

PERTH SHERIFF COURT.

Since about the middle of the last century, the office of sheriff-substitute has been filled by men of great ability. First in order is Mr Mercer, who built Potterhill; his successors were, Mr Richardson, Mr Duncan, Mr Chalmers, Mr Husband, and, at present, Mr Barclay.—These gentlemen were deservedly respected, both in private, and in their official capacity. Mr Richardson was for some years blind, which unfitted him for business. Mr Chalmers, too, was long incapacitated by bodily infirmity. The late Mr Husband sat on the bench for a long period; and to his honour, extremely few of his decisions were reversed by the superior courts—a strong proof of the correctness of his judgment. Mr Barclay, the present sheriff substitute, has exhibited proofs of ability, which will bear comparison with any of his predecessors. From the year 1770 to 1780, there were just eight gentlemen practising before the Perth bar; viz. Messrs John Rutherford; James Ross, procurator fiscal for the county; Andrew Davidson; David Black; William Small; Peter Duncan, jun.; James Miller, the city fiscal, and his brother John. Mr Patrick Miller, the father of the two last-named gentlemen, held the office of town clerk for many years, and was highly respected. Nor must we forget to mention our late worthy sheriff-clerk, Mr James Patton, who for a long period filled that office, and was highly esteemed by all classes of the community, not only as a public man, but as a private individual of the most amiable disposition. We need only refer to the marble tablet in the sheriff court room, for a confirmation of what is here stated. He has been succeeded by his son, Mr J. M. Patton, who is also held in general esteem.

Previous to the institution of the small Debt Court before the Justices of the Peace, an immense number of small cases and petty quarrels were brought before the Sheriff and Burgh Courts, in which men of business were employed, which now come before the Police Court. When the Justices took up these cases, hearing the parties personally, the Procurators suffered severely; and more so since this business has been transferred to the Sheriff Court. Yet, in spite of all these discouragements, the faculty have greatly increased. At present, instead of eight practitioners for the town, there are upwards of fifty; and above twenty more for the country districts.

The shire has not been less fortunate in its sheriff-deputes. Towards the close of the last century, Lord Swinton, Lord Dunsinane, Lord Nairne, and Lord Methven, were all on the bench at the same time, who from being sheriff deputes of the county of Perth, had been re-

moved to the Justiciary bench. Lord Alva, in the Court of Session; the Lord Advocate, Campbell of Clathie, who afterwards was appointed Lord Chief Registrar, under the name of Sir John Colquhoun of Kilmont; and Lord Medwyn, at present one of the Lords of Justiciary, were also connected with the Perth Court.

However much we may boast of the respectability of sheriffs and sheriff-clerks, we can say but little for the sheriff officers. Until of late years, their limited incomes and dissipated habits rendered their office more disreputable than it might otherwise have been.

Upon the death of Mr James Ross, procurator fiscal, he was succeeded in that office by his son William, an active young man, who was universally esteemed. Unfortunately, he fell into a rapid consumption, which carried him off in a few months. To Mr Ross succeeded the late Mr John Rutherford, who was esteemed one of the first orators at the bar. For some years he filled the office with great credit to himself and satisfaction to the public. His sudden death was much regretted by his numerous friends and acquaintances. To him succeeded Mr Thomas Duncan, the present talented procurator fiscal. He has wrought a wonderful improvement in the condition of his officers.

The procurators, both in town and county, are now formed into a kind of corporation, with president, treasurer, and secretary. They have a considerable and rapidly extending library, consisting chiefly of books on law. Their office-bearers are chosen annually; after which the members dine together.

Perth being the seat of the Circuit Court for the three counties, the prisoners are all brought here for trial. Formerly the punishments to which they were sentenced were also inflicted here. Perth was at that time very frequently the scene of whippings and executions; but of late years the criminals have been sent to their respective counties, which has rendered such punishments rare in Perth.

THE PILLORY.

