per diem owing to the high price of provisions.

At this time (1746) Dr. Rutherford, Professor of Practice of Physic in the College, took a step which was destined to bring great distinction and add popularity to the Edinburgh Medical School. He improved the teaching of medicine by encouraging his students to bring cases to him on Saturday mornings, when he inquired into the nature of their diseases and prescribed for them in the presence of the class. This

was the first occasion on which the English language was used in teaching students in Scotland, all instruction up to this time having been given in the Latin tongue.

Two years later he thought of giving a course of clinical lectures in the Infirmary to students attending his College (as a course of University lectures was called at that time); but on learning that some of them did not possess tickets entitling them to see the Infirmary practice, he agreed to defer his purpose till the following winter session, when he would make it a condition that every one attending must have an Infirmary ticket in order that the hospital might not be hurt. When this came to the knowledge of the Managers, they agreed that Dr. Rutherford should begin his lectures at once, as it would be a great help to the students and an advantage to the institution. So pleased were they with the scheme that they gave him a room to lecture in, and all his students were to be admitted whether they had hospital tickets or not.

At first Dr. Rutherford was permitted to use any case in the institution which he might find suitable for his purpose, but in 1750, so gratified were the Managers with the financial success of the scheme (the sale of Infirmary tickets in 1749 had realised £76, 12s. 6d. more than in 1748, owing to the popularity of the lectures) that they set aside a ward containing ten beds to be used by Professor Rutherford for the purpose of his lectures, and this number was soon increased to fifteen, the Managers hoping that the increased cost of maintenance would be more than paid for by the additional number of tickets which would be sold to students eager to attend the lectures.

In 1747, when the country had to a certain extent settled down, the Infirmary returned to more or less normal conditions, and baths, which had been provided for in the original plan, were now erected in the basement at the suggestion of Dr. Alexander Monro. Of these baths there were two sets—one in the east wing to which patients alone were admitted,

and another set of a more elaborate character in the west wing which were set apart entirely for the use of the general public. It is said that George IV., on his visit to Edinburgh in 1822, made use of this bath, an incident which made bathing so popular that public baths were instituted outside the Infirmary.

It may be of interest to state the diet on which patients were sustained during their stay in hospital in those early days: For breakfast or supper, daily, 4 ozs. of oatmeal to make porridge, and three gills of milk; or, a six-ounce 'bap' and a muttonkin of milk. For dinner, on two days a week, one ounce of rice and a muttonkin and a half of milk: on two other days, a pudding consisting of 40 ozs. of rice, 6 pints of milk, 42 eggs, and 12 ozs. of sugar, weighing usually 26½ lbs., for 34 persons: on the three remaining days, 2 ozs. of barley, a muttonkin of milk, and sugar for seasoning. A flesh diet was only permitted when the physician in attendance saw fit.

This diet did not err on the side of variety or excess, but was sufficient for the needs of the inmates, and was probably in excess of what many of them were getting in their own homes in those days. On the other hand, if the present inmates of the Infirmary were fed on a similar scale, there would be an outcry both inside the building and outside that the sick poor were being starved or ill-used.

With regard to the treatment of the inmates, it has been a rule since the Infirmary was first started in 1729 that only Fellows of the College of Physicians and Members of the Incorporation of Surgeons could be appointed to the staff as physicians and surgeons. We have seen in an earlier part of this paper that two physicians had been in the habit of attending twice weekly at the Hall for the purpose of treating any sick poor who might attend. After the establishment of the Infirmary, the College of Physicians on 5th May 1730 ordered

'that in place of two phisitians who ordinarily attended the Hall formerly, only one shall wait on, and when the present course is over

the Eldest Phisitian shall begin, and so in course go on as formerly, and further the College ordered that when all the fellows and licentiates have gone through this course at the Infirmary, the Senior Phisitian shall again begin, and so go on until the Colledge shall think fitt to alter it, and that all the fellows and Licentiates shall be obliged to attend both the Hall and the Infirmary in thyr turns, or send oyrs of thy number for them, and who does not observe these Rules shall be subject to the censure of the Colledge.'

Similarly, the surgeons, after the union of the two hospitals in 1738, agreed to serve on the same footing as the original six surgeons did, to be classed, and their attendance regulated, by the Managers from time to time. Soon after this agreement the Managers ordained that 'four surgeons do attend the Infirmary "per vices" for the space of a month, being two surgeons for each ward or floor monthly,' and the members of the Corporation were further divided into seven classes of four each.

In addition to the physicians and surgeons daily visiting the hospital, there was one resident clerk appointed at the salary of £10 per annum, whose duty it was to look after the patients when the members of the Staff were not present. One of his other duties was to write the medical history of each patient on admission, which was revised by the visiting physician, who also dictated the course of the symptoms as they appeared at the daily round of visits, and the medicines to be administered. These notes the clerk had to read slowly to all the students in the theatre on Saturdays at 3 o'clock, so that the students might transfer them to their own notebooks. One of the clerk's perquisites was to give a written copy of all the notes to any student upon his paying 3d. sterling per page. On a protest of the latter, this was later, with the consent of the clerk, reduced to 2d. per page.

All students wishing to attend the practice of the physicians and surgeons in the Infirmary were required to pay £2, 2s. per annum to the hospital, but apprentices to the surgeons

in the Infirmary only required to pay £1, 1s. This sum entitled them to be present during the daily visits of the physicians and surgeons to the wards, in order to hear the daily reports on the patients, to be present at operations in the theatre, and at the examinations of patients applying for admission, at reading the patients' cases on Saturdays, and at any examination of dead bodies (such examinations could not be made without a licence signed by three Managers). During the early years, the students' fees were a very material factor in the annual income of the Infirmary, the only other sources being the annual contribution from the Earl of Hopetoun and the interest on the hospital fund, and a third share of the profits from the assemblies held during the winter months.

As we have seen, the affairs of the Infirmary were under the control of twenty Managers, who were elected annually on the first Monday of January. Their duties were 'to meet on the first Monday of each month, and at any other time they shall think proper, to determine the number of ordinary patients, and servants to be employed in the house, to choose, reprove or turn out the officers and servants, to appoint their Fees and Salaries, to establish Rules that are to be observed in the economy of the Hospital, to cause Reparation and Improvements to be made, to order the lending out or uplifting of money belonging to the Corporation, to purchase Houses or Lands for the Corporation, to examine and control the Treasurer's Accompts, and to do every other thing required in the management of the affairs of the Corporation, always, however, in conformity to the Charter and Bylaws of the Corporation.' Two of their number were appointed to visit the house at least once in the month, to examine the matron's accounts and inquire into the conduct of all the officers, servants, and patients at the Infirmary, and they had to submit a written report of their observations to the Managers at the first meeting of the succeeding month.

The 'family,' as the inmates were affectionately called, was under the control of a matron, 'who shall be unmarried, without a family, and capable of keeping accounts.' Her duties were strenuous and her salary was small. She could not leave the building without the consent of the visiting Managers, and she had to engage servants, examine the state of the wards twice daily, keep an inventory of all furniture, utensils, etc., purchase all the provisions and stores, keep an account of her daily outgivings and receipts of all kinds, and an exact register of all donations of coals, meal, linen, blankets, and every such necessary gifted to the Infirmary. She must be 'particularly attentive that the vivres, especially those intended for the patients, be sound, and of the wholesomest kind,' and she was to examine regularly the cooking of the victuals. In addition she was authorised to admit any urgent case when the physicians, surgeons, or clerks were not at hand. For all this she received a salary of £5 per annum. The second matron began at the same figure, but it was later increased to £8 per annum.

The porter also must be unmarried, and never leave the premises without the consent of the matron. He had to keep all the passages and public rooms clean and neat, attend the door when the visiting physicians and surgeons were going their rounds, and see that none were admitted except Managers, the medical and surgical staff, and those students who had bought tickets of admission. He was not to accept vales or drink-money from strangers who came to see the house or to walk in the garden, but to 'satisfy their desire without fee or reward.'

Thus was the Old Royal Infirmary conceived, built, staffed, and started on its distinguished career. That it was so successful was due in large measure to the far-sightedness, energy, and devotion of George Drummond, to whom nothing connected with the welfare of the institution was too trivial to receive his care and attention. In his diary, which he kept

with scrupulous care, are two characteristic references to this department of his work :—

22nd March 1738.—I have had more work than ever upon my hands this winter, and all of it for others. The Royal Infirmary is one of the affairs I have given a good deal of time to. We have got a plan for our house, its to hold above two hundred patients. I look to the Lord often about it, to make it a blessing to the place and to the nation. The distinguished part I have in it made me afraid that the spring of my action about it might degenerate.

13th October 1738.—Forwarding the building of the Infirmary is the only amusement I have allowed myself in of a great while, but I have not the same pleasure in it I had, because of late I began to be afraid vanity and not regard to God is become the spring of my activity. At first it was somewhat uphill work, but now its the favourite undertaking among all ranks of people, and as the fervour of my temper naturally leads me to be very active in every society I am a member of, and as the Lord gives remarkable success to all our applications, I am distinguished and called the Father of it etc., with which, alas, I have too much pride and vanity not to be pleased. Yea, I am afraid I am puffed up. Woe's me, I can neither be humble under success nor bear up under discouragement! O what a poor worthless creature am I! I am sure my eye was single when I set out in this undertaking.

Some years after his death in 1766, the Managers set up in their Hall a bust of Drummond by Nollekins, for which Principal Robertson composed the inscription: ‘George Drummond, to whom this country is indebted for all the benefit which it derives from the Royal Infirmary.’

This building served the sick poor of Edinburgh faithfully for several generations, but the ever-increasing popularity of the institution and the phenomenal growth of the Medical School called for extension. In 1829 the High School was acquired and converted into a surgical hospital. A year or two later (in 1832) the old Hall of the College of Surgeons was bought and used for some years as a fever hospital. These additions not proving sufficient, the Managers in 1852 erected a new surgical hospital to the east of the original

building, and an up-to-date operating theatre in the rear of the old High School.

In the early sixties of last century it was recognised that more would be required to be done, as the medical hospital was falling into disrepair and was inadequate for its purpose, so in 1864 the Managers reported that it was necessary to face the question of rebuilding the medical hospital. Plans were prepared, but before they were put into execution a discussion arose as to whether it would not be better to build an entirely new hospital for both medical and surgical patients, on a larger and airier site. The ‘battle of the sites’ was long and acrimonious, but ultimately it was decided to purchase George Watson’s Hospital with its extensive grounds in Lauriston, and erect a new Infirmary there. The foundation-stone was laid by the late King Edward, then Prince of Wales, in October 1870, and the building was opened for the reception of patients in October 1879.

ROBERT THIN.

THE BURLAW COURT OF LEITH

REFERENCES to Burlaw Courts may be found in books of history and law, both Scottish and English, but the literature which deals with the subject is not extensive.

The word Burlaw is variously spelt, *e.g.* Bourlaw, Birlaw, Byrlaw, Birley. There is a reference in the *Regiam Majestatem* (Book iv., Chap. xxxix., Section 8) to Birlaw Courts, ‘the quhilks are rewled be the consent of neighbours.’ In Skene’s *De Verborum Significatione* there is this definition :—

Burlaw, Byrlaw. Lawes of Burlaw are maid, and determined be consent of nichtbors, elected and chosen be common consent, in the courts, called the Byrlaw courts. In the quhilk, cognition is taken of complaints betuixt nichbour and nichbour. The quhilk men sa chosen, as judges and arbitrators to the effect foresaid, are commonly called byrlaw men. It is an Dutch word, for baur or baurzman in Dutch, is rusticus, an husbandman. And sa byrlaw, burlaw, or baurlaw, leges rusticorum : Lawes maid be husbandmen, concerning nichbourheid to be keepeid amangs themselves.

Byrlaw is defined in the *New English Dictionary* as follows :—

The local custom or law of a township, manor, or rural district, whereby disputes as to boundaries, trespass of cattle, etc., were settled without going into the law courts ; a law or custom established in such a district by common consent of all who held land therein, and having binding force within its limits ; hence Byrlaw-court and Byrlaw-man. These laws regulated such matters as the dates of ploughing, the turning out of cattle, the number of cattle turned out by each tenant

of common land, the fines for trespass and damage done to fences, etc., the keeping up of fences, sea banks, the pound, the balks in fields, and the like.

The same authority defines Burlie Bailie as an 'officer employed to enforce the laws of the Burlaw Courts.' In *Waverley* (chapter xlvi.) Sir Walter Scott refers to an individual as 'no fit to be a birlie-man, let be a bailie.' There is also an allusion to 'Burlie Bailie' in one of Allan Ramsay's poems. Further, various references to birleymen or burlawmen occur in two publications of the Scottish History Society, namely, *Court-Book of the Barony of Uriel*, 1604-1747; and *The Records of the Baron Court of Stichill*, 1655-1807. In these instances the members of the Burlaw Court do not appear to have possessed jurisdiction beyond the bounds of their particular barony, nor were they popularly elected, but the appointments were made by the baron for the purpose of enforcing his authority among his tenants in matters connected with agriculture.

Cosmo Innes, it may be added, in his book on *Legal Antiquities* (1872), makes a passing reference to 'birleymen,' and states that the office is not yet extinct in some northern districts. The birleymen were referees in legal disputes. 'The settlement of the rights of outgoing and incoming tenants; of the value of meliorations; and all such matters was in their hands for the most part; and in the old time to dispute the award of the birleymen left a stain on a man's character.' There do not appear to be any references to the subject in the Scots Statutes, or in the reported decisions of the Courts.

In the eighteenth century there existed a Burlaw Court exercising jurisdiction in the neighbourhood of Edinburgh and Leith. From an entry in the Minutes of Edinburgh Town Council, dated 20th July 1715, we learn some interesting facts concerning what appears to have been its origin. A petition was then presented by certain occupiers of lands 'lying near to the citie of Edinburgh and toun of Leith and

upon the highwayes and roads thereto,' complaining that they had 'suffered considerable dammages by stealing and carrying of great quantities of corns from the feilds in tyme of harvest'; that their crops had also been trodden down by 'men, horses, and other beasts'; and that their grass had been 'eaten up and distroyed by straingers cattell.' They therefore craved a remedy, otherwise they would be 'rendered uncapable of paying their rent to the good town.' As their losses were due to the 'want of acts and statuts . . . for keeping of good order and neighbourhood as in other places of the country, they urged the Council to have 'Burlay Baillies chosen and elected,' who would make the necessary 'acts and statuts.' Along with the petition the aggrieved farmers presented 'ane scheme of such acts and statutes,' which they promised to 'stand to and abide at,' in the event of the Council authorising them 'to meet among themselves and to chuse two Burlaw Baillies yearly,' whose duty it would be to see that 'the acts or decrets' of the Court were enforced.

The petition together with the 'acts and statuts' was remitted for inspection to Bailie John Cleghorn and the Dean of Guild, who, in due course, recommended the Council to grant the prayer of the petition 'given in by the inhabitants of Leith, possessors of the Lands belonging to Herriot's and Trinity Hospitalls, lying on the east syd of the Walk leading from Edinburgh to Leith,' provided that the two Burlaw Baillies were 'chosen yearly or at least each two years at the sight of the Baillies of Leith.' The recommendation was approved, and the Council 'appointed the sd. Burlaw Court to commence from Lammas next.'

Hitherto little has appeared in print concerning the Burlaw Court of Leith, and, as the subject may be of interest, it is proposed to give some account of this forgotten institution, the narrative being based on information taken from three volumes preserved in the Town Hall of Leith, which record the proceedings of the Court for the period 1724-1750.

The period covered by the volumes, the second quarter of the century, witnessed almost a revolution in the methods of agriculture practised in Scotland. The period must therefore have coincided with the disappearance of much of that system which had come down from immemorial times, and has been depicted in picturesque language by many writers. It may be surmised that the progress of improvements was at any rate as rapid locally as elsewhere in Scotland, not merely because Edinburgh was the capital, but because of the high value of agricultural land in Midlothian. In 1723, the progressive spirit had given birth to an association entitled the 'Society for Improvement in the Knowledge of Agriculture,' whose members held quarterly meetings in Edinburgh, and carried on experiments for the purpose of testing the new methods in husbandry in the Meadows and on the estate of Clifton Hall.

The descriptions of rural Scotland in the early years of the eighteenth century make dismal reading, but one hesitates to apply them to the rich district round Edinburgh. We are told that the land was treeless and bare, undrained and diversified with numerous marshes, without wall or hedge to give variety to the view. The farms were divided into 'infield' and 'outfield.' The infield was the part nearest the steading, and to it the farmer devoted practically all his care, as it produced his crops of bear and grey oats. The outfield was the larger portion, but, being ill kept, it yielded only meagre crops of oats. The chief products were thistles, on which the horses, sheep, and cattle browsed. There were no enclosures, neither dykes nor hedges between fields, nor even between farms, so that after Candlemas the cattle required to be herded or 'baited,' *i.e.* tethered, to keep them from the growing grain. When, however, the harvest was over, the cattle wandered everywhere, devouring the stubbles, and converting the land into a dreary water-logged common.

The runrig system still presented a serious obstacle, the

fields being divided into separate rigs, 'corn rigs and barley rigs,' these being cultivated by different tenants. Rigs or ridges were from twenty to forty feet wide, high in the centre, and purposely made crooked, in order to drain off the surplus water. Between the rigs there were wide open spaces or baulks filled with weeds, stones, and water.

In the early years of the eighteenth century the tenants in many districts lived in cottages, clustered together, and forming a 'farm town.' These tenants formed local co-operative societies, giving mutual help with horses, oxen, and men. Ancient tradition and local custom regulated most of their operations, fixing the dates when the cattle were to be released from the long confinement of winter and returned to pasture in the fields, fixing also the times for ploughing and sowing, and for cutting and leading in the crops.

This general description may be taken as applicable to farm lands in the vicinity of Edinburgh. So long as agriculture was subject to conditions of the kind referred to, the Burlaw Court was a necessity in order to settle disputes, which in point of fact were frequent and violent. But by the second quarter of the eighteenth century many of the features of this primitive system seem to have disappeared.

The Scottish Parliament, legislating in advance of the times, had passed two Acts, which, although not coming into general operation until well on in the eighteenth century, were ultimately adopted everywhere with beneficial results. In 1686 there was passed the Winter Herding Act, which provided for herding bestial as well in winter as in summer; and in 1695 the Runrig Act, enabling heritors to apply to the Sheriffs, or the Justices, to have their lands divided according to their respective interests. In the second quarter of the eighteenth century the old custom still lingered in the district around Edinburgh of allowing sheep, if not cattle, to roam at large over the stubbles, but this limited right came to an end within the period covered by the Burlaw books. No

trace of runrig is to be found in the volumes of the Leith Court. The farms appear to have been divided, as they are now, into compact areas, which were in the exclusive possession of individual tenants, though it happened sometimes that tenants possessed lands in different districts. The expressions 'infield' and 'outfield' do not occur, and even in the early years mention is made of dykes and hedges, though it may seem odd that they refer only to enclosures for grass and clover. It will therefore be seen that the work of the Burlaw Courts arose mainly from the lack of enclosures, which, as soon as they were made, fixed in a simple and obvious way the boundaries of farms, and the rights of neighbouring tenants.

The Burlaw Court of Leith extended its operations not only to Edinburgh but over a wide and apparently indefinite area. On the east, Restalrig appears to have marked the limit of its jurisdiction, probably because Restalrig had a Burlaw Court of its own; but in other directions it is not easy to say what limits were recognised by the Court, except that they did not exceed the bounds of the Sheriffdom. Within this extensive area lands here and there were 'entered' to the Court, becoming thereby subject to its 'statutes,' the farmers entered in this way being entitled to come to the Court and to have the statutes put in force not merely against other entered members, but against all and sundry.

Among the place-names which occur in the Burlaw books the following may be mentioned:—

Bangholm, Barnton, Bearfords Parks (Princes Street), Bells Mylns, Blackhall, Blinkbonny, Bonnington Mills, Borrowmoorhead, Broughton, Broughton Burn and Loan, Braid, Braid Mills, Braehead (Cramond), Calton, Canon Mills, Causewayside, Coates, Craiglockhart, Clermiston, Colbridge, Clockmin Park, Craigleith, Craigerook, Collington, Curriemurend, Castlebarns, Cockaplehaugh, Croftangrie, Corstorphine, Cuddieshaugh (near Dean), Craigoe (Peffermill Road), Craigwell (Low Calton), Dean, Deanhaugh, Dalry Mills, Duddingston, Drumsheugh,

Greenbank, Greenside, Harebrae (Watergate), Hailes, Heartknowe (near Calton Hill), Innerleith, Ironside (Abbeyhill), Kirkbraehead (near Princes Street Station), Laugh-at-Leith (foot of Lochend Road), Liberton, Livingston Yards (West Grassmarket), Lochrin, Logie's Green, Moutries Hill, or Mulletrees Hill (east end Princes Street), Muttonhole (Davidson's Mains), Murrayfield, Parsons Knowes, Paddock-hall, Pennywell (Granton), Pickardie, Pilrig, Powderhall, Portsburgh, Quarter Miln Bridge, Ravelston, Reidhall (Craiglockhart), Reidbraes (Bonnington Road), St. Ringans Row (Low Calton), Slateford, Silver-mills, Stockbridge, Thorntree (near London Road), Tillyhewan Quarry (Davidson's Mains), Warrington, Watergate, West Mylns (Colinton), Whitehouse (Morningside), Whitehouse (Cramond), Windlestrawlee, Wardie.

The Burlaw books begin with a declaration to which forty-one signatures are appended. At the end of the first volume (1724-1734) a petition is narrated not as part of the Court's proceedings, but apparently for the purpose of reference by the clerk. The declaration and petition are really a continuation of the narrative (already given) as to the origin of the Court, and are quoted here by way of introduction to the books:—

Att Duckat Yeard Munday the Twentie Day of July 1724 years.