Amongst the corporeal punishments formerly in use, the pillory was frequently resorted to. This machine was erected near the foot of the High-street, the pillar being fixed in a stone in the centre of the street, and surrounded by a flight of steps. On the top of these steps stood the culprit, with his arms fettered with ropes, from which hung a halter, by which the hangman led him. An iron hoop, which was fixed on the

top of the pillar, was then fastened round his neck, and there he stood for an hour bare-headed, with a label on his breast in large characters, stating the crime he was convicted of. On some occasions men and women were exhibited tied up together, to the gaze of the public; and if it was the popular opinion that they merited the punishment, by anything cruel or singular in the crime, they were sure to receive a most severe punishment; every kind of missile—rotten eggs, dead cats, &c., being thrown at them. On one occasion, Sandy Dowie, the hangman, after tying up his own daughter on the pillory, turned round to the multitude and told them she was a base b—h; that he was clean affronted with her! The pillory has not been resorted to for nearly fifty years; and is now generally obsolete as a punishment in Scotland.

PUBLIC WHIPPING.

Whipping through the streets was a punishment very frequently inflicted by order of the supreme court; and also by order of the sheriff and magistrates. When it occurred in the case of a female, it was truly disgusting to see her led through the streets bare-headed, and her back bared to the lash, which was applied at every place where the town drummer stopped to cry his advertisements. They usually went by the Watergate, up South-street, through the Meal-vennel, and down the High-street. On some occasions there were dreadful riots at public whippings, in which broken heads were the consequence, often followed by trials for mobbing, and severe punishment. Between the year 1780 and 1784, two instances of this kind occurred, which created a great sensation at the time. The first was the case of three men and two women, who were tried before the circuit for being engaged in a meal mob at Kirriemuir, who were sentenced to be publicly whipped; but the populace, being dreadfully enraged at such a sentence, openly avowed their intention to rescue them. The 3d dragoons, then in Perth, were ordered under arms on the South Inch, where their stables then were—and a troop was brought to the jail door to escort the magistrates and criminals. An immense multitude assembled the moment the culprits were brought out, and a tremendous assault with stones was made on the dragoons—but, in spite of every opposition, the cavalcade advanced.—At the end of the Watergate, the attack was renewed. Still, although the horses became restive from the shower of stones, the men kept their temper wonderfully. Through the Watergate the opposition was not so great, from want of room—but by the time they arrived at the south end, the multitude was immense, and the street completely wedged in. Here again the dragoons had to force their way through an immense shower of

stones ; and up South-street a serjeant and two men, acting as rear guard, were very roughly handled. Through the Meal-vennel there was no room to act, but at the High-street a desperate effort was made by the mob ; and during their progress down the street, the rear guard was partly beaten off. The whole troop were forced to wheel about and charge up the street, when a scene commenced that beggars description. The poor criminals, with the hangman, were left wallowing in the mud, and the troop galloped up at full speed, smashing away from right to left. Those who could find shelter in shops and closes were fortunate ; numbers were trampled down by the horses ; but, what was singular, not an individual was cut. Several of the rioters were apprehended and committed to prison.

In the other case, a man and a woman who kept a house of bad fame in Dunfermline, were tried for the murder of some person in their house ; when the jury, instead of a verdict for murder, brought in one for culpable homicide ; and the sentence was, that they should be publicly whipped and banished. The public, conceiving that they ought to have been hanged, showed strong symptoms of discontent. A guard of 100 burgesses was summoned to attend the execution of the sentence. They were rudely treated by the mob ; but succeeded in repelling the assault aimed against the prisoners.

CAPITAL PUNISHMENTS.

Amongst the capital punishments which have been inflicted since the year 1745, some of them have been attended by circumstances which render them worthy of notice. A drummer belonging to a regiment lying in Perth, had been in a public house in Scone, where several partisans of the Pretender were among the company. In the course of drinking, the health of the Prince had been proposed, when, unfortunately for the drummer, he was prevailed on to join in the toast. The mistress of the house having given information against him, he was tried by a court-martial, found guilty, and sentenced to be shot. He was led to the top of the North Luch, where he was shot, and buried near the spot. A stone was placed on the grave, with a drum-boy beating his drum carved on it ; which remained till the year 1793. The boy's mother went with her son's bloody shirt to Scone, and smote the door posts of the house with it, imprecating divine vengeance on their heads. It has since been remarked, that the family, who were then numerous and affluent, have dwindled away, and fallen into poor circumstances.