The persons hereto subscriving being admitted and entered members of the Burlaw Court of Leith doe hereby bind and oblige ymselves to stand to abyde by and fulfil all the Acts and Statutes of the sd Burlaw Court made and to be made for the better regulation of the neightbourheid and members of the sd Court, and obliges them to obey the sentences of the said Burlaw Court in all tyme coming.

Unto the Honourable Roger Hog and Robert Blackwood, Baillies of South Leith, the petition of Cornelius Key and John Idington present Burlaw Baillies of Leith for themselves and remanent members of the sd Burlaw Court of Leith humbly sheweth that where at the first election and constituting the sd Burlaw Court in anno Jajvii C. fifteen years the neighbourhood and such others as did associate themselves as Burlawmen did agree in presence of the then Magistrates of Leith

that the Burlaw Court should meet and sitt at the place commonly called the Ducatt yeard, betwixt the lynkes of Leith on the north-west side, and the cornfeilds on the south, and that the election day of the Burlaw Baillies should be upon the first day of August yearly, in presence of the Magistrates of Leith for the time being, and seeing the Burlaw Court has frequently occasione when the wether happens to be rigidly cold, rain, or tempestuous, which renders it unsafe and inconvenient for persons to sit in the open feilds, as also that the election of the Burlaw Baillies upon the first of August happens often to be inconvenient to the members, being the moneth of their harvest, which very much uncomodes the members and keeps them from attending their harvest, wherefore may it pleas your honours to statute and appoint that in all time comeing when the weather appeares to be foul, stormy, or rigidly cold, the Burlaw Court may sitt in any of the houses of new maines adjacent to the linkes of Leith, and also to statute and appoint that the election of the Burlaw Baillies shall in time cominge be upon the second Thursday of July according to Justice, and your honours answer (Sic Subr.) Cornelius Key, Jon. Idington, Leith, 17th September 1724.

The Baillies having considered this petition, grants the desire of the Bill whereanent thin presents shall be a warrand Sic Subr. Ro. Blackwood, Baillie. Extracted from the prints in the Dyet book of the Court of Leith by me, Alexr. Home.

Unfortunately, with the exception of a few statutes no record has been traced of the early proceedings. Apparently for nine years the Court met under the canopy of heaven, 'at ease reclined in rustic state,' and the books show that in good weather this wholesome practice was still maintained. Neither the Duckat Yard nor Newmains have survived as local names, but, so far as can be gathered, the site of the former was near the present Vanburgh Place, while the latter adjoined it to the south and east, occupying a large part of the space between the present Lochend Road and Restalrig Road. In 1724 the tenant of the Duckat Yard was James Duncan, farmer, Nether Quarryholes. Newmains was held by Robert Anderson in 1724, but later on it came into the possession of

one John Pew, a maltman, somewhat notorious in Leith annals, of whom further mention will be made.

As time went on, the members of the Court became more considerate of themselves, for, in 1732, we find them meeting in the house of one called John Clephane, a clubmaker and vintner, whose premises at the east end of the present Duke Street were in high favour with the golfers of the time. The hospitality enjoyed at this house put an end to the open-air meetings, and it is not surprising to discover that at the close of each day's proceedings the members refreshed themselves at the expense of the Court. There are such entries as the following: (1735) 'By order of ye present members, Baillie Sheills pd out of ye publick stock in his hand 18 pence for ye reckoning'; (1739) 'The thesaurer pd 12d. of reckoning, and the clerk pd 8d. more.' John Clephane died in 1742, but he left a widow to carry on his business, and the Court continued to patronise the lady's house until 1745, when they transferred themselves to the Tolbooth of Leith, or Pratorium, as it is termed in some old sasines. The minute is in these terms: 'The Baillies appointed the clerk to applie to the Baillies of Leith that ye Burlaw Court may be allowed to meet in time coming in the Tolbooth Hall of Leith.'

The petition quoted above shows that the authority of the Burlaw Court was derived from the civil powers. It would seem as though the two Baillies appointed by the City of Edinburgh *ab ante* interposed their authority to the whole proceedings of the Burlaw Court, and that their concurrence was renewed yearly. An entry for the year 1716 bears on this point: 'It's statute that in all time comeing the Clerk of Leith shall have yearly from ye Court 5s. sterling money for renewing the concurrence of the Baillies of Leith, and writing ye election of the Bourlaw Baillies.' The concurrence in March 1727 was expressed as follows: 'Leith, the — day of March, one thousand seven

hundred and twentie-seven years. The Baillies of Leith grants yr concurrence for putting the acts and statutes hereto prefixt and haill statutes of the Burlaw Court of Leith to all due execution agst the rexive transgressors qranent thir pnts shall be to the officers of Leith ane sufficient warrant.' But an entry in July 1731, which is not repeated, indicates that other sources of authority could be invoked: 'The Court appoints application to be made for ye sheriffs and Baillies of Edr yr concurrence for ingathering ye fines of Court.'

The clerk of the Burlaw Court was Alexander Home, Town Clerk of Leith, father of John Home, the author of *Douglas*. His signature appears from time to time, but only occasionally do we find the minutes written by his hand, the practice being that either he or his depute, Alexander Innes, took notes during the sittings of the Court, these being extended at leisure and recorded in the Court book. Home died in 1744, when the following minute occurs: 'The Court did unanimously elect and chuse George Home, Clerk of Leith, to be Clerk of this Court, in room of the deceast Alexander Home, his father, with the same salary and allowance.'

Like every respectable tribunal, the Burlaw Court possessed an officer of its own. The duties of this official were not ornamental merely, since he cited, either personally or at their dwelling-places, the members of the Court to the various sederunts, and also the parties appearing before them with their witnesses. There is no record of the officer being provided with a horse, and as there were at the time no mechanical means of locomotion, it seems to follow that the officer must have made many long and weary journeys on foot, for which, however, he was equipped with shoes generously provided by the Court.

The Burlaw Court was not maintained at the public expense, and the question of ways and means crops up year after year. The chief revenue seems to have been derived

from the fines, but in addition to this precarious item each member paid so much upon his admission, generally at the rate of 3s. per acre of his entered ground. He also paid an annual levy at the rate of 1s. 3d. for each plough or plough-gate, which probably meant 104 Scots acres.

The following example, dated 15th November 1733, is typical of the entry of a new member: 'Compeared Peter Blair, Skinner in Colt-Bridge and Possessor of some lands in Dean & Coats & was admitted a Member of Court, entered ten acres of ground of his possession, gave his oath *de fidei* as usual by Intrants, Sign'd the Statutes, and paid one pound ten shillings Scots for his ten acres.'

In June 1730 the Court appointed a full meeting in order to concert measures for enabling them to defray the annual charges, and instructed the officer: 'To summond ye haill members to compear under a penalty of 1 merk Scots each.' What followed shows that the basis of an annual levy had not then been settled:—

The Court, taking to consideration that a fund should be made up for defraying their annuale charge and expence, they putt it to ye vote whither such fund should be levied in proportion to each members plough gates of land or quarterly att a sett and equal rate, and it caried for ye last and ye question being stated and voted how much evry member should contribute quarterly, it caried one shilling pr quarter which ye Court ordains to be punctually paid the first quarter payt to commence ye first Court day of July next.

It had been determined in 1724 and 1725 that '£30 Scots yearly be laid up in time comeing as a fund for the Court until it amount to £200 Scots.' This sum, however, was not realised, and the yearly levy of 4s. on each member was unsuccessful. The annual accounts show equally that the levy of 1s. 3d. per plough was maintained, although with difficulty, right down to the dissolution of the Court. The following is an extract from the account for the year 1743, and it is

presumed that the figures indicate sterling and not Scots money :—

24th November 1743.—List of members of the Burlaw Court which are resting for their ploughs 15d. for each plough and 7½d. for ilk half plough, as follows :—

David Smith 3 ploughs 1742 and 1743	£0 7 6
Alexander Shiell 1 plough 1742 and 1743	0 2 6
Stephen Lithgow 1 plough 1738, 1739, 1740, 1741, 1742, and 1743	0 7 6
Thomas Nimmo ½ plough 1742 and 1743	0 1 3
Thomas Shedd ½ plough 1739, 1740, 1741, 1742, and 1743	0 2 9½
John Scott 3 ploughs 1742 and 1743, 7s. 6d. qrof pd. 14 July 1743, 5s. rests	0 2 6
Harry Anderson 1 plough 1742 and 1743	0 2 6
James Finlay 2 ploughs 1741, 1742, and 1743	0 7 6
John Spalding ½ plough since Anno 1729 to Anno 1743	0 8 9
James Rennie ½ plough from Anno 1739 to 1743	0 3 1½
Edward Key 1 plough from Anno 1740 to 1741 and ½ 1742 and 1743	0 3 1½
William Adamson 1 plough 1742 and 1743	0 2 6
Pier Lamott ½ plough 1742 and 1743	0 1 3
<hr/>	
	£2 12 9½

The Court appointed yearly one of their number to act as treasurer, and a regular audit was made of the accounts, details of which are given in the books. The following entry occurs in 1745, and shows that the treasurer was also fiscal of Court, though the dual office is not referred to on any other occasion : ‘The Court did unanimously elect John Edington to be treasurer for the year ensuing and also fiscal of Court.’ The complainers appear to have conducted their cases in person, and the term ‘fiscal’ is probably used in a monetary sense.

As far back as 1718 it had been enacted that the clerk to the Burlaw Court ‘shall have £12 Scots of yearly salary and the officers of Leith £3 Scots yearly, and the Burlaw officer £6 Scots yearly.’ It was inevitable that the salary question should come up, and from time to time we find the Court deliberating on it. In 1721 it was resolved that John Hutchison, the officer, should have ‘yearly of ilk member a peck of bear in lieu of all other payment for citations before the Court at the instance of entered members.’

In 1733 the following interesting arrangement was made :—

The Court appoints the clerk to pay to Mungo Young, taylor, seven shillings and eight pence for altering the officers coat. The Court considering that the clerks salary is only twenty merks yearly therefore the Court statutes and appoints that for the Cropt 1733 and in time coming each member shall be liable in payment and to deliver to Alexr. Home, Clerk of Court, yearly, the quantities of straw following, vizi., each member for ilk plough a kemple of straw half bear and half oats, and so in proportion for more ploughs, and that such of the members as failzie to deliver the straw shall be liable in payment of the value of the straw as it shall be modified by a committie of the Court yearly.

It is difficult to say what precisely in any one year were the salaries paid to the clerk or the officer. The latter was provided with a uniform as well as shoes, sometimes at a cost which must appear extravagant. ‘10th July 1727.—To expenses of John Hutchison’s coat cloath furnishing and making £20, 4s. 6d. Scots.’ In 1737 an entry states that the treasurer paid to the clerk £36 Scots ‘as salary from July 1736 to do. 1737 and to the officer £12 Scots in part of his salary for the said time.’ It is possible that the clerk and officer had each a share of the fines recovered.

It is not to be supposed that all the farmers in the neighbourhood were members of the Burlaw Court, or that the Court exercised jurisdiction over a defined district. The position of matters was somewhat anomalous. The Court con-

sisted of certain farmers, market gardeners, etc., the number seldom exceeding forty in any year. The members so entered formed the Court, and by them the statutes were from time to time enacted and put in force. By what means these statutes were made public cannot be stated, as reference to this subject appears to occur only once: 'Ordains copies of this Act [1726] to be affixed on the kirk door of South Leith and Caldton Well that none may pretend ignorance.'

The statutes applied to the lands entered by members, but apparently not to unentered lands. At any rate, farmers who were not members could not appear in the Burlaw Court to enforce obedience. It would seem as though this was a privilege reserved to the members, and that they alone had the benefit of the Burlaw Court to regulate their relations *inter se* and with the public.

The members had various duties, including the burdensome one of attending all meetings of the Court. These were held weekly or fortnightly as business required throughout the greater part of the year, generally commencing in March or April, and continuing, with a slight break at harvest time, until October or November. Farm work carried on during the winter months apparently did not require the regulation of the Court. When it met, no matter the occasion, a large proportion of the members, frequently the majority, were absent. This led to a large amount of work being placed on the treasurer. He had to keep an account of the fines to which absentees were liable, and even the most diligent official was never able to make good the whole of this revenue. The scale fixed the fine for an absent Bailie at 13s. 4d. Scots; the same amount for the clerk; half of this amount for ordinary members; while 'seros,' that is, those members who arrived more than a quarter of an hour after the appointed time of meeting, were liable to pay 3s. 4d. Scots. In 1748 the scale was a penny for ordinary members and sixpence for Bailies, but this was sterling.

One may hesitate to be specific as to the extent of the benefit which the Court conferred. It is reasonable to assume that in the eighteenth century the ordinary Courts of the land were adequate to deal with the class of offences which came before the Burlaw Court. If A appropriated a rig belonging to B, or fed his cattle on B's growing crops, or stole B's sheaves from the harvest field, we can hardly doubt that B had some recourse against A. But unless he was an entered member, B could not make good his remedy through the Burlaw Court. If the advantage derived from the Court had been sufficiently extensive, then no doubt the whole farming fraternity would have become members, and there would have been a well-defined area of jurisdiction. As it happened, however, there was no definite area. Apparently, isolated farms over a wide district were entered by their owners, and it was to these only that the territorial jurisdiction of the Court extended. In respect, however, of these scattered patches of ground, the jurisdiction was apparently good against all and sundry, and, while the members not infrequently brought complaints against one another, any person of whatever degree or rank was liable to be haled to the Court as a 'defender,' there to be put on trial and punished by fine or imprisonment.

The above statement as to jurisdiction may not be complete, but it seems to summarise the position of the Court from a perusal of the cases in the books. The following are examples of statutes bearing on this subject:—

It's statuted and appointed that for hereafter any person having Ane Acre of Garden or Inclosed Ground or upward shall be att Liberty to enter member of the Court Any Act to ye contrair notwithstanding.

The Bailies Statutes and Appoints that no person be admitted a member of this Court Unless they possess five acres of Ground for which the Intrants Shall Instruct they pay rent And that none be Admitted unless both the Bailies be present and the haill members wairned to that Dyet the Inrant is admitted [1723].

That the Entring Members shall make Oath that they shall not Enter Complaints maliciously but upon Good Ground and that the sd Members yr assertion shall be taken upon the verity of the complaints without being obliged to depone [1719].

Statute that if any Member Enter a Complaint which upon tryall shall be found Malicious or Groundless he shall lose and ammitt his privilege as a member [1723].

Statute that when any member of the Court Sustains any prejudice from any Neighbour for which they are lyable In any fines and penaltyes In the terms of the Statutes If the person who Sustains the skaith and does not enter the complaint In Court but agrees wh the transgressor In that case the person Injured Shall be fined in the Same manner as the transgressor Should be in terms of the Statutes [1719].

The Baillies Statutes and appoints that any persons swine horse or other beasts coming in upon a fenced barn-yard, or other yards belonging to the members of Court shall pay . . .

Thatt all Foulls and Duks coming upon and Eating Corns belonging to the Entred members the onners yrof shall be lyable In Six pennies Scots for each foul or duk toties quoties [1721].

That any Geese or foulis Being amongst the corns of the Entred members The onner shall pay for each goose two Shilling Scots and for each foul One Shilling Scots [1724].

The Baillies appoint that in all time comeing when any cows or horses with or without Carts Goes throw any Grass belonging to the members of Court the Onners shall be Lyable In thirteen Shilling and four pennies Scots of fine for Ilk cow or horse toties quoties besides damages to the party.

That if any of the Members of Court shall be found Guilty of ploughing up their Neighbours Furrows For the first and second fault They Shall be fined in terms of the Statuts and if they transgress a third time Upon their being convicted thereof shall Eo ipso be Extruded as members of Court and have no priviledge as such in all time comeing [1725].

That no person shall Ride throw the Ground of the Entred members att any time after the land is tilled Nor upon ye Entred Members Grass under the penalty of twinty Shilling Scots toties quoties to be paid by the transgressors for each beast shall be found goeing thorugh the Entred members Arable Land or trading down the Entred Members Grass and when any shall transgress the premises the Court impowers

any of the Entred members to Seize their horses and secure them untill the Delinquents find security to ansr. the Court And this Act Extended to Grass Even in the winter time [1725].

That in all time coming when any person setts out Scabbed or Colded horses on ye Grass Stanks or Seughs of the Ground of any of the Entred members the Onners of the sd Diseased horses shall not only be lyable for feeding their horses on yr neighbours Grass But also for twinty shilling Scots Each day the Scabbed or Colded horse shall remain Upon ye Grass or Ground But also for a fine of three punds Scots to the Court Conform to ye Statut yrant.

That when any labouring Instruments Belonging to Entd. memrs. shall be wanting and found in the Possession of any person who ommits to Give notice thereof to the officer of Court The persons in whose Custody the Labouring Instrs are found shall be reckoned as Imbazler yrof and punished as such [1727].

It has been stated that the members of the Burlaw Court were entitled to arraign any person against whom they could allege an offence with which their tribunal was competent to deal. The rights of members would, of course, have been of little value unless capable of being so vindicated. The jurisdiction was not limited in respect of defenders, however it might be in respect of complainers.

In September 1734, William Oliphant, farmer at Lochend, complained against Patrick Petrie, schoolmaster at Restalrig, for suffering a pet sheep to feed on his corn for four months; but at the Court he passed from his 'skaith' upon the defender obliging himself to put away his 'petts' and not to keep any such in time coming. In September 1736, William Anderson, Broughton, brought a complaint against Lady Craigentinny for suffering two cows to feed on his growing bear. The result is not stated. In December 1740, William Adamson, farmer at 'Collington,' complained against his minister, George Gibson, for suffering two swine to break into his barnyard and destroy some 'cornes.' After some procedure, the minister submitted himself to the Court, which restricted the fine to 2s. 6d. and 1s. to the officer.

In July 1741, John Mitchell, at Windlestrawlee, brought a complaint against Patrick Lindsay, 'Merchant and late Provost of Edinburgh, for riding through ane feild of growing peas, a field of growing wheat, a head ridge of growing oats, all belonging to the complainer, on Saturday last qlk the complainer asserts he saw.' Defender was fined 30s. Scots. In December 1741, Mrs. Bayne, gardener at Tollcross, brought a complaint against a number of individuals, including the widow of William Neilson, late Provost of Edinburgh, who had permitted two of her cows and two of her horses to feed on the complainer's cabbage plants. This complaint was dismissed by the Court. In July 1742, Thomas Wood, who had lands at Restalrig, Stockbridge, and Bearfords Parks, brought a complaint against Adam Drummond, surgeon in Edinburgh, and Lady Dirleton, for the defenders 'suffering each of them a cow to feed upon and destroy the complainer's growing grass.' The defenders were personally 'apprehended,' which probably means cited, but they did not appear, whereupon the Court fined 'each of the defenders 13s. 4d. and ordains their persons to be imprisoned or goods poinded to the value.'

Thomas Wood, who appears in the last-mentioned complaint, was a descendant of Johnston of Wariston, and father of Lang Sandy Wood, a famous physician in the days of Sir Walter Scott. Wood's family had for many years been tenants of the Heriot Trust in the farm of Broughton. The books contain occasional, if brief, references to other personages well known in the society of the times, for example: Alexander Ainslie, of Pilton, wine merchant, Leith; George Arnot, brewer, Leith; James Boyd, stabler, Canongate; Lord Balmerino; his son, Lord Coupar; Robert Balfour, merchant, Leith; Deacon Brownhill, Edinburgh; John Howison, Braehead and Muirside; Gilbert Matthewson, a Bailie of Leith; James Murray of Scotsraig, merchant, Leith; Sir James Rocheid, Inverleith; John Sim, shipbuilder,

Ballastquay; Walter Scott and Mark Sandilands, Bailies of Leith.

The defenders not only represented various classes, but in many cases their occupations are mentioned, some of which still continue to be carried on in the same localities. Thus we meet with shipbuilders, turners, cork-cutters, land-waiters, land-surveyors, all in South Leith; the tacksman of Bonnington Mills; a rope-maker in North Leith; skin curriers, listers and waulkers in the Westport; meal-makers and loadmen in the Water of Leith hamlet; coach-masters, coalmen, and whin-cutters in the Canongate; skinners in Colbidge; tanners in St. Mary's Wynd; a heel-maker in Calton; a hat-maker in the Abbey; change-keepers, candle-makers, coal-drivers, tobacconists in Edinburgh; also a wig-maker, by name Richard Ramsay. French refugees appeared as weavers at Pickhardie village. Only one distiller, Rochead, is mentioned as a defender, but this is more than compensated for by the numerous brewers who appear, mainly because their herds of swine 'houcked' up the ground. Breweries existed at Abbeyhill, Brookes Bog, Broughton, Canongate, Canonmills, Colinton, Croftangrie, Deanhaugh, Ironside, Leith, Lochrin, Portsburgh, Potterrow, Watergate, Water of Leith, West Port, and Wright's Houses.

Hamlets existed where now there are none. Others have been incorporated with the town, e.g. Castlebarns (Morrison Street), Heartknowe (Calton Hill), Ironside (Abbeyhill), Lochend, Paddockhall (Puddocky), Reidhall (Craiglockhart), Wardie, Water of Leith (Village of Dean), Whitehouse (Coates).

It has been stated that the members forming the Burlaw Court seldom exceeded forty in any year. This may appear odd, since it probably represents not more than a fraction of the farmers and gardeners in the neighbourhood. In the end of the eighteenth century an account of the agriculture of Midlothian was published by Mr. George Robertson, Granton, who makes the statement that the farms generally

ran from 100 to 300 acres, and as a rule were larger than they had been in 1750. The Burlaw books give no information as to the size of the farms at this period, unless we may infer this from the 'ploughs' paid yearly by the members. If so, it may be stated that half a plough (probably 52 acres) was not uncommon, one plough was common, two ploughs less common, and only seldom does a farmer pay for three ploughs. It should be noted that in no case are ploughs mentioned when members are entered. For instance, Thomas Wood entered ten acres at Stockbridge, while the accounts show that he paid for two ploughs. Similarly, James Finlay entered ten acres at 'Coattes,' paying yearly for two ploughs; while Thomas Sheills, entering ten acres at 'Broughton,' paid yearly for one plough. This is an anomaly which the Burlaw books do not explain.

The following is a list of the Burlaw bailies whose names occur most commonly in the books, together with the lands they held so far as ascertained from the minutes and accounts:—

- 1724.—John Edington, farmer, Upper Quarrel Holes (two ploughs); Cornelius Kay, farmer, Pilrig (one plough).
- 1725-26.—William Oliphant, lands between Easter Road and Lochend Road (two ploughs); John Hadaway, brewer, Yardheads (half plough).
- 1727-28.—Robert Douglas, brewer, Coatfield Lane, and farmer, Nether Quarrel Holes; David Mitchell, brewer, St. Anthony's.
- 1729.—Robert Douglas; William Oliphant.
- 1730.—David Smith, Abbeyhill (three ploughs).
- 1731-32.—Thomas Wood, lands at Stockbridge and Bearfords Parks (two ploughs); Alexander Weir, lands between Easter Road and Leith Walk.
- 1733-34.—Thomas Sheills, farmer, Broughton (one plough); Edward Kay, farmer, Pilrig (one plough).
- 1735-36.—Alexander Sheills, Nether Quarrel Holes (one plough); James McDouall, farmer, Dean (two ploughs).
- 1737-38.—Henry Anderson, farmer, Newmains (one plough); John Mitchell, Damhead and Windlestrawlee (two ploughs).

1739-40.—Thomas Weir, lands at East End of Leith Links (half plough); David M'Phail (one plough).

1741-42.—James Reid, lands at Claypots and Hawthornvale (one plough); John Edington.

1743-44.—Thomas Hadaway, lands in North Leith and Newhaven (half plough); James Fleming, brewer, Craigwell, North Back of Canongate (half plough).

1745-46.—James Rannie, Trinity Mains and Paddockhall (half plough); Thomas Wood.

1747.—William Sheills, baxter, Edinburgh, lands at Nether Quarrel Holes; James Reid.

1748-49.—James Reid; Robert Cunningham, farmer, North Clermiston, Corstorphine.

Among the ordinary members, whose names occur frequently in the books, are the following:—

William Adamson, tenant in Colinton (one plough); James Anderson, lands at Newhaven and Windlestrawlee; William Anderson, Broughton (one plough); James Arnott, gardener, Leith; James Baird, tenant, Braid Mill (one plough); Duncan Bayne, gardener, Toll Cross; James Bishop, Clayholes and Saw Mill; Peter Blair, tenant, Dean and Coates; Alexr. Blyth, tenant, South Clermiston, Corstorphine; John Bowie, brewer, Leith; George Brown, gardener, Orchardfield, Castlebarns (one plough); Alexr. Burton, Craiglockhart; Robt. Caldcleugh, farmer, Ferndale, Easter Road; John Cathcart, Livingston Yards (half plough); John Cleghorn, tenant, Blinkbonnie, Craigleath (one plough); Alexr. Clerk, flesher, Edinburgh, fields at Wardie; Humphrey Colquhoun (half plough); James Duncan, Duckat Yard & Meikleridge; James Finlay, farmer, Coates (two ploughs); Joseph Gibson, chirurgeon, Leith (half plough); George Gordon, Gordonbank and Mains of Reidhall, Craiglockhart; Wm. Hamilton, cork-cutter, Leith; James Henderson, formerly of Saw Mill; Alexr. Kay, West Warriston (one plough); Thomas Kay, farmer, Newmains; Robt. Lauder, Bearfords Parks and Stockbridge; Helen Letholm, Leith Mount; Stephen Lithgow, farmer, East Warriston (one plough); James Mark, Broughton, Leith Walk end (one plough); James McDougall, Deanhaugh; Thomas Mirtle, Orchardfield, Castlebarns (one plough); Wm. Mitchell, merchant, Saw Mylne (half plough);

Pierre de la Motte, dancing master, Trinity Hut (half plough); James Newton, gardener, Lochend; Thomas Nimmo, Newhaven (half plough); Wm. Nimmo, brewer, Leith, and tenant in Windlestrawlee (one plough); James Anderson, his brother-in-law; John Pew, brewer, Leith, tenant at Laugh-at-Leith and Newmains; Charles Sawers, Bell's Mills (two ploughs); John Scott, farmer, in the Craig, Craigleith (three ploughs); Thomas Shedd, near Newhaven (half plough); Robt. Somerville, skinner, Cannie Mylns and Silver Mylns; James Spalding, Bonnington Mills (half plough); Wm. Straiton, tenant in Braid (two ploughs); Mrs. Straiton, brewer, Leith; George Watt, Nether Quarrel Holes; Wm. White, gardener, Ironside, Abbeyhill (half plough); Robt. Wilson, Bonnington Mills (two ploughs); Sarah Young, widow of Alexander Kay, West Warriston (one plough).

The Burlaw Court held an annual election, and although the effective business was but the choice of the new Baillies, this seems to have formed the event of the year. The officer served each of the members with a writ, commanding his presence under an appropriate penalty, which, however, although this may have helped the attendance, did not always secure a full muster. A leet of four names was drawn up, and the Baillies were chosen 'by plurality of voices' in presence of the Baillies of Leith. Whether the new Baillies, with their blushing honours, were always happy is doubtful, since the greatness was sometimes thrust upon them. Otherwise, these elections were pleasant events, the proceedings concluding with a dinner in John Clephane's house. A statute of 1724 provided that the dinner should not exceed £24 Scots, but as there was no penalty for non-observance the members paid little heed. The following extracts give some details as to the election of Baillies:—

It is Statute and Ordained that there shall be two Bourlaw Baillies chosen yearly att the ordinary time, and who shall be chosen Baillies and Refuse to Accept Shall pay the sum of Six punds Scots money, they not being obliged to continue above two years, and that Ilk Neighbour that shall be absent from the Bourlaw Court

on the Election day, shall pay six shilling and Eight pennies Scots money.

July 1727.—The Court nominates David Smith, John Edington, David Mitchell, Robert Douglass, Cornelius Kay, Thomas Key, John Pew, Alexander Weir, James Mark, and William Mitchell, to Meet att the house of David Mitchell on Monday next att one of the Clock fornoon with the Burlaw Baillies to revise the Burlaw Court book, and Appoyns the personnes named to attend the sd Dyt under the penalty of a Merk Scots to be payed by each absent and the members present warned apud acts to that Dyt and appoyns the offer to warne William Mitchell, Ro. Douglass, Alexander Weir, and Thomas Key, to the sd Dyt and the haill Members of court to attend the Election of the Burlaw Baillies before the Baillies of Leith on thursday come eight Days the fourteen instant under the Like penalty of a Merk Scots to be payed by ilk absent member, and the Court Adjourned to this Day fourteen Days.

Att Leith the sixteenth day of July one Thousand seven hundred & fourty seven years.

In presence of Walter Scott, one of the Magistrates of Leith, Compeared the members of the Burlaw Court and Did unanimously Elect and Choice William Shiells and James Reid to be Burlaw Baillies for the Ensueing year and they being present made faith de fideli and accepted of their offices which being considered by the Baillies they interponed and hereby interpone their authority to the haill Legall acts of the said Burlaw Court made and to be made and ordains the Town officers of Leith Conlie and Sealie to Concurr in these matters untill the day of July next 1748, with the provision that the Town Clerk of Leith or his Depute shall officiate as Clerk to ye said Burlaw Court in all time Coming.

The cases coming before the Court depended on the seasons, the record of one year resembling that of another. From October to March or April, the Court generally had no occasion to sit, and the farmers were occupied with ploughing and sowing. The early cases relate to such matters as riding over the tilled land, trespassing on enclosed meadows or hained grass, and disputes about marches. Boundaries

were marked off with march stones, but sometimes one farmer inadvertently ploughed a 'furr' beyond his own limits, and sometimes the march stones were either shifted or disappeared altogether. These disputes were settled after the Court had taken the testimony of old residents.

In May and June the cases usually related to horses or cattle feeding on the growing crops, or to individuals treading these down, or driving their carts through them, or shearing the spring grass. In July the treasurer's books were 'visited' and the annual election held. During the harvest the Court was called upon to decide a great variety of cases against individuals for pulling pease, lying about or making roads through the grain fields; for neglecting to herd their flocks properly, or covertly feeding them on the hay ricks or bear stouks, and also for thefts from the harvest fields and barn-yards. In September and October the cases related to the stubbles, and the old and time-honoured practice of allowing the live-stock, particularly sheep, geese, and swine, to feed anywhere.

The Burlaw books open with a report of the following case, which is dealt with under a statute which provided that whoever 'baits' his beasts upon his neighbour's 'know bank dykes or stouks or upon any of the grass belonging to the neighbourhood' or 'upon a fenced barnyard belonging to members of Court shall pay toties quoties for the fault 20s.' The report also indicates the value of a boll of barley bear at this date:—

Att Duckatt Yard Munday 30th March 1724.

Sederunt:—John Edington and Cornelius Kay, Burlaw Baillies; George Watt, Robert Douglas, James Duncan, John Haddaway, Alexr. Weir, James Mark, David Mitchell, Robt. Anderson, Wm. Oliphant.

In the complaint Eliz. Good agt. Wm. Anderson, after considering the proof adduced by both parties Find the complaint proven and the defenders alleagains not proven and therfor Decerns the defender either to deliver to the Compleir a boll of barley bear or pay eight

pounds five shillings Scots as the value therof, As also to deliver to the Compleir a twise of bear Straw or pay sex Shillings Ster as the price yrof and Fines and amercias the defender in four pounds Scots for suffering his four Cows to eat in the Compilers barn yard conforme to Statute and Ordains his person to be imprisoned or goods puinded to the value thereafter the fine Modified to two pound Scots which was payed into the Clerk.—CORNELIUS KAY, JON. EDINGTON, BB.

The Court assessed damages from time to time, sometimes of their own knowledge, sometimes after appointing three Burlaw men to visit the 'skaithe' and report. These reports show the values put on the different crops, and how they fluctuated. A boll of bear, in 1728, was worth £8 Scots (*i.e.* 13s. 4d. sterling), and 11s. sterling in 1747. In 1739 a peck of oats and a forpit of wheat were assessed at 10s. Scots. In 1740 two pecks of wheat were assessed at 30s.; in 1733 damage amounting to three pecks of wheat was restricted to £1 Scots; in 1734 a peck of wheat was valued at 11s., but in 1737 the figure was 12s. Scots. In 1733 a boll of wheat was assessed at £6, 8s. Scots, and an entry in 1746 mentions that £2, 6s. 6d. sterling is the 'faire prices' of three bolls of wheat. The reference to 'faire's prices' may have some significance.

The year 1740, as is well known, brought ruin to many of the farmers of Scotland, and dire distress to the people. The inclement seasons spoiled the crops; the severe winter killed off the cattle in thousands; and in many districts the people were reduced to starvation. These calamities, however, are not referred to in the Burlaw books, beyond two casual entries. The one continued a case of damages 'until the storm be off the ground,' and the other stated that damages 'cannot be cognosced till the snow be off the ground.'

Another case may be quoted to illustrate how damages were assessed. It is given at some length, because it illustrates the procedure followed by the Court:—

July 1724.—Anent the Complaint at the Instance of William Nimmo tennent in Winnelstrawlee and James Anderson tennent there

agt Robert Straiton and Robert Mackey, Tacksmen of Innerleith Parks, for Suffering Forty horses and two cows to break out from Innerleith Parks feed upon and tread Down the Complrs their Growing Corns Upon Wednesday the first of July Instant, or ane or other of the Dayes or Nights of the said Month preceding this Day. The Complrs asserted they themselves Saw a Considerable Number of the Sds horses with the said two Cows upon their Skaith, and that they Seized Eight of the Saids horses with the Saids two Cows, as also the Complrs furder Complain upon the Saids Defrs for Suffering forty six horses that were graseing in the saids Parks to break out thereof feed upon and trade down the Complrs their Growing Corns upon Munday was fourteen Dayes; the Complrs Lykewayes asserts that they saw a great many of the horses last mentioned upon their Skaith and Seized Seven of the saids horses; which Complaint being Read in Open Court Cornelius Key and John Idingtoun Burlaw Baillies found the Complaint Relivant and Admitted the Same to the Complainers their probation and the Defr being Lawfully Summond by John Hutchison Officer of Court to have Compeared this Day viz.: the sd Robert Mackey personally apprehended and the said Robert Straiton at his Dwelling house, the Complrs did Adduce and Lead several famous witnesses for proveing the said Complaint as their Depositions taken thereanent and Extant bears, as also the Sds Compls did produce in presence of the sds Burlaw Baillies An Estimate and Appretiation of the Saids Complrs their Skaith and Damnadges Under the hand of David Mitchell, John Haddaway and Robert Douglas Three of the Burrlawmen Nominate and Appointed by the Court to Visite and Appretiate the Complrs Skaith and Damnadges Conform to Sederunt dated the Twentieth Instant; the Saids Burlaw Baillies haveing Considered the sd Complaint Execution produced against the defenders with the pursuers their own assertions Upon the Verity of the Complaint in the termes of the Statutes yrancnt, Depositions of the Witnesses Adduced by the Complrs, Report of the said Burrlawmen of the Complrs Damnadges; Found it proven that yr were Seventy horses and two Cows on the pursuers Skaith and found the Said William Nimmos Damnadges proven to Amount to Three bolls barley att Six pound Five Shill Scots pr boll Inde Eighteen pound fifteen Shill; Item One Boll One firlot Oats att Five pound pr boll Inde Six pound five Shill; Item One Boll pease Att Five pound pr boll; and that the Damnadges of Straw Efeiring to the Said Quantitys of Victuall with

Deduction of the Straw On the Ground does amount to Six Threves Bear Straw Att Ten Shill pr Threve Inde Three pound; Item Two Threves and One Stouck oat Straw Att Thirteen Shill four pennies pr threvre Inde One pound thirteen Shill four pennies; Item Two threves of pease Straw Att Twenty Shilling Scots pr threvre Inde Two pound; Extending the said William Nimmo his Skaith and Damnadges in haill to the Sume of Thirty Six pound Thirteen Shill four pennies Scots money and finds . . .

Extending the said James Anderson his Skaith and Damnadges in haill to the Sume of Thirty two pound fifeteen shill and Ten pennies Scots; and Decerns the Saids Defenders and Robert Straiton and Robert Mackey Conlie and Sealie to make payment to the Saids William Nimmo and James Anderson pursuers of the sds Several Summes in manner as is above divided and also fyne and amerciates the said Robt. Straiton and Robert Mackey Defrs Conlie and Sealie in the sume of Twenty four pound Scots in the Termes of Law and Ordains them to make payment of the said Twenty four pound Scots to Alexr Innes Depute Clerk of Leith and Clerk Depute to the sd Burlaw Court for the use and Behoof of the sd Court and that over and Above the forsd Summes Decerned payable to the pursuers for their rexvie Skaith and Damnadges in manner before Exprest and Ordains the sd Robert Straiton and Robert Mackey their persones to be Imprisoned or Goods poinded and Apprised to the value of the forsd Sumes.—CORNELIUS KEY.

It has been mentioned that the utility of the Burlaw Courts was due in great measure to differences arising through farms not being properly enclosed. This state of matters, of course, existed throughout Scotland, and easily led to innocent mistakes, with which the Court had to deal. In addition, the temptation was always present for one neighbour to take advantage of another, ‘to steal a march,’ a phrase which may refer to those days. This temptation, however, became weaker as the fields were enclosed, for it was one thing to lift a few march stones, and another to remove a dyke, or fence, or hedge.

Henry Grey Graham, in his *Social Life of Scotland in the Eighteenth Century*, dwells at some length on the old-fashioned

ideas about enclosures which were rife among country folk, and narrates how their prejudices led them to demolish the dry-stone dykes. They believed that hedges spoiled the ground, prevented the circulation of air, and harboured birds which devoured their crops. In Robertson's book, referred to previously, the statement is made that in the middle of the century fences were usually high stone walls, strongly built, because the cattle ranged everywhere in the winter.

In the Burlaw books enclosures are mentioned with increasing frequency, while disputes about marches become correspondingly less, and almost disappear in the third volume. The same may be said about the herds employed to look after the cattle and horses, also about the stubbles, these subjects being all more or less connected. When there were no enclosures, every farmer herded his animals to protect his crops; but as soon as harvest was over the herds were free to go to school until Candlemas came round again, and with it the old-fashioned season for ploughing.

The Burlaw books make it plain that, judged by modern standards, the animals kept by farmers were few in number, and it may be inferred that most of the land was cropped. The cases seldom involved more than two or three horses, while half a dozen cows were exceptional. Occasionally, a farmer had a drove of sheep or Highland cattle, but when large herds or flocks are mentioned they belonged to fleshers, or brewers, or poultry-keepers.

The qualification for membership already referred to was five acres, but an exception was made in favour of gardens and ground enclosed by dyke or hedge or ditch. This exception is mentioned in 1729, but four years earlier a statute had been passed from which it may be inferred that the Court favoured enclosures and made it part of their policy to protect them:—

The Court statutes and appoints that if any person be found within any of the entered members their inclosed midowes or hained grass

inclosed and fenced with dyke or ditch persons so transgressing shall be lyable in half a croun for each transgression ilk persone and for each man with a horse so transgressing shall be lyable in three pounds Scots toties quoties besyde payment of the value of the Hay or grass imbazilled and allowes the entered members or their servants to sease the transgressors and detain them untill they find caution to answer the Court.

The cases in the books seem to indicate that the common method of enclosing was by dykes, though ditches are occasionally mentioned. There are one or two references to palings, and perhaps half a dozen to hedges. The barn-yards seem always to have been enclosed by dykes. In earlier days animals had fed on rank natural grass, but about the time of the Union the practice had been introduced of sowing artificial grasses, rye, clover, etc., though old-fashioned people still thought it a shame that the land should grow food, which was none too plentiful, for beast instead of for man. It is to be noted that the enclosures referred to relate almost entirely to grass and grass parks. Only in one instance has a reference been found to enclosed corn. Occasionally a distinction is made between grass that is enclosed and corn that is not. The following are examples of cases on this subject:—

October 1725.—Complaint David Smith Upon John Johnstoun pultry man for suffering ten Score of gees to feed Upon the complrs rye grass within Jock lodge park upon the 7th 8th or 9th current which the Complrs asserted he saw; the defr present fynes him in twenty pound Scots and ordains his person to be imprisoned.

October 1727.—Complaint John Edington Upon Robert Wauch flesher in Leith, for suffering his sheep to the number of six hundred and twinty as the complrs was informed to feed upon the Complrs grass on Caldoun-hill on Munday the sixteenth instant, the defr present represents that his sheep was lodged in ane inclosure belonging to William Mitchell, and that as the paling of William Mitchells inclosure being broke down the sheep strayed and came upon Mr. Edington's skaith, and submitted himself to the Court, which being

considered by the members present the Court with consent of Mr. Edington fyned the defr Robert Wauch In four punds Scots and ordains his person to be imprisoned or goods poyned to the value of the sd four punds Scots, And the Court declairs that in case the defrs sheep shall hereafter come on the neighbours skaith The defr shall be lyable as the law directs And the Court furder ordains the defr to pay to John Hutchison officer of Court one pund ten shilling Scots for his trouble in warning the members of Court to the dyet.

November 1731.—Complt: James Newton agt Alexr Ainsly Merchant in Leith, Will. Sheills and Robt. Caldcleugh last Court day —The Visiters report that ye garden was not sufficiently fenced But the Court considering that ye act of parliat apoints summer and winter herding and that accordingly penaltys are inflicted where yr are no fences att all They therefore fine ye defrs each in ten merks and ords.

November 1740.—Complt Wm. Mitchell upon Robert Waugh, fleshier in Leith for suffering eight or ten of his Cows and upwards of 100 of his sheep to break down his pealin and feed upon his Hay stacks and ten sheep to feed in his inclosures several times in the day tyme. . . .

If the open fields were a temptation to farm people, they must have been irresistible to cattle. Fortunately for the owners of straying animals, they were sometimes able to pass their responsibility on to the herds whom they employed. The herd of Leith Links seems to have had a particularly hard time, for he was constantly being summoned and fined for the misdeeds of the animals under his care.

In 1734 a gardener at the town end of Leith escaped punishment for the damage done by his cow by alleging that it strayed from the Links 'where he paid grass mail and that ye herd of ye Links ought to be answerable.' At an earlier date, in 1722, a statute had directed a herd of Leith Links named James Bell, in case he 'find any horses unruly and breaking of ye links to intimate ye same to the owner and to ye Burlaw Court with certification he shall be lyable for the skaith.' The herd at Restalrig was Thomas Fiddes, who in 1724 was fined 40s. for suffering forty sheep

to stray on the grass at Newmains, belonging to Thomas Anderson.

Private herds were in a similar position. Thus, in 1732, Jas. Edington's herd, whose beat was the Calton Hill, was summoned and ordered 'to pay the officer a groat and being ye first fault dismisses him.' On another occasion a farmer escaped liability by satisfying the Court that his herd had the ague. In October 1749, Robert Waugh, a well-known fleshier in Leith, was arraigned on no fewer than seven charges in respect of damage done by his sheep to the stooks, stubbles, and clover grass belonging to John Edington. He was assoilzied on representing 'that it was entirely owing to the negligence of the herd and who was now turned off and that the defendant had got anoyr herd who would be more careful.'

Although the runrig system appears to have been extinct in this locality before the period of the Burlaw books, the rigs themselves survived into the nineteenth century to assist the drainage of the land. Robertson, in his book about Midlothian, mentions that the rigs lay to cast off water and ease ploughing. Formerly they were from 36 to 48 feet broad, and at least 3 feet higher in the middle than in the furrows; but in the end of the eighteenth century they were generally 18 feet broad. The rigs or ridges were levelled down by degrees, while the furrows or baulks were filled up.