When the place where the fire-engines were kept, in the north aisle of the Middle Church, was cleaned out, there was found amongst the lum-

ber a large heavy gibbet. The history of the execution on this gibbet is rather remarkable, as being the last which took place without a regular indictment. The house on the south end of the Kirkgate, still known by the name of the Cross-keys, was at that time very much resorted to by the best company. A dancing-master who lodged there, and taught his classes in the large hall, had a ball one evening.—An officer of a regiment then in town lodged in the same house, and, on the night of the ball, he, with some others who had been drinking together, forced their way into the room, and began to use freedoms with some of the girls, which the master interfered to check. Not paying attention to this, he was ordered to the door, and actually put out.—Nothing occurred that night; but next morning, while the dancing-master was washing himself at a pump-well in the close, the officer came behind him and run him through the body with his sword. The alarm was instantly given, and the neighbours who collected together, filled with rage at the bloody deed, seized the officer and dragged him before the court which happened to be sitting in town at the time. He was instantly convicted, and hung upon this gibbet at the cross, within six hours after the murder was perpetrated. The sword with which the deed was committed is still in the family of the then town clerk.

The common place of execution was in the Burgh Muir, where there was a permanent gallows. After the rebellion, two young men were sentenced to death, who belonged to respectable families. Their offence had been of a political nature, and great interest was made for them, but in vain. On their way to the place of execution, the hangman was seized with sudden illness, and, having called for a drink at Welshill, his body swelled rapidly, and, before he reached the place of execution, he died in great agony. It was thought nobody would be got to do the business before the hour limited by the sentence had expired, and that the lives of the condemned would thus be saved; but an express being sent into town to endeavour to find another executioner, the office was accepted by a man in the jail who had been committed for a capital offence, on the assurance that his own liberty would be granted. He was brought forward with all speed, and the young men suffered. It was discovered that the hangman had got poison, supposed to have been given him by the friends of the culprits, to prevent the execution. The poor wretch who accepted the job was disappointed; for it was adjudged that the magistrate had no right to offer the terms which induced him to act as hangman.

The next that followed worthy of notice was the celebrated Serjeant More, the Highland robber. This man had long been the terror of the

country; besides robbing individuals when he found an opportunity, with his band he levied blackmail over the country. In the midst of all his depredations, he did many generous actions. On one occasion, a young officer belong to the King's army, on his way with money to pay the troops, having lost his road, fell in with Serjeant More, who led him to his cave, gave his horse room and provender; and a good supper and a bed of clean heather was provided for himself. During the evening many of the gang arrived at the cave, and the night was spent with great glee, over a good supper and plenty of whisky, which was served out in wooden caps. On retiring to rest, the Serjeant requested his guest to entrust his valise to him—pledging himself for its safety. In the morning, a hearty breakfast was set before him; and afterwards his horse was brought forth, and his valise, with its contents, delivered to him. Being mounted, the Serjeant conveyed him a considerable distance; and, at parting, told him who he was, and hoped he would not betray him; adding, if ever he heard of Serjeant More coming to an untimely end, he would say that he had found him capable of doing a generous action. More, with his gang, was at Crieff market, when a dealer from Perth purchased a lot of cattle. Finding that More and his gang were in the market, the dealer, becoming alarmed lest he should not get the cattle home in safety, sought out the Serjeant and had a glass with him. They soon became the best of fallows; and a party of the gang were ordered to escort the drove some miles on the way. This cattle dealer kept the public house now in ruins opposite the end of Paul-street, where he sometimes killed a fat beast and sold it; after this event the supply of beef was large and steady; but although the carcass appeared in the morning, there never was either hide or horn seen; and the impression was that Serjeant More's black mail were brought there and sold. More was at length apprehended, and sentenced to be hanged, and his body hung in chains.