The Burlaw books make no mention of drainage in the modern sense, but numerous disputes are noted about letting down water. The expressions 'rig' and 'furr' are used in a modern sense, and baulks still existed as water-channels or 'fences.' Occasionally a progressive farmer who wished to improve his communications turned his baulks into roads; and when the process of conversion required that he should borrow from the adjoining ground, his neighbour, if he was an entered member, might bring the matter before the Burlaw Court. For obvious reasons disputes about rigs and marches

were unavoidable, and it is not surprising to find a large number of cases on the subject. The following may serve to illustrate the statutes :—

Furrows : That if any person shall take a furrow from his Neighbours rig, he shall lay it back again wt his own plough and for each furrow wrongeously taken away Shall pay over and above to the party wronged all due Satisfaction Beside twinty Shilling Scots of Fines.

Item That whoever Shears his neighbours furrows wrongeously Shall render to him ye shorn Corn Again and pay for Ilk fault Twinty Shilling Scots.

Headland : That whoever makes not a head land within himself having two Riggs together Shall pay twinty Shilling Scots and Satisfie the party wronged.

Item That whoever Shall rive out march stons betwixt themselves and Neighbours Shall pay for Ilk Ston raised £3 Scots toties Quoties Attour the punisht allowd by law.

Complaints about encroachments were common in the early years of the Court, and in the matter of marches there is constant mention of John Pew, maltman. Quite an interesting story could be written about this 'worthy' from the Burlaw books. We first meet with him as a member of the Courts. Then a statute is passed threatening to 'extrude' him unless he mend his ways. After many offences Pew's expulsion is recorded in 1732. A few years later he brought a Suspension against the Court; and in 1747 he created consternation by raising a 'Summons of Spulzie' against the members, who thereupon 'employed Lawyers and Writers for defending the said process upon the charge of the Court.' John Pew is known in Leith history in other ways. His headstone may still be seen in South Leith Churchyard not far from one which commemorates the virtues of Robert Waugh, who also figures much in the Court's proceedings. The following is a specimen of the cases referred to :—

April 1725.—Complaint Thomas Key upon John Pew for Incroaching on two ridges of ground posest be the complr in the Clay-

hills the Court nominates Robert Andersone, Robert Douglass and James Duncan wt the Burlaw Baillies to visite the incroachement, sett March Stones if neid beis, and to report ; and the sd personnes having visite the incroachement Appoyns William Guthrie, Robert Muir, and David Mitchell, to be summond to the next court day as witnesses for proving where the Marches formerly were, and as the Marches shall appear, the Court appoyns March stones to be set down for regulating Marches betwixt the parties in tyme coming, and ordains the parties to have March Stones upon the ground agt next Court day.

In 1725 the Court appointed certain members to meet in the neighbourhood of Restalrig 'at Couper Bog.' The object was to set march stones so as to define the areas of the two Courts, there being a Burlaw Court at Restalrig. In 1726, Cornelius Kay, farmer at Pilrig, was accused of 'ploughing up a march baulk'; in 1732, George Allan was accused of making a road upon a baulk at Nether Quarry Holes; and in 1730, in a dispute about a baulk at Newmains, the Court gave it as their opinion that no damage had been done either party, and that it was a common water-gang useful to both.

The following cases illustrate the subject :—

April 1733.—The sd Committee having mett upon the ground att West Quarrie in Brighton are of oppinion that Mr Wood ought to make a furrow doun through his own land to receive ye water that presently runs into the Quarrie Whereby Thomas Sheills ground is dammified, and that it ought to run doun ye said furrow till it come doun to ane Cross furrow that leads to Silvermilns and as to that, that both partys be allowed to prove whither the sd water that came doun the foresd furrows was carried straight to Stockbridge or if it was carried eastward by the said cross furrow to Silver-milns.

May 1729.—Complt John Edington upon Alexr Sheils For tilling up 3 or 4 furrs on a march baulk betwixt the Complrs ground of ovr quarrell hols and Ner quarrel hols. The Court appoyns march stons to be sett on ye ground imediately after harvest and each party to lead ye half of ye stons to ye ground.

July 1746.—In the Complaint James Rannie agt James Durham (entered last Court day) Thomas Wood, Baillie, Thomas Weir, Thomas Nimmo, Thomas Shedd, and Stephen Lithgow, members, in obedience to the appointment of the Court visite the Compls ground and find that the defr had made some small incroachment upon the Compls ground by levelling of the ditch mentioned in the complaint; and the defr present at the visite declared that at his entry to the said ground the marches thereof was never pointed out to him; the Court considering the above report assolzie the defr from the Complaint upon his returning to ye pursuer the ground so taken from him by ignorance.

November 1744.—Compt James Rannie member agt Pierre de la Motte¹ for filling up a piece of a Ditch on the Compls Ground lying opposite to Lillypottall in the months of July and August last, and also for taking fulzie off the Compls Ground and using the same upon his own all which the Complr asserts he saw. The Baillies appoint James Reid, Thomas Weir, and Thomas Nimmo, members of Court to visite the ground mentioned in the Complaint against Saturday come eight days and to make their report to the Court thereanent against the first Court Day thereafter.

According to a custom recognised in all parts of Scotland, the stubbles or cornfields after harvest were grazing ground open to all, and it was considered ‘bad neighbourhood’ to turn off the animals belonging to another farmer. Consequently the stubbles soon assumed the aspect of a dreary common, saturated with water, which collected in the holes made by the hoofs of the cattle. This custom continued in

¹ Pierre de la Motte was a well-known dancing master, who lived at Lillypot Hall immediately to the west of the mansion known as Trinity Grove. His name, which is mentioned in the titles of the locality, recalls the Revocation of the Edict of Nantes (1689). De la Motte was associated with the poet Hamilton of Bangour. He was a member of the Burlaw Court, though he first appears in the books as an offender. It was only after he had appeared in court, and had had an opportunity of appreciating its utility, that De la Motte took the oath and joined the fraternity. In 1742, John Mitchell of Windlestrawlee complained upon him for hunting through his cornfields ‘and eight or nine gentlemen with him with twa dogs.’ The case made no progress because, when it came before the Court, a friend represented that De la Motte ‘could not possibly attend, this being a teaching day in his school.’

most districts until the close of the eighteenth century, notwithstanding the Winter Herding Act which had been passed to suppress it as early as 1686. At that date the Scottish Parliament still met in Edinburgh, and one would expect to find the Act in operation in that locality if anywhere, but evidence of the old custom is not wanting in the Court books, thus indicating that the farmers were only by degrees abandoning their former ways. That the process met with difficulty may be inferred from the large number of cases which came before the Court in the early years, but these had almost ceased before the close of the books, the revolution thus effected being due in all probability less to the administration of the Burlaw baileys than to the increase in fences and dykes. The following statutes may be quoted in this connection :—

That no Sheep be allowed to pasture upon the Arrable land or grass of the Entred members (Except the bear land allanerly) after Candlesmass under the penalty of a penny sterling to be paid by the transgressors for each sheep. [1725.]

That no horse or nolt shall be sufered to goe upon the neighbours land or stuble before the corn be led in or afterwards under the penalty of six shilling Scots for each beast totes quoties to be paid by their owners unless they have liberty from the proprietors of the ground for so doeing.

That no person that is not entred in the Bourlaw Court shall feed yr horses cows or sheep on ye Stubbles unless they pay for each horse twelve shilling Scots, for each cow twelve shil. Scots and twelve shil. for each sheep Certifieing such as shall graze yr cows or horses or sheep without entring the same that they shall be lyable according to the statuts of Court.

The cases from the outset show that the stubbles were not free, but rented out. After the harvest, ‘neighbours of Leith’ could book their cows, but strangers appear to have had no rights in the stubbles of entered members unless upon permission from the Court, for which payment had to

be made. The following entries appear under date 14th September 1724 :—

It was agreed by the Court that the stubbles should be sett, each entered member receiving their share of the money to be payed for the Stubbles to be sett in proportion to the acres possest by the entered members upon which the cattle sheep and geese should feed.

The Court allowed to — Relict of James Johnston poultrey-man in Edinr the use of the Stubbles belonging to the entered members for this season for her geese for eight pound.

For the stubbles of the preceding season William Oliphant of Lochend had paid £12, 12s. Scots, but the limits, if any, of the stubbles are not indicated in the books. In 1729, Thomas Kay, farmer at Pilrig, brought a complaint against William Oliphant for ‘suffering a drove of Highland cows 100 or yrby to feed on ye complainers stubbles 20 several times,’ and the defender was ‘interrupted’ from this practice. The statute of 1725, quoted above, seems to suggest that a privilege existed of pasturing sheep on the stubbles, and there is another statute of the same year which points to the existence of a further privilege. The Court then appointed ‘that no person for the future shall ryde through the ground of the entered members at any time after the land is tyled’ under the penalty of 20s. Scots. On numerous occasions the Court fined individuals for bringing their sheep upon the stubbles belonging to the members, and for riding over their ground at any time of the year. The following cases may not seem very definite, but they illustrate the subject. The first of them relates to an arrangement with the neighbouring Burlaw Court of Restalrig :—

September 1724.—The Court appoints John Edingtoun, James Henderson, Robert Douglas, Thomas Key, George Watt, and John Pew, or any three of them, to meet with the neighbours of Restalrig upon Thursday next att three o'clock in the afternoon, in the house of Patrick Petrie to concert measures wt the neighbourhood of Restall-

ridge anent their grass and stubles, and the cometee to report against next Court day, and appoints the officer to summon the horse hyrrers in Leith to attend the cometee att six o'clock that evening att David Mitchells house.

October 1727.—The Court allowed to Robert Waugh, flesher in Leith, the use of the stubbles from the East end of the Links of Leith belonging to the members of Court to the lonn att Robert Cooks house and then amongst the high ground to Thomas Keys barn yeard dyke, but not to goe above the know untill Candlesmass next, for which he is to pay Fifteen punds Scots to the Court upon demand, and the sd Robert Wauch is to keep his sheep off the wheat and oatland when tilled under the ordinary penalties.

September 1730.—Complt Ro : Caldcleugh upon Jno Williamson, poultryman in Edinbr, for suffering 100 of his geese and upwards to feed on the Complrs stubbles near Leith three seall [*i.e.* several] days this harvest, which he asserts he saw. The defr wairned and present acknowledges the complt and submitts to the Court who fines him in two punds Scots and ord.

Apparently the practice of feeding on the stubbles persisted in respect of sheep and geese after it had been abandoned otherwise. Large flocks of geese are mentioned, sometimes 200 or 300, kept, not by farmers, but by poultrymen and brewers. Among this class of offenders the poultry-wives in the Canongate seem to have been prominent. In like manner, the fleshers, both in Edinburgh and in Leith, kept flocks of sheep (in one case the number mentioned is 620), which fed in winter on stubbles and grass land. If beef was scarce it may be concluded that fowls and mutton could be had. Brewers also kept herds of swine, maintained no doubt on draff and other by-products. Grice and ‘shottis’ are also mentioned, shottis being apparently young pigs, *e.g.* ‘ane old sow and 2 younger ones or shottis.’ The word ‘shott’ also occurs in the sense of rig length. Pigs were in favour with all classes, and there are frequent complaints of swine straying into the fields and ‘houcking’ up the ground.

Judging from the reports, the number of animals kept by

farmers was surprisingly small. Evidently the practice of keeping large herds did not exist until a later date.

The crops were mostly oats, barley, wheat, peas, and beans. Little or nothing can be gathered from the books as to the proportions in which crops were cultivated. Mention is made of wheat growing in November, and of wheat sown in December. Wheat seems to have formed only a small part of the year's crops, notwithstanding the fact that at this period wheat was more extensively cultivated in the Lothians than anywhere else in Scotland. Beans and peas appear to have been cultivated together. Mention is frequently made of hay, clover, rye grass, and, occasionally, of thistles, lint, rushes, whins, and mustard. All were of value: the thistles and whins for winter feeding; the rushes for thatching houses, and bedding the cattle; the lint and mustard probably for medicinal purposes.

In 1741 potatoes are mentioned for the first time. In September of that year, William Yule, in Potterrow, came before the Court for suffering his horse to 'tread down the potatoes and cabbage plants' belonging to Duncan Bayne, gardener at Tollcross. In 1746 there is a case about swine pasturing on 'growing potatoes' belonging to Thos. Mirtle at Castlebarns. In later cases the term occurs again, which may mean that potatoes were now being grown in the open fields. According to Professor Hume Brown, potatoes were first grown in open fields in 1739, the village of Kilsyth having the distinction of leading the way. Probably they were not regarded as food in Edinburgh during the period covered by the Burlaw books.

Turnips are first mentioned in April 1741, in a case brought by William White, a gardener at Ironside, Abbeyhill, against a Canongate brewer for suffering three hens 'to pick up the complainers sown peas, turnips, carrots, and other small seeds.' The only other reference noted is in 1743 in a complaint about pulling turnips in a garden. Capt. Topham, writing about

Edinburgh in 1775, mentions the great abundance of potatoes and carrots, and observes that at the houses of the well-to-do a plate of small turnips was introduced in the dessert and eaten as if they had been the best fruit. Other garden crops mentioned in the books are parsnips, radishes, turkey beans, gooseberries, and onions. Every cottage seems to have possessed a kailyard.

Carts were in common use. Sledges are occasionally mentioned, as, for instance, in the following statute:—

Item that no person whatsoever lead or carry in any kind of corn from the fields into the toun before sun riseing and after sun setting, either upon carts, sledges, horses or oyrways, without leave asked and given from the bouriaw Baillies, or either of them under the penalty of six punds Scots toties quoties.

Henry Grey Graham states that in 1750 farmers in the neighbourhood of Edinburgh conveyed trusses of hay and straw to the town on horseback. There is no illustration of this practice in the Burlaw books. Probably he refers to farmers at a greater distance from the city, since carts were in common use among members of the Burlaw Court.

In many of the cases expressions occur which illustrate modes of life and habits of thought different from those of to-day. In 1727 a case is mentioned of an attempt to load a boat at the harbour of Leith with stolen sheaves of corn. The narrative goes on to relate how the thieves were frustrated by people 'watching ye Church yard.' Those watchers were no doubt hired to guard against body-snatching in the old churchyard of North Leith. In 1728 a residenter in Abbeyhill was convicted of 'filling his pockets of pease,' and the minute states that the thief was taken in the 'fang,' an old expression in Scots Law. On another occasion a defender appeared to answer for the trespassing of his horse, but the Court assailed him on his declaring that if the horse offended again the complainant would have full authority from him to kill it. A

defence of this nature was successfully offered in several actions about swine. The Court occasionally assailed defenders who made 'ingenious confessions'; or who stated that they were ignorant of the statutes; or promised to amend, or pleaded indigence; also where the defender averred that he had been 'out of the Kingdom,' or had been absent at the burial of a friend.

In a case recorded in May 1736, mention is made of 'Eastern's Even,' but merely for the purpose of fixing a date. Various references occur to the Sacrament and to thanksgiving services. These, however, relate, not to Leith, but to the West Kirk, *i.e.* St. Cuthbert's. On such occasions the Court did not sit; nor did they do so on Guy Fawkes Day (5th November), nor when the archers' competition was being held, nor at harvest. During the Rebellion of 1745 the sittings were suspended from August until the following May. Unfortunately, there is no reference to the 'Forty-Five' beyond the following short statement: 'At Leith the fifth day of May 1746 years. The Court having not been held this winter upon account of the disorder in the Country by the Rebellion the officer reported he cited the members to this dyet.'

There is nothing in the books to indicate why the Burlaw Court came to an end. The closing pages show that the members were demitting office, despite an attempt to stop the disintegration. As the members ceased to attend, the meetings were adjourned and finally abandoned. The Court came into existence in 1715, and it survived the second Jacobite Rebellion by only a few years. The Act of Parliament terminating heritable jurisdiction, which followed the second Jacobite Rebellion, did much to alter the conditions of estates and agriculture. By this Act the Burlaw Court may have been bereft of its utility, and its jurisdiction transferred to some more competent tribunal, probably to the Sheriff Court, which was then remodelled. But, apart from these considerations, the progress of new ideas and methods,

the introduction of roads and drains, and the increasing practice of enclosing fields by hedges and dykes, must in time have brought the usefulness of the Court to an end. The closing entry is in these terms:—

Att The Court house of Leith the eighth day of June Jaivij C & fifty-two years.

Sederunt John Edington, treasr, Thomas Hadaway, Henry Anderson, Thomas Weir, Thomas Nimmo, Stephen Lithgow, Alexr Shiells. There having no quorum of the members attended at the time fixed for the election by the last sederunt of the 16th July 1750 there was no election of Baillies made, and there having been no regular meeting or any business done since that time the members present in order to put the affairs of the Court again on an orderly footing did agree in the first place to have two Baillies chosen and appointed the election to proceed on Thursday next the eleventh of June instant, in the Court house of Leith at twelve of the clock midday; and ordain the whole members to be summoned for that effect and in regard David Cochran late officer of this Court had declined to act any longer as such Mr Edington the Treasr, was impowered by the meeting to pay to David Hardman who was employed to cite the members to this day half a crown and the said David Hardman appointed to cite the members to the next meeting for the election.

DAVID ROBERTSON.

THE MELVILLE MONUMENT

In the centre of St. Andrew Square stands (to quote the description of the Committee of Subscribers) ‘one of the most chaste and splendid architectural beauties of which Edinburgh can boast’—the Melville Monument. Though erected rather more than a century ago, little has been known hitherto regarding the history of this structure—a history extending over twenty years and constituting, through a series of untoward accidents against which no ordinary foresight could provide, one long chapter of financial failure. In the end, those who had been directly responsible for the undertaking had to shoulder the burden of a formidable debt. All this is plainly evident from the manuscript Minute Book of the Committee in charge of the scheme.¹

On the inverse side of the gold plate placed inside the foundation-stone it is stated that the monument was erected ‘by the voluntary contributions of the officers, petty-officers, seamen, and marines of these United Kingdoms.’ This, as the story will disclose, is only partly true, and points a moral, namely, that it is unwise to affix inscriptions to public monuments which are not paid for. It is a fact, however, that the movement for the erection of a public memorial to Henry Dundas, first Viscount Melville, originated among naval officers, which is explained by the circumstance that Melville during his brief but momentous tenure of the office of First Lord of the Admiralty had rendered considerable services to the Navy.

¹ I am indebted to Mr. Lewis A. MacRitchie, Hon. Secretary of the Club, for a perusal of this interesting volume.

A Committee was appointed on 11th February 1817, of which Vice-Admiral Sir William Johnstone Hope became convener, and a fund was opened which eventually reached the sum of £3430, 6s. 4d. After fruitless attempts to procure an appropriate design, the Committee at length adopted as the model of the monument the celebrated column erected at Rome to the Emperor Trajan. William Burn, whose name is connected with several public buildings in the city, was solely responsible for the architectural design, but Robert Stevenson, the builder of the Bell Rock Lighthouse, was associated with him in the preparation of the foundation, in executing the rubble-work in the tower, and in superintending the scaffolding and tackling necessary for raising the colossal statue. It is worthy of note that the statue, which is fourteen feet high, formed no part of the original design. Modelled by Chantrey, the cutting of the huge figure was entrusted to Robert Forrest, a Lanarkshire stonemason, who also executed the statue of Knox in Glasgow Necropolis, and that of Ferguson of Raith at Haddington. Forrest was well known in Edinburgh. In 1832 he opened on the Calton Hill, under the patronage of the Royal Association of Contributors to the National Monument, a public exhibition of statuary, which ultimately extended to thirty groups—all his own work.

Various sites for the Melville Monument were suggested, notably the north-east shoulder of the Calton Hill, Coates Crescent, and Melville Street. The last mentioned was proposed and much recommended by Sir Patrick Walker of Coates, with whom certain negotiations were opened for the erection of a pillar on his ground. Indeed, matters proceeded so far that the proposed site was excavated and a charter prepared which Sir Patrick, as superior, was to grant. Before long, however, doubts arose as to the validity of Sir Patrick's title, and the disinclination of the Committee to transact further with him became more pronounced when he insisted

that the conveyance of the ground and the pillar to be erected on it should be taken to him and to his heirs. In the end, the Committee declined to assent to a proposal whereby a public monument would be declared the property of a private person, and therefore liable to be diverted from its original object.

Meanwhile there was a growing desire among the chief promoters to erect the monument in St. Andrew Square, the proprietors of which offered to give up, without compensation, whatever ground might be necessary for the site. As this appeal was strongly supported by intimate friends of Melville, the Committee took the advice of the Lord Advocate, Sir William Rae, Bart., and of Solicitor-General Wedderburn as to whether, in view of their negotiations with Sir Patrick Walker, they were at liberty to adopt the new proposal. Being assured that they were under no legal obligation to erect the monument on Sir Patrick's ground, the site in St. Andrew Square was finally decided on.

Hardly, however, had operations begun when Sir Patrick raised an action against 'the members of the General Committee, for themselves, or as representing the subscribers to the said Monument,' claiming £10,000 damages for breach of agreement. A decree was pronounced in favour of the Committee by the Lord Ordinary; but on different counsel being employed to defend the Committee when the case came before the Jury Court, it was made clear that the negotiations with Sir Patrick practically amounted to an agreement, the infringement of which might, if the case were pressed, land the Committee in heavy damages. It therefore seemed the prudent course to pay Sir Patrick £158, to which he ultimately limited his demands; but as the legal expenses were considerable, the entanglement with the laird of Coates cost the Committee £408 in all.

This was the first financial disaster. Nevertheless, the Committee went bravely forward, relying confidently on the

profuse assurances that the Town, together with Melville's friends, would make up any deficiency. On 6th February 1821 a contract was entered into between Michael Linning,¹ secretary of the movement, and William Armstrong, builder in Edinburgh, for the erection of the monument, the design of which had already been prepared by William Burn. The total funds in hand at this stage amounted to £3430, 6s. 4d., and as Armstrong was to be paid £3192, the surplus was only £238, 6s. 4d., out of which the architect's fees and incidental expenses had to be met.