On the same gibbet, M'Ewan was hung in chains for murder. The discovery of this horrid deed was very singular. The parties resided near Muthil. A young woman whom M'Ewan had seduced, having become pregnant, he trusted her to meet him at a certain hour in a neighbouring wood. At the time appointed she went with a boy led in her hand: the villain was there waiting—and had a grave ready dug. In cold blood he murdered the unsuspecting young woman, and the boy she had along with her, and flung the bodies into one grave. The young woman was immediately missed, but no trace of her could be found. During the harvest, some shearers in the vicinity of the wood, whilst seated at dinner, were horrified at their master's dog coming among them bearing the arm

of a child in his mouth. Suspicion as to the victims immediately flashed upon them, but where to find the bodies was the question. By the advice of the clergyman, the dog was tied up for twenty-four hours, and then let loose and watched, when, as was expected, he ran straight to the grave, where the bodies were deposited. M'Ewan was apprehended, tried, and condemned to have his right hand cut off at the place of execution, and, after being hanged, his body to be hung in chains, and the hand stuck on the top of the gibbet. When M'Ewan was thrown off, the rope broke, and he alighted on his feet: he cried out that his life was saved; but the youngest Bailie (who always took charge of the punishments) replied "not if another rope can be found in Perth." A second cord was speedily adjusted, when he was again thrown off. Amongst the multitude assembled to witness the execution, was a tradesman's wife, in a state of pregnancy, who, in due time, was delivered of a stout healthy boy; but, singular as it may appear, he wanted the hand just by the same place where the murderer's hand had been amputated. The boy was bred a teacher, and for a long period acted as parish school-master in the neighbourhood. He died a few years ago.

On another gibbet were hung the bodies of two soldiers, Chapel and Campbell, for the murder of a farmer. They had observed him getting a sum of money in the market, and watched him through the day. On his way home in the evening they attacked him in the South Inch. One of them sprung on the horse behind him and held his arms, while the other stabbed him to the heart with his bayonet—which, in the hurry to be off, they left behind; and proved the means of their detection. After all, they missed the money they expected, and found only twopence-half-penny on the farmer. It is remarkable that the regiment to which Chapel and Campbell belonged, was the same to which the officer was attached who stabbed the dancing-master. Also, that during the third time this regiment lay in Perth, some years afterwards, the Master of the band was executed for robbing the commanding officer's desk of a sum of money, in Samuel Simpson's lodgings; and that this Samuel Simpson had to leave the town for a systematic course of plunder which he had carried on against his neighbour.

One poor creature was driven to the place of execution, who, on the fatal morning, had found means to cut his throat; before life had become extinct he was discovered, and the wound sewed up. When the time arrived he was carried out of the jail, and laid on the scaffold on a truss of straw, and drawn to the gallows. By the time he arrived at the place of execution, he was able to sit up and speak a little to those near him. He was, however, shoved off with very little difficulty. The ancient practice was by means of a treble ladder which was set up against the

gallows; the criminal mounted on one side and the executioner the other, and when the fatal signal was given, the hangman pushed the culprit off the ladder. It was afterwards the custom, as an improvement, to drive the cart from under the criminal, and let them swing. One poor creature, who could speak little English, was condemned for stealing cattle, which, he asserted, he had been hired by a stranger to drive along the road. The cattle were however found in his custody, and not being able to give any account of them, he was found guilty, and sentenced to be hanged. The day of his execution proved very cold and stormy; the culprit was dressed in the county criminal uniform, a white linen jacket, and white trousers. He complained that "She was vera cold; Oh! she was vera cold." The prisoner then called out if Donald M'Glashan was in the crowd. Donald made answer that he was there. This person had come with a cart to convey the body of the prisoner home to his friends in the Highlands. The criminal told Donald to drive the cart with his body as hard as he could until he came to the Bridge of Buchanty, and there he would get a bottle of whisky. A party having formed to carry off the body on the road, Donald found good reason to drive hard.—Some of the assaulting party found means to get one of the wheels taken from off the cart; but one of the friends took hold of the axle-tree, and kept up that side while running, until the hostile party were completely beaten off.