Almost immediately difficulties were encountered in securing a foundation, in consequence of which, and to allay the apprehensions of residents in the Square regarding the security of the monument, it was found necessary to adopt, on the advice of Robert Stevenson, additional precautions by extending and strengthening the foundation, a work which neither the Committee nor the architect contemplated. Stevenson also recommended the use of stones large enough to fill up the entire thickness of the walls instead of rubble, as proposed by Burn. This suggestion the Committee were also compelled to adopt. Altogether, the alterations on the plans increased the cost by nearly £1000.

But the Committee even then were not out of the wood. Burn, the architect, put in a claim to 5 per cent., not merely upon the price as originally contracted, but upon all the additional work rendered necessary to secure the safety and durability of the monument. This claim was resisted by the Committee, but an arbitrator, who was called in, decided in favour of Burn. The result was that the Committee were obliged to pay the architect £364, 5s. 8d. Then, in February

¹ A Writer to the Signet and a man of enterprise. The owner of several landed properties on the Water of Leith, including Colzium, he discovered a freestone quarry in the West Cairn Hill, and made offer in 1830 of 'as much stone as would complete the National Monument on Calton Hill.' Mr. Linning also laid plans for the utilisation of the head streams of the Water of Leith, both in supplementing water required by new industries, and in supplying the city with pure water.

1822, it was agreed for the first time to surmount the pillar with a statue of Melville, which still further added to the expense.

By this time the outlay was far in excess of the amount subscribed, but, having begun the work, the Committee considered themselves pledged to its completion. A half-finished pillar, it was rightly argued, so far from redounding to the honour of Melville or to the credit of the naval service, would have been a reproach to both. Accordingly, ways and means had to be devised to reduce and, if possible, to discharge the debt. As a beginning, most of the subscribers, particularly those resident in the city, doubled, and in some cases quadrupled their donations, notwithstanding that many were half-pay officers, who could ill afford frequent and heavy drains on their purses. But when everything had been done that could be done, there still remained a debt of more than £2000. Further, the top of the monument seems to have been left in an unfinished state for some years.

The next move was to issue a general appeal to Scotsmen, more particularly to those who had been either personally indebted to Lord Melville, or had been known to express admiration of his character. It was intimated that if those now appealed to each subscribed £5 the debt would be extinguished.

The pillar without the statue was finished in 1823, and immediately there were urgent demands for payment on the part of architect and contractor. As a result, a loan of £1690 was obtained from the Bank of Scotland, and with this sum Armstrong was partly paid. To make matters worse, the liberality of the general public was uncertain and tardy. At a meeting of the Committee on 18th January 1824 it was reported that the additional subscriptions amounted to only £209, 11s. 1d.

The liabilities incurred by the undertaking were now the subject of much serious consideration. The liberal promises

of Melville's friends to provide for any deficiency had not been fulfilled; the assistance from the Town which, in case of misfortune, the subscribers anticipated, was not forthcoming; while the arrears of interest were steadily accumulating on the bond to the Bank of Scotland. This was the position of affairs in 1827, four years after the completion of the pillar.

And now the Monument Committee resolved on an adroit move—to try to connect the extinction of the debt on the Melville Monument with a scheme for the erection of a memorial to the younger Pitt. Such a consummation, it was contended, 'could not fail to prove highly gratifying to the friends and admirers of two illustrious statesmen who were coeval and coadjutors, and to whom their country in the most critical conjunctures was indebted for her safety and glory.'

The proposal to erect a monument to Pitt emanated, appropriately enough, from the Pitt Club. Originally it was decided that the memorial should take the form of a replica of the column of Antoninus, and be erected in the centre of Charlotte Square as a companion to that of Trajan in St. Andrew Square. Estimates were taken, and it was found that the column could be erected for fully a third less than the Melville Monument. Already the Pitt Club had raised about £4500 for the memorial, and it was calculated that after it had been paid for there would be a balance of £1500 or thereabouts.

There seem to have been promises of assistance by the Pitt Club, but the extent of these is not quite clear. At any rate, the promoters of the Melville scheme now approached the Pitt Club, which had a membership of 675. Numerous communications took place, and as the idea of a Pitt column in Charlotte Square had been abandoned for one of a statue in George Street, the prospects of substantial help from the Pittites seemed bright. On 20th May 1829 the Pitt Club discussed the situation and, at the instigation of Lord Meadowbank, expressed its willingness to make over to the

Melville Committee the arrears of subscriptions amounting to £1350, 6s., and, after defraying the expense of the Pitt statue, another sum of £600. But for a variety of reasons the Pitt Club ultimately subscribed only 300 guineas, and that on condition that no sum whatever would be received by the Melville Committee from any member of the deceased statesman's family—a stipulation which seems to have led to a good deal of recrimination on the part of the Melvillites. The sum of £5 was also obtained after payment of the expense of the Melville statue in the Parliament House.

In April 1834, seventeen years after the inauguration of the scheme and eleven after the completion of the column, there was still a debt of £1100. All the sources of voluntary contributions being now exhausted, it was imperative that the Committee should be relieved of their charge, and that the affairs connected with the monument should be wound up by a final adjustment. It was therefore decided that the deficiency be apportioned equally among the members of the General Committee, or among subscribers. The Sub-Committee, in the first instance, were obliged to pay up out of their private resources, and then a circular letter was issued to each member of the General Committee intimating their liability, which worked out at £41, 13s. 4d. per member. This letter was strongly resented by a number of influential promoters. Some refused to acknowledge their legal responsibility and declined to give any further donation, while others repudiated any compulsion but offered to forward the amount as a fresh subscription.

The termination of this protracted affair was not reached till the beginning of the year 1837, when Archibald Bennet, Secretary of the Bank of Scotland, was officially informed that the whole, or at all events the greater portion, of the balance 'would be paid over before 2nd February.'

W. FORBES GRAY.

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APPENDIX

APPENDIX
—
EIGHTEENTH ANNUAL REPORT
ETC.

Old Edinburgh Club

1925

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REPORT OF THE EIGHTEENTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE EIGHTEENTH ANNUAL MEETING OF THE CLUB was held in the Old Council Chamber, City Chambers, on the afternoon of Wednesday, 27th January 1926, at 4 o'clock.

Mr. W. B. Blaikie, LL.D., an Honorary Vice-President of the Club, presided. There was a large attendance of members.

Apologies for absence were intimated from Mr. William Bonnar, Mr. William C. A. Ross, and Mr. Thomas B. Whitson.

The Eighteenth Annual Report and Abstract of Accounts, which had been issued to the members, was held as read, and is in the following terms :—

The Council beg to submit the Eighteenth Annual Report.

During the year ending 31st December 1925, there were twelve vacancies in the membership. These have been filled up, and there still remain twenty-seven names on the list of applicants for admission.

In spite of many counter-attractions, there is no decline of interest in the activities of the Club. On the contrary, the attendances at the lectures and excursions afford striking testimony to the fascination of Old Edinburgh for all classes of citizens. 'Age cannot wither her, nor custom stale her infinite variety.'

LECTURES

There is only space in which to make brief allusion to the various meetings, but it is hoped to publish detailed accounts in the next volume. Three lectures were delivered, the last being held under joint auspices. On 20th January, in the Royal Arch Hall, Mr. W. Forbes Gray gave an account of the careers of the more famous Lord Provosts of Edinburgh; and, in view of the subject, there was

particular appropriateness in the fact that Lord Provost Sir William L. Sleigh presided. The first portion of the lecture was devoted to the history of the office, which is one of high antiquity, and emphasis was laid on its commanding influence at a time when the history of Edinburgh was virtually that of Scotland. It was pointed out that the Provosts in the reign of Mary, and for some time after, were men of national importance.

The second lecture was delivered on 5th November, in the Goold Hall, when Mr. William Cowan, President of the Club, presided over a large attendance. Taking as his subject 'St. Andrew Square : Its History and Romance,' Mr. W. Forbes Gray referred to the fact that so long ago as 1778, Hugo Arnot described it as 'the finest Square' he had ever seen. Mention was made of notable residents in St. Andrew Square, these including David Hume and Andrew Crosbie, the original of Counsellor Pleydell in *Guy Mannering*. The literary associations of the locality were also dealt with. Several of Burns's patrons lived there, and at least two houses recalled memories of James Boswell, the biographer of Dr. Johnson. In conclusion, the lecturer told for the first time the chequered history of the Melville Monument, his narrative being based on the manuscript Minute Book of the Committee in charge of the scheme, a perusal of which he owed to the courtesy of Mr. Lewis A. MacRitchie, Hon. Secretary of the Club.

On 11th November, in the Gartshore Hall, the Club held a joint meeting with the Edinburgh Architectural Association and the Cockburn Association, when Mr. John Swarbrick, of Manchester, delivered an instructive lecture on 'The Life and Work of Robert Adam,' which was admirably illustrated by lantern slides. The lecturer was accorded a hearty vote of thanks on the motion of Professor Baldwin Brown.

EXCURSIONS

For some years it has been customary to arrange at least one excursion to some historic building in the neighbourhood of Edinburgh which, directly or indirectly, is connected with the history of the Scottish capital. These excursions, it is gratifying to learn, are much appreciated. On Saturday, 2nd May, nearly a hundred members drove to Linlithgow Palace, where they were received by Mr. J. Wilson

Paterson, of H.M. Office of Works, who described the architectural features of this home of Scottish kings, and gave a short account of its history. The company afterwards visited Blackness Castle, where Mr. Neilson Fyfe, of the Office of Works, acted as guide.

Merchiston Castle and Bruntsfield House were visited on Saturday, 20th June. The exceptional interest of both buildings brought together a large gathering of members and friends, and, under the guidance of Mr. Charles B. Boog Watson, many interesting sidelights were thrown on Edinburgh in the time of Queen Mary and later. Merchiston Castle was first visited, and after listening to Mr. Boog Watson's account of the architecture and history of the building the company made a tour of inspection, much interest being shown in the apartment associated with John Napier, the inventor of logarithms, and the most distinguished of the long line of lairds of Merchiston. Many members also ascended to the top of the lofty square tower, and obtained a magnificent view. Thereafter the company walked to the semi-fortified mansion of Bruntsfield, familiar to readers of Miss Warrender's *Walks near Edinburgh*. Mr. Boog Watson described its architecture and told its history, not forgetting the secret room which is entered by a narrow door concealed behind tapestry.

The last excursion of the season took place on Saturday, 11th July, when ninety members and friends drove to Dalhousie Castle, the various apartments of which were visited by permission of the Earl and Countess of Dalhousie, the historical portraits being described by Mr. W. G. Pirie. The chief features of the twelfth-century castle were pointed out by Dr. Thomas Ross, aided by drawings and plans. Later, the party assembled in the drawing-room, where Dr. C. A. Malcolm, Librarian of the S.S.C. Library, read a paper dealing with the leading members of the Dalhousie family. The old church of Cockpen was also visited.

PUBLICATIONS OF THE CLUB

Volume XIV. of the Book of the Club was issued towards the close of October. The Council have pleasure in announcing that Volume XV. is already in preparation, though it is too early to furnish a complete list of contents. It may be mentioned, however, that the next volume will contain a paper on the Burlaw Court of Leith, by Mr. David Robertson, Depute Town-Clerk. This Court existed for the benefit of farmers, and was composed of entered members who elected Bailies

and passed regulations, penalties being imposed on those who transgressed them. The paper is based on the records of the Court for the period 1724-50. Volume XV. will also probably include a further instalment of 'The Sculptured Stones of the Royal Mile,' by Mr. John Geddie; a paper by Mr. Hugh Hannah, dealing with the history, law, and privileges of the Sanctuary of Holyrood House; and another by Dr. Robert Thin, treating of certain aspects of the medical history of the city.

BURGH RECORDS

The Council are pleased to report that the work of transcription of extracts from the Burgh Records of Edinburgh has made satisfactory progress during the year. The extracts now transcribed cover the period from 1589 (the closing date of the publications of the Burgh Records Society) to 1603, the year of the union of the Crowns. This material is sufficient to form a substantial volume, and it is hoped that the printing and issue of the same will be proceeded with shortly.

The President (Mr. William Cowan), in submitting the Report, said :—

They might congratulate themselves upon the membership. Vacancies were filled up in the course of the year, but 27 names were still on the list of applicants for admission. So long as they had a waiting list, he thought they were justified in limiting the membership to 350. Perhaps their principal work had been, and still was, the publication of the volumes in connection with Old Edinburgh. The 14th volume of the Club was published in the autumn, and it was second to none in interest and value. They were greatly indebted to Mr. Forbes Gray, the Editor of the Publications, for the immense amount of trouble and care he had spent in getting together the materials for the volume. (Applause.) Some articles for the next volume were already on the stocks. Proceeding, he referred to the question of the printing of the Burgh Records, and said they had been trying for several years to induce the Town Council to take up that matter and give them a further instalment of the Burgh Records, which were printed down to the year 1589 by the Burgh Records Society. This had been in hand now for about a year, with the result that records for a considerable period had been transcribed by a capable person, Miss Wood. After eliminating formal matter, there still remained

an enormous body of material, so much so that a volume of considerable size could not include more than about 13 or 14 years. That might seem a slow rate of progress, but, as they could not say which entries might be valuable, it was almost impossible to leave out anything. The matter was now before a Sub-Committee of the Lord Provost's Committee, and they were going into the whole question of printing and publication. The Club might take some credit in urging this upon the Town Council, and helping to bring it to a satisfactory conclusion. (Applause.)

The Chairman, in moving the adoption of the Report, said :—

You have heard the President's account of the Report, and as it has been in your hands I shall only refer to it slightly. Some eighteen years ago I had the honour of being the President of this Club at the first meeting in this room. In this chair sat Lord Rosebery, who delivered a most interesting speech about Edinburgh and its charms. At the meeting Lord Rosebery laid down an ideal for the conduct of this Club, which, I think, we have realised. We have been very fortunate in two things, first of all in our Editors, and secondly in the material which they have managed to collect. We have also been fortunate in the writers they have procured to write for us. I recall two or three who have given us valuable monographs. In the first article of the first volume, Mr. Bruce Home presented a very carefully prepared list of all the old buildings still existing in the historical part of Edinburgh. It had a lugubrious beginning, which Lord Rosebery commented on, by telling us that since the year 1860 two-thirds of the ancient buildings of Edinburgh had been destroyed, and that it was our business to see that no stone of the one-third that was left should be touched without absolute necessity. I should like to refer to another writer who did admirable work for the Club—the late Dr. Moir Bryce, who succeeded me in the chair and preceded my friend Mr. Cowan. The papers which Dr. Moir Bryce has given us are a regular history of details that you will find nowhere else. The next name I mention is that of Mr. Oldrieve. Nowhere is there to be got a better account of the discovery of the pre-Reformation church of the monks of Holyrood than in Mr. Oldrieve's paper. I mention these three writers simply because they are no longer with us,

but we have many other admirable articles by living writers. There is one excellent feature of our publications. Every volume gives a list of the contents of the previous volumes. This makes an admirable index for any one wanting to write on the history of Edinburgh. I have been much interested, too, in the appendices to our volumes. I find them full of interest. The question as to where material is to be got for fresh volumes must now be a pressing one. But we must remember that New Edinburgh is becoming Old Edinburgh. In conclusion, I would say that the founding of the Old Edinburgh Club has been more than justified, and that we owe an immense debt of gratitude to those gentlemen who have written for us. I beg to move the adoption of this Report.

The Report and Balance Sheet were adopted.

Mr. William Cowan moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, K.C.V.O., LL.D., Lyon King of Arms, and Mr. W. B. Blaikie, LL.D., as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of the Chairman, Mr. William Cowan was unanimously re-elected President of the Club.

Mr. Thomas Ross, LL.D., Mr. Robert T. Skinner, and Mr. John Geddie were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, Mr. W. Forbes Gray as Editor of Publications, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Miss Marguerite Wood, Mr. Robert Paton, Mr. Hugh Hannah, and Mr. Andrew P. Melville, W.S., were elected Members of Council.

A hearty vote of thanks was awarded to Mr. William Angus, Mr. Henry F. Kerr, Mr. Charles A. Malcolm, and Mr. James H. Thin, the retiring Members of Council.

Mr. Cowan moved a vote of thanks to Dr. Blaikie for presiding.

The Meeting then terminated.

LECTURES

I

FAMOUS PROVOSTS OF EDINBURGH

On the evening of 20th January 1925, in the Royal Arch Hall, Mr. W. Forbes Gray, F.R.S.E., lectured on 'Famous Provosts of Edinburgh.' The chair was occupied by Lord Provost Sir William L. Sleigh.

Narrating the history of the office, Mr. Forbes Gray emphasised its commanding influence at a time when the history of Edinburgh was virtually that of Scotland. In the reign of Mary, and for a considerable time thereafter, the Provosts of Edinburgh were men of national importance. Not infrequently they were great officers of State, through whom the Royal behests were communicated to the nation. In olden times the Chief Magistrate of Edinburgh was known by various titles, that of Provost being the latest. The first holder of the office of whom anything was known was William de Dederyk, who, with twelve other burgesses of the town, signed the Ragman Roll, and swore allegiance to Edward I. as overlord of Scotland. De Dederyk was styled Alderman, as were his successors till 1377, when John de Quhitness was designated Prepositus, the Latin word for governor or magistrate. The first mention of Provost occurred in an indenture between Adam Forrester, laird of Nether Liberton, and the burgh of Edinburgh, dated 29th November 1387, in which Andrew Yutsoun was referred to as 'Provost of the Burgh of Edinburgh.' For fully a century and a half after this date the Chief Magistrate was usually called either Alderman or Prepositus, though occasionally he was styled Provost.

The first known application of the title 'Lord Provost' was in 1487, when the 'richt nobil mighty' Patrick Hepburne, Lord Hales, was chosen for the office, and given authority to appoint deputies or presidents to officiate in his absence. Other two Lord Provosts of the period were Alexander, Lord Home, Great Chamberlain of Scot-

land (1514) and James, Earl of Arran (1518). But in these three instances the prefix 'Lord' was added merely because these Provosts were entitled to it by virtue of their rank. When the long line of commoners was resumed, the prefix 'Lord' was dropped. The titles of Alderman, Prepositus, and President finally disappeared about the middle of the sixteenth century, and for the next hundred years the Chief Magistrate was usually designated Provost, though the application of the term 'Lord Provost' to commoners was not unknown.

In 1667 Charles II. sent a letter to Sir Andrew Ramsay of Abbots-hall declaring that henceforth the civic head of Edinburgh 'should have the same place and precedence without the town's precincts as was due to the Mayors of London and Dublin, and that no other Provost should be called Lord Provost but he.'

The lecturer next gave an account of quaint usages connected with the Provostship. The citizens saw to it in these far-distant times that their Provost was well housed, well guarded, and well remunerated. In 1478 it was 'thocht expedient' for the 'honour and worship of the towne' that the Provost should have an allowance out of the 'commoun purs.' Again, in 1650 two hundred merks were paid to the Provost 'in consideratioun of his service and large expensis in the toune's affaris.' The Provost was also provided with an official residence and an armed guard. In 1520 he was given a convoy of halberd men 'because the warkle is brukle and trublus,' and in 1535 a fine was imposed on 'all nichbourues within this towne, merchandis and craftsmen,' who failed to furnish a convoy for the Provost, 'fra the kirk till his awin hous aftir evinsong in the holy dayes of Yule, New Yair Day, and Uphaly Day.' It also was the custom to present the Provost with an ox at the All Hallow Fair, part of the price of which seemed to have been derived from the duties and customs imposed at the All Hallow and Trinity Fairs. In 1583 this money was collected so haphazardly that complaints were made of the 'extraordinary expenses' in 'making furth of the pryece of the said ox.' It was therefore decreed that 'fourie pennies' should be paid on all horses and cattle brought to the West Port in order to be sold at the fairs. A like sum was to be paid for every ten sheep. Further, the Provost was to collect the money for his ox as he pleased, and 'to tak the guid and evil thairof in his awin hand.'

In the concluding portion of the lecture an outline was given of the careers of outstanding Provosts, with the object of showing how

they influenced successive phases of municipal history. The lecturer began with the two Napier of Merchiston, who were Provosts in the fifteenth century. Sir Alexander Lauder of Blyth was Provost in the year of Flodden. He accompanied the King's army to the fatal field, where he was slain. Twenty-one days after, Archibald Douglas, fifth Earl of Angus ('Bell the Cat'), became Lauder's successor. After Flodden a fitting Provost was found in Sir Archibald Douglas of Kilspindie, fourth son of 'Bell the Cat.' A hardly less notable Provost was Sir Adam Otterburne. The most famous of the Provosts in Queen Mary's time was Sir Simon Preston of Craigmillar. In 1637 the Provost was John Hay, an avowed supporter of Laud's Service Book. He was subsequently convicted of treason and imprisoned in Edinburgh Castle. Hay's successor was a stout Covenanter—Sir William Dick of Braid, who was mentioned in Scott's *Heart of Midlothian*. Another Lord Provost, Sir Andrew Ramsay, was knighted both by Cromwell and by Charles II. In 1660 the Provost was Sir Robert Murray, who recommended Charles I.'s surrender to the Scots. He was the first President of the Royal Society, and was buried in Westminster Abbey. The greatest of the eighteenth-century Provosts was George Drummond. He was the principal founder of the New Town, the moving spirit in the erection of the first Royal Infirmary, and the mainstay of the University for almost fifty years. Archibald Stewart, who held the office during the occupation of the city by the Highland Army in 1745, had the luckless fate of being repudiated by both parties. In 1747 Stewart was tried for 'permitting the city to fall under the power of the rebels,' but was unanimously found not guilty.

On the motion of the Lord Provost a cordial vote of thanks was accorded the lecturer.

II

ST. ANDREW SQUARE

Fresh light was shed on one of the historic squares of the city in a lecture on 'St. Andrew Square : Its History and Romance,' delivered on the evening of 5th November 1925, in the Goold Hall, by Mr. W. Forbes Gray, F.R.S.E. Mr. William Cowan, President of the Club, presided over a large attendance.

Begun in 1768, the year after the extension of the royalty over the New Town, and completed about 1780, St. Andrew Square, the lecturer mentioned, was alluded to by Hugo Arnot as early as 1778, who described it as 'the finest Square' he had ever seen. The Square was a bold experiment in town planning which revolutionised ideas of a dwelling-house and raised the standard of domestic comfort very considerably. Between the squalor and meanness of the life of the Old Town and the elegance, refinement, and amenity of the New, there was no comparison. The uprising of St. Andrew Square was ocular demonstration of a new and more excellent way of communal living.

Dealing with its early history, Mr. Forbes Gray explained that in 1773-74, when the Square was only half built, there were a score of distinguished families living in it. The first person to erect a house in the Square was probably Andrew Crosbie, the original of Counsellor Pleydell in *Guy Mannering*. In 1768 Crosbie feued an area on the east side for £273, 19s. 2d., and reared, from a design of Robert Adam, the stately mansion with handsome and finely proportioned Ionic columns which was now the head office of the Scottish Union and National Insurance Company. This building (No. 35), together with that occupied by the British Linen Bank, formed the right and left wings of the elegant central structure built for Sir Lawrence Dundas of Kerse, Bart., and referred to by Arnot as 'incomparably the handsomest town house' he had ever seen. Thus the three edifices were parts of a single design, the object being to provide not only an imposing central feature on the east side, but one which would harmonise with the architectural setting of the neighbourhood. When Crosbie built his mansion, he was a leading partner in the Douglas and Heron Bank of Ayr, but disaster overtook that concern, and Crosbie was compelled to dispose of his residence for £1340. Eventually it was bought by Sir James Colquhoun of Luss, Bart., and during his occupancy Lord Braxfield dined there on one occasion. After Colquhoun's death, in 1805, it was converted into a high-class hotel, which it remained till 1878. As the Douglas Hotel it was pathetically memorable as the place in which Scott rested on his return from Italy and before setting out on the last journey to Abbotsford. In later times the Douglas Hotel was much patronised by Royalty. In 1860 the Empress Eugénie stayed there for nearly a week.

Other early residents were David Hume, who died in the Square

in August 1776; Sir George Chalmers, the portrait painter; the Earl of Northesk, one of the Admirals at Trafalgar (who was buried in St. Paul's beside Nelson); John, fourth Earl of Hopetoun, who was second in command under Sir John Moore at Corunna; Sir William Pulteney, Bart., 'one of the richest subjects of Great Britain'; Alexander Wight, Solicitor-General to the Prince of Wales, and counsel, along with Henry Erskine, for Deacon Brodie; Dr. James Gregory, compounder of 'Gregory's Mixture'; Monro *secundus* and Monro *tertius*, the famous anatomists; and Sir James Stirling, Bart., whose house was attacked by a mob because of his unpopularity as Lord Provost.

Mr. Forbes Gray also referred to the literary associations of the Square. Several of Burns's patrons lived there, notably Alexander Fergusson of Craigdarroch, the hero of *The Whistle*; Sir John Whitefoord, the laird of Ballochmyle; and Sir Adam Fergusson of Kilkerran, Bart., the 'aith-detesting, chaste Kilkerran' of the poet's *Earnest Cry and Prayer to the Scotch Representatives in the House of Commons*. In the Square, too, resided the heroine of the song *Blythe was She*, which Burns composed during his stay at Ochtertyre. Known in Perthshire as 'The Flower of Strathmore,' this lady became the second wife of the Scots Judge, Lord Methven, one of the first residents in the Square. A near neighbour was Lady Betty Cunningham, to whom Burns sent some of his poems, including his *Lament for James, Earl of Glencairn*.

The Square also contained several houses which recalled memories of James Boswell. Lady Auchinleck, his stepmother, lived there; likewise another relative, Robert Boswell, W.S., author of *The Book of Psalms in Metre from the Original, Compared with Many Versions in Different Languages*. One summer evening in 1775 the biographer of Johnson supped at Hume's house along with Lord Kames and Robertson, the historian. An 'elegant supper' was provided, at which 'three sorts of ice-creams' were served. On another occasion Boswell was sitting in Crosbie's house when Hume called. The lecturer further mentioned that when Edmund Burke and William Windham came to Edinburgh in 1785 to renew acquaintance with Adam Smith, they resided at Dun's Hotel in the Square. Here, too, in 1789, Samuel Rogers, the poet, made the acquaintance of Mrs. Piozzi, the friend of Dr. Johnson.

The remainder of the lecture, which dealt with the history of

the Melville Monument, is printed as an article on pp. 207-213 of this volume.

III

THE WORK OF ROBERT ADAM

On the evening of 11th November 1925, in the Gartshore Hall, the Club held a joint meeting with the Edinburgh Architectural Association and the Cockburn Association, when a lecture on 'The Life and Work of Robert Adam' was delivered by Mr. John Swarbrick, F.R.I.B.A., Manchester. The lecturer, who was introduced by Mr. J. Inch Morrison, L.R.I.B.A., gave a review of the work in Scotland as master mason to the Board of Ordnance in North Britain of the father of Robert Adam, and the co-operation of the brothers Adam professionally. Mr. Swarbrick spoke of Robert Adam's Continental tour and research work, and showed how much Adam was indebted to his patron, the Marquis of Bute. Adam's Italian tour was then touched upon, and his characteristic method of treatment and his principal work were described. The lecture was illustrated by lantern slides. On the motion of Professor Baldwin Brown, the lecturer was accorded a vote of thanks.

IV

TOWN COUNCIL IN QUEEN MARY'S REIGN

'The Town Council of Edinburgh in the Reign of Queen Mary' was the title of a lecture delivered on the evening of 15th January 1926 in the Goold Hall, by Mr. David Robertson, LL.B., Depute Town-Clerk. Mr. William Cowan, President of the Club, presided. The lecture, for the most part, was based on extracts from the printed records of the city, the object being to throw light on the system of local government as it existed in the time of Queen Mary.

The lecturer at the outset explained that at this period the Provost had the assistance of four Bailies, each of whom had the oversight of one of the four quarters into which the town was divided for administrative purposes. The meetings of the Council were held in the Tolbooth, sometimes at seven o'clock in the morning, but generally at ten. The Council was summoned twice a week, a bell being rung

before each meeting, and any member who was absent without leave was fined 2s. At an earlier date the money so raised was 'drucken be the dusane,' as the Councillors were called, but in the time of Queen Mary there was more sobriety, and the money was spent on the poor. At meetings of the Council, members wore black gowns in 'maist decent manner,' and the Provost was clad in velvet. The public were not admitted, and officers with halberds kept out all who had no command to be present. At the meetings there was a rule that 'na man speik but ane at anys, havand licence thairto of the Provost and Baillies before tha speak, under the pain of 18 pence to the purse as oft as they do in the contrar.' Besides levying rates, the Council had charge of education and the poor-law. The Magistrates also tried civil and criminal cases, and could pronounce sentence of death.

The revenue was obtained chiefly from rousing the Common Good to various individuals called 'farmers,' who paid fixed sums for the privilege of collecting dues. In 1559-60 the chief sources of income were the common mills, seven in number. These yielded £1035; overseas trade, £386; petty customs, £200; flesh-house, £30; four over-booths at the Tolbooth, £16; six goldsmiths' booths, £15; and six skinners' booths, £9. In 1560-61 the total income, as shown by the Treasurer's accounts, was £2104, 8s. 4d., but in the following year it had sunk to £845, 7s. 7d. In those days the Treasurer had temporarily to make good any deficiency, and the Council was often tardy in recouping him. The Dean of Guild was also entrusted with some of the finance of the town. He collected the dues payable by the burgesses at the lading and unlading of ships; likewise the rents of the shops occupied by certain goldsmiths and skinners. In 1560 only 55 ships left the Port of Leith, each being charged 14s. The Dean of Guild sometimes paid Knox his stipend as well as settled the accounts connected with the celebration of Communion in St. Giles' Kirk. In 1560 the gold and silver of the altar vessels in St. Giles' Kirk were sold to two goldsmiths, John Hart and Michael Gilbert, for £845, 7s. 6d., while the diamond from the ring on the finger of St. Giles brought only £9, 6s. 8d.

Incidents in Queen Mary's career brought her into close touch with the municipal government. On the day of her marriage to the Dauphin of France, Edinburgh was *en fête*, and a 'triumph,' or play, was performed. All expenses were defrayed by the Council, including

6s. 8d. 'in respect of damage done in tramping down the grass of Andro Mowbray's yard,' where the entertainment was given. The Queen's official entry into the city in August 1561 was graced with 'ane honourable banquet' and with triumphs and farces at the Tolbooth, the Mercat Cross, the Netherbow, and other places. The High Street was decorated with trees and flowers. Abundant supplies of wine and ale were provided at the Cross, and as the Queen passed to Holyrood a canopy was borne above her head by twelve citizens, among whom were the Dean of Guild and the Town Clerk. The bearers of the canopy were clad in black velvet gowns. They also wore doublets of crimson satin and velvet bonnets. But these demonstrations of good-will were but a temporary phase. Before many weeks had elapsed the Council ordered all monks, friars, and nuns to depart the town within twenty-four hours, an action which called forth an angry letter from the Queen, who ordered the Council to deprive the Provost and Bailees of their offices and to choose others. In 1562 the Council resolved that none should hold office in the burgh 'bot sic as hes adjoint thame to the trew Kirk of God,' and this was followed up by the cutting out of the representation of St. Giles from the town's standard, the thistle being inserted in its stead.

Frequently the Queen interfered in matters which were plainly outside her province. She ordered the Council to enforce the Acts fixing the prices at which wines and boots could be sold in the town, to levy a tax on behalf of the poor, and to retain William Robertson in his office as master of the Grammar School. The Queen also compelled the Council to liberate one Patrick Murdoch from the Tolbooth, but two years later caused other two prisoners to be 'hangit.' In 1565 Sir James Tarbet, for reading Mass in the Cowgate, was tied to the Mercat Cross, pelted with eggs, and severely handled by a mob. These proceedings were so keenly resented by the Queen that she threatened to destroy the city. But the relations between the Queen and the citizens of her capital were not always those of enmity, for in 1563 Mary was presented with a New Year gift in the shape of 'three tun of the best wyn that could be got in Leith,' together with a quantity of torches. This gift seemed to have been repeated more than once.

A vote of thanks to the lecturer was moved by the Earl of Cassillis.

V

CLEANSING THE TOWN IN EARLY TIMES

The last lecture of the session was delivered in the Goold Hall on the evening of 17th February 1926, by Mr. Charles B. Boog Watson. The lecture was divided into two sections. The first described 'Early Endeavours to keep the Town Clean.'

The lecturer began by saying that for many a day Edinburgh had been taunted not only with having been foul and smelly, but with being content to be so. It was, therefore, surprising and gratifying to learn from the Council records that dirty old Edinburgh made great efforts to be clean. Perhaps the earliest reference to a real attempt was in 1633, when the Council ordained all filth to be cast out before 6 A.M., that it might be removed in wheel-barrows to the foot of the close, and there gathered by one man with a cart and horse. Many Acts were passed 'discharging' the making of 'middings' on the streets, letting swine run loose, emptying of household filth, and all 'gardilues' from the windows.

After various schemes had been tried, an arrangement was made with heritors round the city to remove the muck as free manure, but ere long one of the heritors undertook the whole job, supplying twenty carts with men, who were to be on duty for two hours about midnight all the year round. The cost was to be paid from a poll tax. But this scheme failed also, and a few years later the muck of the town was sold by public roup to neighbouring heritors. In 1700 the town was divided into nine districts, each of which was set in tack to a contractor. One of these was a servitor of Sir Wm. Dick of Prestonfield, and this might account for the tradition that Sir William removed all the town muck at his own expense to Prestonfield and enriched his meadows therewith. Severe Acts were passed against all who cast out house refuse into the close, the punishment rising from a fine to exposure in the pillory, and from that to the hangman's lash. The last cleansing efforts in relation to Old Edinburgh appeared to have been made in 1721, when the town was divided into twenty-four districts.

As to the state of the closes, the lecturer cited an example. In 1722 the fleshers called attention to the state of the Old Provost's

Close, which they described as 'hung on both sides with a most nauseous piece of tapestry of puddens, tripes, livers, paunches, and sheeps-heads; also boards and tubs straitening the close, where also swine are kept and killed. Also nolt foot oil and paunch grease are boiled in the night time in several places in the close, and fires have thus been caused; and no cleansing is carried out.' That was the sort of Augean stable which the town had to cleanse—and it was done at last!

THE OLD WATER SUPPLY

Dealing next with the water supply of Old Edinburgh, Mr. Boog Watson mentioned that in the early days the supply was entirely from draw-wells, which was supplemented in times of drought by water drawn from the South or Borough Loch, now covered by the Meadows. This loch furnished the water required by the brewers in the 'Society,' by means of a windmill, reservoir, and pipes, erected in 1596. In 1616 the first proposal was made for bringing in water by a conduit to the Castlehill, but no practical steps were taken. In 1621 Parliament passed an Act authorising the introduction of water from the country. But no practical action was taken till the reign of Charles II., when Sir Andrew Ramsay, the notorious Lord Provost, caused a survey of the springs, pipe track, etc., to be made. The work was entrusted to the versatile George Sinclair, schoolmaster, Professor of (Natural) Philosophy in Glasgow, mathematician, theologian, and author of the well-known *Satan's Invisible World Discovered*. Sir Wm. Bruce of Balcaskie, the architect of Holyrood Palace, worked out the cost, amounting to £6500, and the contract was placed with Peter Brauss, a German engineer, who was to execute the work at the Springs of Comiston, about three miles south of Edinburgh, by laying a three-inch lead pipe to the city, and building the cisterns or vaults needed to receive and distribute the water.

There were four springs at Comiston, the Tod's Well, the Hare's Well, the Tewchat's or Peesweep's Well, and the Swan's Well. Each of these delivered into the lead-lined cistern. Over each delivery pipe stood the leaden image of the animal from which the spring took its name, and there they were still. In 1675 the town acquired the lands and springs at Swanston. The water brought into the town was distributed from the main cistern near the head of the West Bow to others lower down. As time went on, supply pipes were granted to private

houses. One was given to the Excise Office in Chessel's Court; another to the Castle; another to Mr. Walter Scott, Writer to the Signet, father of the author of *Waverley*; another to John Ruskin, merchant, grandfather of the great art critic.

The first water pipes were made of lead. Later, pipes made of elm wood were used, four inches in bore. Specimens of these were to be seen in the Edinburgh Municipal Museum. Last of all, cast-iron pipes were introduced. The use of baths was not encouraged owing to the trouble attendant on the supply; but as early as 1518 Lady Bothwell had a bath in a 'penteis,' or lean-to, while Lady Yester, in 1633, owned a house containing two small baths. Ere long, public hot baths were introduced for general use. The old private wells existed long after the complete introduction of the spring water. In the water famine of 1847, the Edinburgh Water Company appealed to the owners of private wells to grant the use of these to the public, and several residents in the New Town responded generously.

The lecturer was thanked on the motion of Mr. William Cowan, President of the Club, who presided.

VI

QUEENSBERRY HOUSE, CANONGATE

On the evening of 14th December 1926, in the Goold Hall, Mr. Charles B. Boog Watson delivered another lecture, his subject being 'Queensberry House, Canongate.' Mr. William Cowan, President of the Club, presided over a large attendance.

In the course of a detailed history of the mansion, the lecturer began with the year 1680, when certain lands and houses on the south side of the Canongate were acquired by Charles Maitland, Lord Haltoun. The property extended southwards to the Torrent (a stream which flowed along the Cowgate and the South Back of Canongate) and the lands of Dashingflatt, or Dishningflatt, which bordered the King's Park. Having demolished the existing buildings, Haltoun erected on the site the commodious mansion which afterwards was known as Queensberry House. In 1686 Haltoun, now third Earl of Lauderdale, disposed of the mansion to the first Duke of Queensberry, who lived in it and died there in 1695. It was a curious fact that the site of Queensberry House was part of the regality of New Dalgarnock

in Dumfriesshire, to which county, according to Robert Chambers, 'the property has ever since belonged, though situated fifty miles from it.' How this came about was explained by the fact that the Duke, as Lord-Lieutenant of Dumfriesshire, had official duties to perform; but, as State business compelled him to reside in Edinburgh, he was enabled by this fiction to discharge them as if he were actually living in the county. Thus he solved the problem of being in two places at once.

In 1707 Queensberry House was stated, on the authority of Chambers, to have been the scene of a horrible tragedy. The second Duke's eldest son, James, was an idiot, and was kept in confinement in the western wing of the mansion. On the day of the passing of the Act of Union, when the other members of the Queensberry family were witnessing the ceremony in the Parliament House, the unfortunate heir broke loose, and, killing a boy who assisted in the kitchen, placed the body in the fire. In carrying out structural alterations in 1926, two massive arched fireplaces were discovered, one of which must have been the scene of the tragedy. The third Duke and his Duchess were patrons of John Gay, the author of *The Beggar's Opera*. On their invitation the poet visited Edinburgh, and is said to have been lodged in a tenement opposite the ducal mansion in the Canongate.

Though the town house of the Queensberry family, the mansion was the temporary residence of several distinguished personages. Here the first Earl of Stair lived during the Union negotiations, and here he died in 1707. In the middle of the eighteenth century Queensberry House was occupied simultaneously by the Duke of Douglas and the Earl of Glasgow, the former dying there in 1761. From 1773 till 1803 the mansion was the residence of Sir James Montgomery of Stanhope, Lord Chief Baron of the Court of Exchequer of Scotland. He was spoken of by Cockburn as 'the last gentleman' to occupy Queensberry House. It was also interesting to recall that after the battle of Prestonpans a number of the officers of the Highland Army were accommodated in the mansion, a circumstance which probably had some connection with the discovery in one of the apartments of a painting of Prince Charles Edward.

In 1801 the house was exposed for sale at the upset price of £900, and was bought for £1170 by William Aitchison, distiller, of Clement's Wells, East Lothian, who soon after parted with it to the War Office

for £3150, not, however, before removing its magnificent fittings, including ornamented grates and mantelpieces. These were bought by the Earl of Wemyss and removed to Gosford House. In 1808 the mansion was enlarged by being raised a story, and was transformed into barracks. The main entrance to the barracks was from the South Back of Canongate, a guardroom being built on each side. Accommodation was provided for 520 men, besides officers. Sir Daniel Wilson has left an interesting description of the original mansion. The wings were surmounted by ogee roofs, while the central portion had a Mansard roof with storm windows decorated in the style of the Palace of Versailles. Ornamented chimney-stacks added to the general effect.

Queensberry House remained the property of the War Office till 1853, when it was acquired by the Directors of the House of Refuge for £5000. The mansion, however, had been a House of Refuge for twenty years previous to this date. In 1818-19, when there was a fever epidemic in Edinburgh, the building was used for patients who could not be accommodated in the Old Infirmary. Further, on 26th December 1822, the first show of the Highland Society was held in the area behind Queensberry House. This privilege was granted for four years in succession.

The lecturer was cordially thanked on the motion of the President.

EXCURSIONS

I

LINLITHGOW PALACE

THE first excursion of the season was held on 2nd May 1925, when nearly a hundred members visited Linlithgow Palace. The company was conducted over this early home of royalty by Mr. J. Wilson Paterson, of H.M. Office of Works, who pointed out its architectural features and gave a short account of its history.

Begun in 1425-30 by James I. of Scotland, Linlithgow Palace was said to occupy a Roman site, a contention which seemed to be

borne out by the fact that several fragments of Roman pottery had recently been found. The Palace had been planned on a grand scale, and in its prime must have been one of the finest buildings in Scotland. Its successive alterations and additions reflected the evolution of the domestic life of the nation. In the earlier work windows and fireplaces were few and small, and there was an absence of corridors; but in the later there were not only corridors but large circular staircases at each angle of the courtyard. Fireplaces and spacious kitchens were introduced in the sixteenth and seventeenth centuries. For example, in the portion of the Palace built in the reign of James VI., each room was provided with a fireplace, while wooden floors replaced stone ones. The former, however, caused the fire of 1746, when the whole Palace was destroyed. The original entrance was in the east wing. It was approached by a drawbridge, and was protected internally by massive doors and a portcullis. An entrance on the south front was added by James V.

The Banqueting Hall, occupying the principal floor in the east wing, was an imposing apartment with spacious fireplace, dais, minstrel gallery, and 'screens.' The west wing, in which Mary Queen of Scots was born, contained some fine fireplaces and a peculiar mullioned window, which was probably intended to display an elaborate carved ceiling. The latest additions were on the north side of the quadrangle. These were built by James VI. in 1619-20, and comprised suites of small rooms. On the battlements was a little tower from which Margaret Tudor watched in vain for the return of James IV. from Flodden. In conclusion, Mr. Paterson explained that several little wall chambers had recently been discovered in the north-west corner. Examination of the chimneys in this portion of the Palace had also revealed that they had been skilfully cut through existing vaults and carried across into the main walls, through which new flues had been laboriously driven. The vaults below the Banqueting Hall had been repaired, and the floor slabs relaid on a steel and concrete bed.

The party afterwards proceeded to Blackness Castle, where Mr. Neilson Fyfe, of the Office of Works, acted as leader.

II

MERCHISTON CASTLE AND BRUNTSFIELD HOUSE

Merchiston Castle and Bruntsfield House, both situated on the ancient Burgh Muir of Edinburgh, and both the scene of stirring and romantic events in the history of the Scottish capital, were visited on the afternoon of 20th June 1925. The exceptional interest of both buildings brought together a large company, and, under the guidance of Mr. Charles B. Boog Watson, much curious lore regarding Edinburgh in the time of Queen Mary, and later, was recounted.