The last criminal who suffered on the Moor was a fine looking young woman for stealing clothes from a washing house, about the year 1776—the only instance of the execution of a female that had occurred in the county for a long period before; neither has there been one since.

The day of an execution was at that time the occasion of extreme excitement and bustle in the town. So early as ten o'clock the dead drum was beat through the street, again in a short time, and at twelve for the third time, which set all the town in motion. There was a guard of an hundred burghers, with a captain and two lieutenants called out, who made but a very motley appearance; some being armed with flowling pieces, some with rusty broad swords, and many with pikes. A lofty scaffold was erected on a cart, with a seat on the top of it for the criminal. The cart was drawn by two horses, and the carters claimed as many new ropes as they could stow away about the horses. They were to be seen literally covered with ropes. An immense multitude joined in the procession, the muffled drum beating all the while. When the body was to be hung in chains, a revolting operation took place on the spot. The corpse being cut down it was laid on the scaffold, and

the hangman proceeded to rip it up, and take out the bowels in presence of the multitude, which were buried at the foot of the gibbet. After the scene was over, the carters who owned the horses took themselves out of the way as quickly as possible, leaving the hangman to bring the horses into town. This was the time for commencing a row. Stones and sticks, and every thing that came in the way, were pelted at him.—The return presented a very odd scene: the stones flying from all directions; the hangman whipping away at the horses; the guard running brandishing their weapons; the roaring of the mob, and the appearance of bloody wounds on many of the guard, formed a strange contrast to the solemn march to the place of execution. The guard were paid with a sixpence each, then the daily pay of the army. The Magistrates concluded the day with a hearty dinner, and the town-serjeants got five shillings each, and the hangman a guinea as his perquisite. At that time, besides his wages, he had the largest piece of coal from every vessel that came to the shore, a fish from every boat, and one from every creel; but this was done away with, and a fixed salary given him. Of late years Perth has dispensed with this functionary. Formerly this official made his appearance in the Court behind the bar at the trials, and when any one was condemned, he laid his hand on the prisoner's head three times, each time calling out, "Dead! dead! dead! by the law you are dead!" Hence the origin of the word doomster, or demster, as he was called."

The place of execution was changed to the foot of the High-street, where a door was broke out from the Sheriff Court-room, and a scaffold erected on the street, with a drop beneath a beam set out through the wall.

Among the culprits who suffered here, was the noted Charlie Graham. Charlie belonged to a gang of tinkers, who had for a long time travelled through the country, whose head quarters were at Lochgelly, in Fife. They were to be found at all markets, selling their horn spoons, which was their ostensible occupation. But there was a great deal of business done in the pick-pocket line, and other branches of the thieving art. About Charlie there was some remarkable traits of generosity. In the midst of all the crimes he committed, he was never known to hurt a poor man, but often out of his plunder helped those in a strait. His father was in the same line, and was long at the head of the gang; but being afterwards imprisoned for theft, housebreaking, &c., he was banished the county, banished Scotland, and publicly whipped. On one occasion he was banished, with certification that if he returned, he was to be publicly