Describing the architecture of Merchiston Castle, Mr. Watson pointed out that the lofty square tower, which conformed to the ordinary type of feudal keep built for defence, probably dated from the late fifteenth or early sixteenth century. The lands of Merchiston could be traced to the time of King Robert the Bruce, though it was with the illustrious family of Napier that the most interesting period of their history began. In 1438 Alexander Napier, Provost of Edinburgh, acquired the property from the Merchistons of that Ilk, and henceforth the names of 'Napier' and 'Merchiston' were indissolubly connected. Napier's son, who bore the same name, was twice Provost, and was also prominent in national affairs, being Comptroller of Scotland. But the most distinguished of the lairds of Merchiston was John Napier, the inventor of logarithms, who was born in the Castle in 1550.

In the troublous times which followed the flight of Queen Mary into England, Merchiston Castle held out for the King's party. In 1571 it was bombarded by Kirkaldy of Grange, because the garrison had prevented supplies reaching the troops that were holding Edinburgh Castle for Queen Mary. John Napier's opposition, more passive than active, led to his imprisonment in Edinburgh Castle. In May 1572 the garrison at Merchiston offered stout resistance to the Queen's troops, who set fire to the outworks, but a company of King's men from Leith drove off the assailants, whose retreat was covered by Kirkaldy from Edinburgh Castle. A month later the Queen's troops again attacked Merchiston, and did considerable damage. Then on the last day of June 1572 a severe engagement took place close to the Castle walls, the combatants being a party of foragers from the city,

and the Regent Morton's troops assisted by the garrison of Merchiston. After the surrender of Edinburgh Castle in May 1573, Napier returned to his tower, where he continued his studies, and acquired a reputation as a magician. He died at Merchiston on 4th April 1617.

In 1665 the Napiers parted with their Castle to the Lowis family, who made extensive structural alterations. In 1750 Merchiston again changed hands, but little more was heard of it till 1833, when Charles Chalmers founded the well-known school. Chalmers was a brother of the hero of the Disruption, who, in the closing years of his life, was often seen in the grounds of Merchiston. Chalmers began his career as a publisher in Hope Park, among the books he issued being those of his brother, Dr. Thomas Chalmers. Later, he forsook publishing for teaching, and in Park Place conducted classes for students proposing to enter the University. The business prospered, and he transferred his establishment to Merchiston, where he was assisted by three sons.

Narrating the history of the semi-fortified mansion of Bruntsfield (familiar to readers of Miss Warrender's *Walks near Edinburgh*), Mr. Boog Watson mentioned that the earliest owners were Browns, but, by charter of Robert II., the property passed to the Launders of Haltoun (or Hatton). In the reign of James II., William de Lauder forfeited various lands, including Bruntsfield. These were bestowed by James on his Queen, Mary of Gueldres, but in 1490 James IV. restored Bruntsfield to Sir Alexander Lauder, who conveyed the estate and mansion to his son and namesake in return for the yearly payment of a red rose. John Fairlie, probably a cadet of the Fairlies of Braid, bought Bruntsfield in 1603, and his initials and those of his wife, together with the date 1605, were inscribed over several windows. The Fairlies were owners for nearly a century. In 1695 Bruntsfield was sold to George Warrender, a leading Edinburgh merchant. He was Lord Provost in 1713-14, and in 1715 was created a Baronet. Mr. Boog Watson refuted the widely believed story that the mansion was a 'free gift' to Warrender from the Magistrates, and quoted from the City Records to show that Bailie Warrender actually informed the Council of his purchase. The superiority of the lands was never owned by the town. Previous to 1381 Bruntsfield constituted the territory of the King's Sergeant, and was held from the Crown. Bruntsfield House, which was still owned by the Warrenders, was built about the middle of the sixteenth century. The Fairlies, how-

ever, made considerable additions. The mansion contained a secret room, which was entered by a narrow door concealed behind tapestry.

After inspecting the house, the company was shown a tombstone which, removed from its original site within the grounds, now rests against the garden wall. It bears the initials 'M. I. R.' and the date 1645. The stone is supposed to have marked the grave of a victim of the plague, which raged in Edinburgh at that time.

Mr. Watson was warmly thanked for his services, on the motion of Mr. William Cowan, President of the Club.

III

DALHOUSIE CASTLE

On the afternoon of Saturday, 11th July 1925, a visit was paid to Dalhousie Castle, where Dr. Thomas Ross, aided by drawings and plans, pointed out the chief features of the twelfth-century castle, which originally was L-shaped, with a surrounding courtyard. Dr. Ross pictured the long, narrow openings on either side of the door in the days when they contained the beams which raised and lowered the bridge across the ditch. By kind permission of the Earl and Countess of Dalhousie, the company afterwards inspected the Castle, where Mr. W. G. Pirie acted as guide, and described the portraits of historic interest. The party then assembled in the spacious drawing-room, where Dr. C. A. Malcolm read a paper on the leading members of the Dalhousie family.

The Ramsays of Dalhousie, he said, dated from the twelfth century. The early lairds were closely allied with the Abbey of Newbattle, one of whose monks was Malcolm Ramsay, parson of Cockpen in 1296. A curious complaint was made in 1568 by a son of Laird Nicholas—no less than a charge of murder against a monk of Newbattle Abbey, John Harvey, who a year earlier had doffed the cassock and donned the soldier's coat and gone to aid his English comrades at Pinkie, where two brothers Ramsay had fallen. The gift in 1569 by the Abbey to Dalhousie of the church lands of Cockpen was made, it was believed, as solatium for this offence by a churchman. George, the ninth Earl, was a close friend of Walter Scott from their boyhood days at the High School. His son and heir, James Andrew, afterwards

Marquis of Dalhousie, who succeeded to the earldom of Dalhousie in 1839, was for a short spell in the House of Commons as member for Haddington. Later, he became a distinguished Governor-General for India. Under his regime Oudh, the Punjab, and Lower Burmah were added to the Indian Empire, while the postal and telegraph services and the railways were developed.

The old Church of Cockpen was also visited, much interest being shown in the mausoleum which contains the ashes of two Earls and of the first and only Marquis.

Old Edinburgh Club

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER

For the Year ending 31st December 1925

CHARGE	DISCHARGE
I. Funds at close of last Account :—	
(a) In Bank on Deposit Receipt,	£110 15 3
(b) Due by Honorary Treasurer,	6 5 3
	<hr/>
(c) Arrears of Subscriptions :—	£117 0 6
1 Member,	£0 10 6
2 Libraries,	1 1 0
	<hr/>
II. Subscriptions :—	£118 12 0
For year 1925—	
350 Members at 10s. 6d.,	£183 15 0
Less—Paid in advance during 1924,	2 2 0
	<hr/>
25 Libraries at 10s. 6d.,	£181 13 0
	<hr/>
For year 1926—	
4 Members at 10s. 6d.,	2 2 0
	<hr/>
III. Volumes sold (14),	196 17 6
IV. Interest on Deposit Receipt,	7 7 0
	<hr/>
	5 8 0
	<hr/>
	£338 4 6
	<hr/>
	£19 2 9
	<hr/>
	23 5 1
	<hr/>
	246 13 8
	<hr/>
	2 7 0
	<hr/>
	0 10 6
	<hr/>
(a) In Bank on Deposit Receipt,	£30 0 0
(b) Due by Honorary Treasurer,	6 0 6
	<hr/>
	36 0 6

THOMAS B. WHITSON, C.A., Hon. Treasurer.

EDINBURGH, 9th January 1926.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1925, of which the foregoing is an Abstract, and have found them correctly stated and sufficiently vouchered and instructed.

W. MELVILLE, S.M.C.A., Hon. Auditor.

Old Edinburgh Club

1926

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OF THE CITY OF EDINBURGH.

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MIDLOTHIAN, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST.
Sir JAMES BALFOUR PAUL, K.C.V.O., LL.D., Lyon King of Arms.
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WILLIAM COWAN, 47 Braid Avenue.

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ANDREW P. MELVILLE, W.S., 11 South Charlotte Street.

Honorary Auditor

W. MELVILLE SYM, C.A., 49 Castle Street.

REPORT OF THE NINETEENTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE NINETEENTH ANNUAL MEETING OF THE CLUB was held in the Old Council Chamber, City Chambers, on the afternoon of Wednesday, 26th January 1927, at 4 o'clock.

Sir John Lorne MacLeod, G.B.E., LL.D., presided. There was a large attendance of members.

Apologies for absence were intimated from Brig.-General Sir Robert Gordon Gilmour of Liberton and Craigmillar, Bart., C.B., C.V.O., D.S.O., Mr. W. Forbes Gray, Mr. Robert T. Skinner, and others.

The Nineteenth Annual Report and Abstract of Accounts, which had been issued to the members, was held as read, and is in the following terms:—

The Council beg to submit the Nineteenth Annual Report.

During the year ending 31st December 1926, there were twenty-seven vacancies in the membership. These have been filled up, and there still remain fourteen names on the list of applicants for admission.

Owing to the protracted industrial crisis the activities of the Club were much circumscribed. A programme of excursions had been arranged for the summer as usual, but two were cancelled because of the uncertainty of the train service. It is hoped, however, that the conditions will be more favourable next summer, and that there will be a resumption of what has always been a popular feature of the work of the Club.

Happily, the industrial dispute did not affect the winter meetings. Three most instructive lectures were delivered to audiences that were both large and keenly interested. Mr. William Cowan, President of the Club, presided on each occasion. It is impossible here to give more than the barest outline of the lectures, but adequate reports

will appear in Volume XV. On 15th January, in the Goold Hall, Mr. David Robertson, LL.B., Depute Town-Clerk, gave a graphic and intimate account of the working of the Town Council in the reign of Queen Mary. The lecture was based for the most part on extracts from the printed records of the city, and contained interesting sidelights on the system of local government prevailing at the time. The lecturer devoted much attention to Queen Mary's relations with the Town Council. On the motion of the Earl of Cassillis, a hearty vote of thanks was accorded to Mr. Robertson.

The members were also taken over unfamiliar ground in Mr. Charles B. Boog Watson's lecture, which dealt with 'Early Endeavours to keep the Town Clean,' and with the water supply of Old Edinburgh. The lecture was delivered in the Goold Hall on 17th February. As regards the first part of his subject, Mr. Boog Watson emphasised the fact that the Council records showed that 'dirty old Edinburgh made great efforts to be clean.' The earliest attempt to cleanse the town probably took place in 1633, and the latest (under old conditions) in 1721, when the town was divided into twenty-four districts. Dealing next with the water supply, the lecturer explained that in early times water was obtained from draw-wells, the supply being augmented in times of drought from the South or Borough Loch. In 1675 the Council decided to obtain a more adequate supply, and for this purpose acquired lands and springs at Swanston. The cost was estimated at £6500.

On 14th December Mr. Boog Watson delivered another lecture in the Goold Hall, in which he narrated the history of Queensberry House, Canongate. He mentioned that the building dated from 1681, the site having been acquired in the previous year by Charles Maitland, Lord Haltoun, from whom it passed by purchase to the first Duke of Queensberry, in whose family it remained till the beginning of the nineteenth century. The mansion was then sold to the Government for a barrack, and was enlarged by the addition of a story. In more recent times Queensberry House was used as a fever hospital, and is now a House of Refuge for the Destitute.

PUBLICATIONS OF THE CLUB

The Council have pleasure in announcing that the preparation of Volume XV. is well advanced, and that the work will be issued early in the new year. It will contain the following papers:—'The Domestic

Affairs of the Burgh, 1554-1589' (based on unpublished extracts from the Records), by Miss Marguerite Wood; 'The Sanctuary of Holyrood,' by Mr. Hugh Hannah; a further instalment of 'The Sculptured Stones of the Royal Mile,' by Mr. John Geddie; 'The Old Infirmary and Earlier Hospitals,' by Dr. Robert Thin; 'The Burlaw Court of Leith,' by Mr. David Robertson, Depute Town-Clerk; and 'The Melville Monument,' by Mr. W. Forbes Gray.

In view of the early publication of Volume XV., the Council would urge upon members the necessity for paying without delay their subscriptions for the year 1927. The volume can be issued to those members only whose subscriptions are not in arrear.

BURGH RECORDS

It is gratifying to report that during the year Miss Marguerite Wood has made excellent progress with the work of transcribing extracts from the Burgh Records of Edinburgh covering the period from 1589 (the closing date of the publications of the Burgh Records Society) to 1603, the year of the Union of the Crowns. The whole of the work is now in type, and it is expected that a substantial volume will be published on an early date.

The President, Mr. William Cowan, in submitting the Report, referred specially to the publications of the Club.

He remarked that in its work of research and publication of records the Club had no doubt spoilt some old traditions, but they had managed to get at the truth. They had cleared up the question of the site of the Covenanters' prison, likewise traditions connected with Lady Stair's House, the Tolbooth, etc. As to Huntly House, it was now certain that the mansion never belonged to the Huntly family, and that the name arose from the fact that the Duchess of Gordon once resided in it as a tenant. He suggested that writers of books on Edinburgh should not perpetrate historical errors which had been corrected in the publications of the Club.

The Chairman, in moving the adoption of the Report, said:—

The Old Edinburgh Club had a distinct field of its own, and had also this particular feature—that it was a publishing society, and had

already to its credit fourteen volumes, with another to be issued shortly. Those volumes embraced a large number of subjects of historical and antiquarian interest. The publications of the Club were a substantial and illuminating supplement to our local history, and, in many aspects, to our national history. There was a great deal yet to be known about Old Edinburgh and its early origin and development.

The Report and Balance Sheet were adopted.

Mr. William Cowan then moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, K.C.V.O., LL.D., and Mr. Walter B. Blaikie, LL.D., as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of Mr. William K. Allan, Mr. William Cowan was unanimously re-elected President of the Club.

Mr. Thomas Ross, LL.D., Mr. Robert T. Skinner, and Mr. John Geddie were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, Mr. W. Forbes Gray as Editor of Publications, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Mr. Henry F. Kerr, Mr. James H. Jamieson, Dr. J. Taylor Grant, and Mr. W. Glassford Walker, C.A., were elected Members of Council.

A hearty vote of thanks was awarded to Mr. David Robertson, S.S.C., Mr. Charles B. Boog Watson, Mr. William Bonnar, and Mr. J. Cameron Robbie, the retiring Members of Council.

Dr. Walter B. Blaikie moved a vote of thanks to Sir John Lorne MacLeod for presiding.

The Meeting then terminated.

Old Edinburgh Club

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER For the Year ending 31st December 1926

	CHARGE	DISCHARGE
I. Funds at close of last Account:—		
(a) In Bank on Deposit Receipt,	£30 0 0	£13 14 6
(b) Due by Honorary Treasurer,	6 0 6	14 3 0
	<hr/> £36 0 6	<hr/> 4 10 0
II. Subscriptions:—		
For year 1926—		
350 Members at 10s. 6d.,	£183 15 0	
Less—Paid in advance during 1925,	2 2 0	
	<hr/> £181 13 0	
26 Libraries at 10s. 6d.,	13 13 0	
For year 1927—		
3 Members at 10s. 6d.,	1 11 6	
	<hr/> 196 17 6	
III. Volumes sold (14),	7 7 0	
IV. Interest on Deposit Receipt,	4 8 1	
	<hr/> £244 13 1	<hr/> £244 13 1

THOMAS B. WHITSON, C.A., Hon. Treasurer.

Edinburgh, 11th January 1927.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1926, of which the foregoing is an Abstract, and have found them correctly stated and sufficiently vouchered and instructed.
W. MELVILLE SYM, C.A., Hon. Auditor.

Old Edinburgh Club

1927

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBERY AND
MIDLOTHIAN, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. The Lord Provost.
Sir JAMES BALFOUR-PAUL, K.C.V.O., LL.D.
W. B. BLAIKIE, LL.D.

President

WILLIAM COWAN, 47 Braid Avenue.

Vice-Presidents

THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.
ROBERT T. SKINNER, Donaldson's Hospital.
JOHN GEDDIE, 16 Ann Street.

Honorary Secretary

LEWIS A. MACRITCHIE, 35 East Claremont Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Editor of Publications

W. FORBES GRAY, 8 Mansionhouse Road.

Council

JOHN RUSSELL, 2 Brunton Place.
J. WILSON PATERSON, M.V.O., 11 Abinger Gardens.
JAMES STEUART, W.S., 25 Rutland Street.
WILLIAM C. A. ROSS, Royal High School, Regent Road.
Miss MARGUERITE WOOD, 16 Buckingham Terrace.
ROBERT PATON, 19 Regent Terrace.
HUGH HANNAH, Solicitor, 6 St. Bernard's Crescent.
ANDREW P. MELVILLE, W.S., 11 South Charlotte Street.
HENRY F. KEER, 12 East Claremont Street.
JAMES H. JAMIESON, 14 Sciennes Gardens.
J. TAYLOR GRANT, M.D., 3 Manor Place.
W. GLASSFORD WALKER, C.A., 15 Rutland Square.

Honorary Auditor

W. MELVILL SYM, C.A., 49 Castle Street.

Old Edinburgh Club

LIST OF MEMBERS

AITKEN, ROBERT, 16 Hope Terrace.
Alexander, A., National Bank, 179 High Street.
Allan, F. H., 33 Inverleith Gardens.
Allan, William K., 2 Wester Coates Avenue.
Anderson, Alexander H., M.A., Donaldson's Hospital.
Anderson, Mrs. Arthur, 31 Bellevue Place.
Anderson, Miss Helen Maud, 'St. Vincent,' Corstorphine Road.
Anderson, Martin, Castle Cynicus, Leuchars, Fifeshire.
Anderson, William, 2 Dalkeith Street, Joppa.
Anderson, W. Kinloch, 14 George Street.
Angus, William, Record Office, H.M. Register House.
Armstrong, John Johnston, Hollycot, Lasswade.
Atkinson, John J., 103 Marchmont Road.

BALFOUR-MELVILLE, EVAN W. M., 2 South Learmonth Gardens.
Barclay, Oswald, 17 Carlton Terrace.
Barker, John S., 54 Henderson Row.
Barnett, David, Corporation Museum.
Barrie, John A., 15 Abbey Road, Eskbank.
Bartholomew, Ian, M.C., M.A., Nairne Lodge, Duddingston.
Baxendine, Andrew, 10 M'Laren Road.
Bethune, John, Viewfield, Currie.
Birnie, George R., 67 Trinity Road.
Blaikie, Walter Biggar, LL.D., 11 Thistle Street. (*Hon. Vice-President.*)
Bonar, John J., Eldinbrae, Lasswade.
Bonnar, William, 51 Braid Avenue.
Bowers, John, 75 Morningside Road.
Boyd, John S., Norland, Jedburgh.
Boyes, John, 40 Glendevon Place.
Brotherston, G. M., 23 Jeffrey Street.
Brown, Charles, 9 Bernard Terrace.

LIST OF MEMBERS

Brown, J. C., W. Green & Sons, Ltd., St. Giles Street.
 Brown, J. Hunter, 39 East Trinity Road.
 Brown, Prof. G. Baldwin, LLD., The University, Edinburgh.
 Bruce, James, W.S., 16 Hill Street.
 Bruce, Miss, 19 Bright's Crescent.
 Bruce, Miss, 6 Granby Road.
 Bryce, P. Ross, F.S.A.Scot., 33 Craigmellar Park.
 Bryce, William, 25 Park Avenue, Portobello.
 Bryson, Nathaniel, 18 Barnton Gardens, Davidson's Mains.
 Burnett, Rev. W., B.D., Restalrig Manse, Lismore Crescent.
 Burnside, John W., 3 Oxford Street.

 CALDER, Mrs. LOGAN, 3 Ormidale Terrace.
 Cameron, Daniel, 2 Cameron Park.
 Campbell, A. H., M.Inst.C.E., 46 Grange Road.
 Campbell, J. D. B., 25 Ainslie Place.
 Cargill, Alexander, J.P., 19 Kingsburgh Road.
 Carmichael, Mrs., Viewfield, Duddingston Park.
 Cassillis, Right Hon. The Earl of, Newhailes, Musselburgh.
 Chambers, C. E. S., 339 High Street.
 Christie, Miss Margaret, c/o Mrs. Good, Braefoot, Liberton.
 Chrystal, F. M., M.B., 187 Gilmore Place.
 Clapperton, D. A., 8 Magdala Crescent.
 Clark, Alexander, Roselea, Corstorphine.
 Clarkson, James Copland, 20 Forth Street.
 Cockburn, Harry A., 37 Royal Avenue, Chelsea, S.W. 3.
 Cook, E. R., Law Society, Chancery Lane, London, W.C.
 Cormack, D. S., 19 Dalziel Place, London Road.
 Cossar, Mrs. Isabella, Ardgarth, St. John's Road, Corstorphine.
 Couper, Rev. W. J., D.D., 26 Circus Drive, Glasgow.
 Cowan, John James, Westerlea, Murrayfield.
 Cowan, William, 47 Braid Avenue. (*President.*)
 Craig, Sterling, M.A., 130 Princes Street.
 Cranston, Lady, 19 Merchiston Avenue.
 Crawshaw, Dr. Charles, Barwood Mount, Ramsbottom, Lancashire.
 Crichton, A. D., City Chambers, Edinburgh.
 Crichton, George, 6 Duncan Street.
 Croal, Miss Caroline H., 14 Eyre Crescent.
 Crombie, David, 11 Rutland Square.
 Cruikshank, John, 55 Castle Street.

OLD EDINBURGH CLUB

Cullen, William J., 7 Howard Street.
 Cumming, Charles M., 4 Laverockbank Terrace.
 Cunningham, Mrs. Jean C., 38 Buckingham Terrace.

 DALRYMPLE, Hon. HEW, 24 Regent Terrace.
 Darling, Alexander, LLD., 23 South Oswald Road.
 Dawson, A. B., C.A., 33 Royal Terrace.
 De La Warr, Dowager Countess, Easter Duddingston, Portobello.
 Dick, Andrew W., M.A., 9 West Claremont Street.
 Dobbie, Sir Joseph, S.S.C., 10 Learmonth Terrace.
 Dobbie, Lady, 10 Learmonth Terrace.
 Donald, Alexander Graham, M.A., F.F.A., 18 Carlton Terrace.
 Donaldson, Robert, M.B., Ch.B., F.R.C.S., Bridford, Woodside Avenue, London, N. 10.

Dott, Miss Margaret F., c/o Grahamsaw, 8 East Mayfield.
 Douglas, John, 6 St. Mary's Grove, Barnes Common, London, S.W.
 Douglas, L. MacQueen, Newpark, West Calder.
 Douglas, Miss C. P., 97 Inchview Terrace.
 Douglas, Robert E., 89 George Street.
 Doull, John, Argyle Brewery, Chambers Street.
 Drummond, W. J. A., C.A., 10 Stafford Street.
 Drummond, William, S.S.C., 66 George Street.
 Dunn, Miss Jessie D., Braehead, Inveresk.

EDGAR, Mrs. J. DOUGLAS, 9 Sylvan Place.
 Eggeling, H. F., 95 Comiston Drive.
 Elliot, George H., 17 Princes Street.
 Elliot, Colonel The Hon. Fitzwilliam, 16 Royal Terrace.
 Elliot, Stuart Douglas, S.S.C., D.L., 22 York Place.
 Ewing, James L., LLD., Derreen, Murrayfield Drive.

FAIRLEY, JOHN A., 3 Barnton Gardens, Barnton Gate.
 Fairley, J. Graham, 47 Abercorn Terrace, Portobello.
 Ferguson, James Haig, M.D., 7 Coates Crescent.
 Ferguson, Mrs. Haig, 7 Coates Crescent.
 Ferguson, Miss Jessie, c/o Inglis, Orr & Bruce, 19a Hill Street.
 Findlay, Sir John R., Bart., K.B.E., LLD., 3 Rothesay Terrace.
 Fisher, John, 8 Great King Street.
 Forbes, Miss Marcella, 8 Hope Crescent.

LIST OF MEMBERS

Fortune, R., S.S.C., 35 Mansionhouse Road.
 Fraser, Dr. John, 32 Moray Place.
 Fraser W. A., 49 Braid Avenue.

GARDNER, C. S., 11 Hope Terrace.
 Geddie, John, 16 Ann Street. (*Vice-President.*)
 Gibson, James T., c/o Murray, Bath & Murray, 43 Castle Street.
 Gibson, Thomas, 7 Glengyle Terrace.
 Gilmour, Brigadier-General Sir R. G., Bart., C.B., The Inch, Liberton.
 Glegg, A. H., W.S., The Maines, Chirnside, Berwickshire.
 Glover, John, W.S., 1 Hill Street.
 Good, Mrs., Braefoot, Liberton.
 Grant, J. Taylor, M.D., 3 Manor Place.
 Grant, Robert, 31 George IV. Bridge.
 Gray, Robert Collie, S.S.C., 10 Hermitage Drive.
 Gray, W. Forbes, F.R.S.E., 8 Mansionhouse Road. (*Editor of Publications.*)
 Greenhill, William, C.A., 34 Heriot Row.
 Greig, Mrs. C. A., Woodridge, Dalkeith.
 Guy, John C., Carsraig House, Tayvallich, by Lochgilphead.

HAMILTON, JAMES, Mossbank Industrial School, Millerston, Glasgow.
 Hamilton, James A., 18 George Street.
 Hannah, Hugh, Solicitor, 6 St. Bernard's Crescent.
 Hannah, William, 27 Bellevue Place.
 Hannay, Professor R. K., L.L.D., 5 Royal Terrace.
 Hardie, J. P., 15 Rothesay Place.
 Hardie, R. S. L., 3 Clarendon Crescent.
 Hay, William J., John Knox's House, High Street.
 Hayne, Adam H., 27 Thistlestone Road.
 Hayne, William, 6 Hillview Road, Blackhall.
 Henderson, W. F., 37 Falcon Avenue.
 Henry, J. Macintyre, 7 South Charlotte Street.
 Hewat, A. Fergus, M.D., F.R.C.P.E., 14 Chester Street.
 Highgate, James, 125 Constitution Street, Leith.
 Hogben, John, 9 Duddingston Crescent, Portobello.
 Hunter, Andrew, 48 Garscube Terrace.
 Hutcheson, Alexander, M.A., 4 Denham Green Avenue.

OLD EDINBURGH CLUB

INGLIS, FRANCIS CAIRD, F.S.A.Scot., Rock House, Calton Hill.
 Inglis, John, 8 Wellington Street.
 Inglis, Joseph, W.S., 110 George Street.
 Inglis, Miss Margaret J., 39 Bruntsfield Place.

JACK, THOMAS CHATER, 11 Greenhill Gardens.
 Jackson, Miss Emily J., 44 Dick Place.
 Jameson, Dr. J. Boyd, 43 George Square.
 Jameson, James H., W.S., 16 Coates Crescent.
 Jamieson, James H., 14 Sciennes Gardens.
 Johnstone, David, 5 Dundas Street.
 Joss, John, 47 McDonald Road.

KELLY, JOHN G., Summerhall, Ratho.
 Kennedy, John, 207 Kenmure Street, Pollokshields, Glasgow.
 Ker, J. Inglis, F.R.G.S., 43 George Street.
 Kerr, Henry F., 12 East Claremont Street.
 Kerr, W. Hume, M.A., B.Sc., University, High School Yards.
 King, John A., 35 Morningside Park.
 Kippen, John, M.A., Royal High School, Regent Road.

LAMB, Mrs., 37 Arden Street.
 Langwill, H. G., M.D., F.R.C.P.E., 4 Hermitage Place, Leith.
 Laurie, Principal A. P., D.Sc., Heriot-Watt College.
 Leckie, Rev. R. W., U.F. Manse, Davidson's Mains.
 Lee, William J., 21 Merchiston Crescent.
 Lessells, Henry, C.A., 16 Ravelston Park.
 Lindsay, William, 18 South St. Andrew Street.
 Lorimer, George, Durisdeer, Gillsland Road.
 Low, Miss, 9 Queen's Crescent.

MACAULAY, Mrs., Times Office, Oban.
 M'Blain, Peter S., 23 Royal Crescent.
 Macdonald, Donald, 6 Chesser Loan.
 Macdonald, Mrs. Mary, 52 Grange Loan.
 M'Donald, Roderick, Craigforth, Primrose Bank Road.
 Macdougald, Robert, S.S.C., 34 Castle Street.
 Macfarlane, W. W., D.L., 10 Tipperlinn Road.
 Macfarlane-Grieve, R. W., Penchrise Peel, Hawick.
 MacIntosh, Mrs. Mary Hay, 23a Dick Place.
 Mackay, James F., W.S., Whitehouse, Cramond Bridge.

LIST OF MEMBERS

Mackay, John, S.S.C., 37 York Place.
 Mackay, L. M., 5 Regent Terrace.
 M'Kelvie, Alex., C.A., 26 Mortonhall Road.
 M'Kenzie, James, 201 Morningside Road.
 M'Laren, J. Wilson, Dunvegan House, 11 Newington Road.
 M'Lean, Miss, Cardrona, Dunblane.
 M'Lean, Miss Frances A., Cardrona, Dunblane.
 M'Leod, Alex. N., 149 Warrender Park Road.
 MacLeod, Sir John Lorne, G.B.E., LL.D., 25 Albany Street.
 M'Leod, Neil, 81 Harrison Road.
 M'Neil, Dr. Charles, 44 Heriot Row.
 Macniven, Daniel, 138 Princess Street.
 Macphail, J. R. N., K.C., 17 Royal Circus.
 Macpherson, James P., 31 Mayfield Gardens.
 MacRae, Major Colin, of Feoirlinn, C.B.E., Colintrave, Argyll.
 Macrae, Donald, 22 India Street.
 MacRitchie, Lewis A., 35 East Claremont Street. (*Hon. Secretary.*)
 Macvey, William, 44 Duddingston Park, Portobello.
 Macvicar, Neil, W.S., Kilmalieu, Barnton Avenue, Davidson's
 Mains.
 Malcolm, Charles A., Ph.D., S.S.C. Library, Parliament Square.
 Maltman, A. J., 61 Brunswick Street.
 Manclark, James M'Kinnon, 14 Hope Street.
 Manson, William, 18 Esslemont Road.
 Marshall, William, Broadford House, Aberdeen.
 Martin, Robert, 76 Balgreen Road.
 Marwick, T. P., 43 Lauder Road.
 Mathieson, Donald M., 10 India Street.
 Mears, Frank C., 14 Ramsay Garden.
 Melles, J. W., of Gruline, Mull, by Oban.
 Melrose, W. B., 17 Mitchell Street, Leith.
 Melville, A. P., W.S., 11 S. Charlotte Street.
 Menzies, John R., West Links House, North Berwick.
 Middleton, Miss Harriet A., Manorhead, Stow.
 Middleton, James Aitken, M.D., Manorhead, Stow.
 Mill, William, 4 Templeland Road, Corstorphine.
 Milligan, James, W.S., 15 York Place.
 Milne, Archibald, M.A., D.Sc., F.R.S.E., 38 Morningside Grove.
 Milne, Charles, Advocate, 9 Northumberland Street.
 Minto, John, M.A., 12 Nile Grove.

OLD EDINBURGH CLUB

Mitchell, Charles, C.E., 2 Randolph Crescent.
 Mitchell, William, K.C., 17 Great King Street.
 Moore, Lieut.-Col. W. F., 24 Buccleuch Place.
 Morris, George, 339 High Street.
 Murray, Miss Eunice G., Moor Park, Cardross.
 Murray, Capt. The Hon. Lord James Steuart, Dunkeld House,
 Dunkeld.
 Murray, J. H., 'Glengyle Lodge,' 68 Bruntsfield Place.
 NAISMYTH, Dr. THOMAS G., Canaan Lodge, Canaan Lane.
 Nicol, Miss Jessie, Ferniehirst, St. John's Road, Corstorphine.
 Nightingale, Charles T., S.S.C., 8 North St. David Street.
 Norrie, John, 3 Ormidale Terrace.
 OLIPHANT, WALTER, S.S.C., 21 York Place.
 Oliver, James, 2 Hillside Crescent.
 Orr, John, M.D., 6 Strathearn Road.
 PARK, JOSEPH, 14 Merchiston Avenue.
 Paterson, J. Wilson, M.V.O., 11 Abinger Gardens.
 Paterson, James, C.A., 9 Craigmillar Park.
 Paterson, William, S.S.C., 25 Constitution Street, Leith.
 Paton, Rev. Henry, M.A., Elmswood, Bonnington Road, Peebles.
 Paton, Henry Macleod, 13 Argyle Place.
 Paton, Robert, 19 Regent Terrace.
 Patterson, Charles, 8 Dudley Grove, Leith.
 Patterson, William, L.R.I.B.A., 7 West Relugas Road.
 Paul, Sir James Balfour, K.C.V.O., LL.D., 30 Heriot Row. (*Hon.
 Vice-President.*)
 Peddie, Miss Barbara, Sunnyside, Bushey Heath, Herts.
 Pentland, Young J., 17 Nelson Street.
 Petrie, James A., 28 Windsor Street.
 Plummer, W. R., 8 Huntly Street.
 Price, Charles E., J.P., 16 Rothesay Terrace.
 Proudfoot, George, 51 Lauderdale Street.
 Purves, Mrs. Isabella, 49 Greenbank Crescent.
 RANKINE, THOMAS, 39 Grange Road.
 Reekie, J. Ferguson, S.S.C., 22 Great King Street.
 Reid, John, 82 Strathearn Road.

LIST OF MEMBERS

Rice, Miss Edith F., Rossendale, Liberton.
 Richardson, James S., 19 Rothesay Terrace.
 Richardson, Ralph, W.S., 2 Parliament Square.
 Robbie, J. Cameron, 22 York Place.
 Robertson, David, LL.B., S.S.C., City Chambers.
 Robertson, Robert A., 24 St. Ninian's Terrace.
 Robertson, Stewart A., Education Office, Dundee.
 Robertson, William, 22 Atholl Crescent.
 Rosebery, The Right Hon. The Earl of, K.G., K.T., The Durdans, Epsom. (*Honorary President.*)
 Ross, John A., 193 Bruntsfield Place.
 Ross, Thomas, LL.D., 14 Saxe-Coburg Place. (*Vice-President.*)
 Ross, William Charles A., Royal High School, Regent Road.
 Rusk, J. M., S.S.C., 14 Whitehouse Loan.
 Russell, John, 2 Brunton Place.
 Rutherford, R. S., 36 Garscube Terrace.
 ST. VIGEANS, Hon. Lord, 33 Moray Place.
 Salvesen, Miss Dorothy, Dean Park House.
 Sanderson, Miss Cecilia, 5 Glencairn Crescent.
 Sanderson, Kenneth, W.S., 5 Northumberland Street.
 Sands, William, 37 George Street.
 Savage, Ernest A., Central Public Library, George rv. Bridge.
 Scott, Charles, F. W.S., 1 Regent Terrace.
 Scott, George J., The Homestead, St. Thomas Road.
 Scott, James C., 15 Napier Road.
 Scott, John, W.S., 13 Hill Street.
 Scott, William, 28 Mardale Crescent.
 Seton, Col. Sir Bruce G., Bart., 12 Grosvenor Crescent.
 Shennan, James W., J.P., Hermitage, Wardie Crescent.
 Sime, David, 27 Dundas Street.
 Simpson, A. Russell, W.S., 9 Doune Terrace.
 Sinton, James, Braehead, Inveresk.
 Skinner, Robert T., M.A., F.R.S.E., Donaldson's Hospital. (*Vice-President.*)
 Smith, James, 123 Willowbrae Road.
 Smith, John Lamb, S.S.C., 58 Polwarth Terrace.
 Smith, Sir Malcolm, K.B.E., Clifton Lodge, Trinity.
 Smith, Lieut.-Col. Chilton L. Addison, O.B.E., W.S., 19 Heriot Row.
 Steedman, James, 72 Morningside Drive.

OLD EDINBURGH CLUB

Stephen, William A., M.A., M.D., Woodside, Loftus S.O., Yorkshire.
 Stephenson, Thomas, D.Sc., 6 South Charlotte Street.
 Steuart, Ian C. L., W.S., 28 Indie Street.
 Steuart, James, W.S., 25 Rutland Street.
 Stevens, J. C., 57 Queen Street.
 Stevenson, Percy R., 4 Palmerston Road.
 Stewart, George D., 92 George Street.
 Stewart, John F., 'Traquair,' St. Andrews.
 Strathclyde, Right Hon. Lord, G.B.E., LL.D., Cairndhu, Helensburgh.
 Sturrock, George L., S.S.C., 76 George Street.
 Sutherland, Mrs., Belvedere, Duddingston Park.
 Sym, Dr. W. G., 12 Alva Street.
 Sym, James P., W.S., 4 Greenhill Place.
 Sym, W. Melville, C.A., 49 Castle Street. (*Hon. Auditor.*)
 TAIT, ANDREW C., M.A., 14 Thirlstane Road.
 Taylor, Mrs. Jane G., 40 Strathearn Road.
 Taylor, Dr. W. Macrae, 8 Melville Street.
 Thin, James Hay, 2 Chalmers Crescent.
 Thin, Robert, M.B., F.R.C.P.Ed., 25 Abercromby Place.
 Thomson, Miss Alice, 12 Durham Road, Portobello.
 Thomson, J. Gordon, S.S.C., 54 Castle Street.
 Thomson, James W., Clydesdale Bank, South Queensferry.
 Thomson, Leslie G., 18 Hermitage Drive.
 Thomson, Spencer C., 10 Eglinton Crescent.
 Thomson, T. S., 18 Rothesay Place.
 Thomson, William, W.S., 11 Rothesay Terrace.
 Thorburn, Thomas, 7 Cumin Place.
 Tocher, J. F., D.Sc., 41½ Union Street, Aberdeen.
 Tod, Henry, W.S., 45 Castle Street.
 Todd, John B., 58 Upper Gray Street.
 Turnbull, George, Dunclutha, Wardie Road.
 USHER, Sir ROBERT, Bart., Wells, Hawick.
 VOGE, Mrs., 4 Cluny Avenue.
 WALKER, JOHN, M.A., 13 Atholl Crescent.
 Walker, Joseph J., 1 Forbes Road.

LIST OF MEMBERS

Walker, W. Glassford, C.A., 15 Rutland Square.
 Walkinshaw, Miss Jean Inglis, 11 Scotland Street.
 Wallace, Miss Katherine, 33 Hope Terrace.
 Watherston, John, 8 Wester Coates Gardens.
 Watson, Charles B. Boog, 24 Garscube Terrace.
 Watson, W. Nairn Boog, 24 Garscube Terrace.
 Watson, Walter T., K.C., 60 Great King Street.
 Watt, John, S.S.C., 34 Mansionhouse Road.
 Watt, Rev. Lauchlan MacLean, D.D., 1 Athole Gardens, Glasgow.
 Waugh, Percival, 12 Greenhill Place.
 Weir, Rev. Alexander, 1 Bedford Terrace, Joppa.
 White, William K., 123 High Street.
 Whitson, Thomas B., C.A., 21 Rutland Street. (*Hon. Treasurer.*)
 Whitson, Mrs., 27 Eglinton Crescent.
 Whitton, Kenneth, 2 Albert Terrace.
 Wilkie, James, S.S.C., 108 George Street.
 Williamson, David, 9 West Savile Road.
 Williamson, J. W., Athole Lodge, Spylaw Road.
 Wilson, Robert, 4 George Street.
 Wilson, Prof. William, LL.B., 38 Moray Place.
 Wilson, William M., J.P., St. Helen's, West Coates.
 Winchester, William D., M.A., LL.B., 39 Dudley Gardens.
 Wood, G. M., W.S., 19 Alva Street.
 Wood, Miss Marguerite, M.A., 16 Buckingham Terrace.
 Wright, G. Victor, 1 Gayfield Place.
 Wright, Johnstone Christie, Conservative Club, Princes Street.

 YOUNG, THOMAS, M.A., 106 Comiston Drive.
 Young, William, Donaldson's Hospital.

OLD EDINBURGH CLUB

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 Aberdeen University Library.
 Antiquaries, Society of Edinburgh.
 Bodleian Library, Oxford.
 Church of Scotland Library, Castlehill, Edinburgh.
 Edinburgh Architectural Association.
 Edinburgh Public Library.
 Edinburgh University Library.
 Episcopal Church Theological College, Edinburgh.
 Glasgow Archaeological Society, Glasgow.
 Harvard University Library, Cambridge, Mass.
 John Rylands Library, Manchester.
 Library of Congress, Washington, D.C., U.S.A.
 Mitchell Library, Glasgow.
 National Library of Wales, Aberystwyth.
 New Club, Edinburgh.
 New College Library, Mound Place, Edinburgh.
 New York Public Library, New York, U.S.A.
 Philosophical Institution, Edinburgh.
 Public Library of Victoria, Melbourne.
 Reform Club, Pall Mall, London, S.W.
 Signet Library, Edinburgh.
 Solicitors before the Supreme Court, Society of Edinburgh.
 Speculative Society, Edinburgh.
 Toronto Public Library, Canada.
 University Club, Edinburgh.

CONSTITUTION

I. The name of the Club shall be the 'Old Edinburgh Club.'

II. The objects of the Club shall be the collection and authentication of oral and written statements or documentary evidence relating to Edinburgh; the gathering of existing traditions, legends, and historical data; and the selecting and printing of material desirable for future reference.

III. The membership of the Club shall be limited to three hundred and fifty. Applications for membership must be sent to the Secretary in writing, countersigned by a proposer and a seconder who are Members of the Club. The admission of Members shall be in the hands of the Council, who shall have full discretionary power in filling up vacancies in the membership as these occur.

IV. The annual subscription shall be 10s. 6d., payable in advance on 1st January. Any Member whose subscription is not paid within four months from that date may be struck off the Roll by the Council.

V. The affairs of the Club shall be managed by a Council, consisting of the President, three Vice-Presidents, Secretary, Treasurer, Editor of Publications, and twelve Members. The Office-bearers shall be elected annually. Four of the Members of Council shall retire annually in rotation, and shall not be eligible for re-election for one year. The Council shall have power to fill up any vacancy in their number arising during the year, to make bye-laws, and to appoint Sub-Committees for special purposes. Representatives to such Committees may be appointed from the general body of Members. At meetings of the Club nine shall be a quorum, and at meetings of the Council seven.

VI. The Secretary shall keep proper minutes of the business and transactions, conduct official correspondence, have custody of, and be responsible for, all books, manuscripts, and other property placed in his charge, and shall submit an Annual Report of the proceedings of the Club.

VII. The Treasurer shall keep the Accounts of the Club, receive all moneys, collect subscriptions, pay accounts after these have been passed by the Council, and shall present annually a duly audited statement relative thereto.

VIII. The Annual Meeting of the Club shall be held in January, at which the reports by the Secretary and the Treasurer shall be read and considered, the Council and the Auditor for the ensuing year elected, and any other competent business transacted.

IX. The Council shall hold stated meetings in April and October, and shall arrange for such meetings throughout the year as they think expedient, and shall regulate all matters relative to the transactions and publications of the Club. Papers accepted by the Council for publication shall become the property of the Club.

X. Members shall receive one copy of each of the works published by or on behalf of the Club as issued, but these shall not be supplied to any Member whose subscription is in arrear. Contributors shall receive twenty copies of their communications. The Council shall have discretionary powers to provide additional copies for review, presentation, and supply to approved public bodies or societies.

XI. In the event of the membership falling to twelve or under, the Council shall consider the advisability of winding up the Club, and shall take a vote thereon of each Member whose subscription is not in arrear. Should the vote, which shall be in writing, determine that the Club be dissolved, the Council shall discharge debts due by the Club, and shall then deposit in trust, with some recognised public institution or corporate body, any residue of funds or other properties, including literary, artistic, and other material collected by the Club, for preservation, in order that the same may be available to students of local history in all time coming.

XII. No alteration of this Constitution shall be made except at the Annual Meeting of the Club. Notice of any proposed alteration must be given in writing to the Secretary, who shall intamate the same by circular to each Member not less than seven days prior to the meeting. No alteration shall be made unless supported by two-thirds of the Members present at the meeting.

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