whipped the first market day, and thereafter to be banished. Old Charlie was not long away when he returned, and was apprehended and conveyed to Perth jail. A vacancy having occurred in the office of executioner, the first market day was allowed to pass without inflicting the sentence, upon which Charlie entered a protest, and was liberated. In various ways he eluded justice, sometimes by breaking the prison, and sometimes for want of evidence. The last time he was brought in, he was met by an old acquaintance, who asked, "What is the matter now?" to which Charlie replied, "O! just the auld thing, and nae proof;"—which saying has since become a common proverb. But this time they did find proof; and he was again publicly whipped, and sent out of the country. One of his daughters, Meg Graham, who had been bred from her infancy in the same line, was every now and then apprehended for some petty theft. Indeed, she was so often in the jail, that she got twenty-eight dinners from old John Rutherford the writer, who gave the prisoners in the jail a dinner every Christmas. Meg in her young days was reckoned one of the first beauties of the time; but she was a wild one. She had been whipped and pilloried, but still the root of the matter remained. Young Charlie was a man of uncommon strength and size, being about six feet high, and stout in proportion. His wrist was as thick as that of two ordinary men; he had long been the terror of the country, and attended all markets, at the head of his gang, where they were sure to kick up a row among themselves. Two of their women would commence a battle-royal in the midst of the throng, scratch and tear one another's caps, until a mob was assembled, when the rest were very busy in picking pockets. In this way they were frequently very successful. At a market to the west of Crieff, a farmer got his pocket-book taken from him: it being ascertained that Charlie Graham and his gang were in the market—who were well known to several of the respectable farmers, who frequently lodged them on their way through the country—it was proposed to get Charlie and give him a glass, and tell him the story. Charlie accepted the invitation; and, during the circulation of the glass, one of the company introduced the subject, lamenting the poor man's loss in such a feeling way, that the right chord was struck, and Charlie's generosity roused. An appeal was made to him to lend the poor man such a sum, as his credit was at stake. Charlie said they had done nothing that day, but if anything cast up, he would see what could be done. During this conversation another company came into the room; amongst whom was a man with a greatcoat, a Highland bonnet, and a large drover whip. After being seated this personage was recognised as belonging to the gang, and they were

invited to drink with them, whilst the story of the robbery was repeated. On this Charlie asked his friend if he could lend him forty pounds to give the poor man, and he would repay him in a few days. The man replied that he had forty pounds which he was going to pay away; but if it was to favour a friend, he would put off his business and help him; when, to their astonishment, the identical notes which the man had lost were tossed to him; and Charlie said that that would relieve him in the mean time, and he could repay him when convenient. It was evident that Charlie smelt a rat, and took this method to get off honourably. Of course the forty pounds were never sought after.

Charlie was one day lodged with a poor widow, who had a few acres of ground, and kept a public house. She complained to him that she was unable to raise her rent; that the factor was coming that night for payment, and that she was considerably deficient. Charlie gave her what made it up, and in the evening went out of the way, after learning at what time the factor would be there. The factor came, received payment, and returned home; but on the way was met by Charlie, who eased him of his cash, and returned the rent to the poor widow. The Rev. Mr Graham of Fossway came one day to Perth, to discount some bills in the Bank of Scotland; having got his bills cashed, his spirits rose to blood heat; and a hearty glass was given to two friends, until the parson got a little muddly. His friends, loath to leave him in that state, hired a horse each, to convey him home. It was dark and late when they set out, and by the time they reached Damhead, where they put up their horses, it was morning. The house was re-building at the time; and the family living in the barn, when the parson and his friends were introduced. Here they found Charlie and some of his friends over a bowl, of which the minister was cordially invited to partake. His companions also joined, and kept it up with great glee for some time—the minister singing his song, and Charlie getting very big. One of the friends, knowing how the land lay, was very anxious to be off, for fear of the minister's money, and ordered out the horses; but to this Charlie would by no means consent. This alarmed the friends still more; as for the minister, he was now beyond all fear: however, in a short time a number of men came in and called for drink; and then Charlie, after the glass had gone round, said he thought it was time for the minister to get home, and went out to see them on their horses; when he told them he had detained them till the return of these men, who, if they had met them, might have proved dangerous neighbours; but now they could go home in safety. He was one day on his way to Auchterarder market, when he met a farmer going from home, in whose barn he had frequently

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lodged, when Charlie told him he was to lodge with him that night. The farmer said he could not take strangers into his barn in its present state, as his summer's cheese, and many other things, were lodged there. "D—n your cheese," replied Charlie, "do you think, old boy, I would lay down my honesty for your trash of cheese." They parted, and Charlie got possession from the gudewife for himself, as there were no others with him. The farmer came home late, and knew not that Charlie was there. In the morning when he went into the barn, he was astonished to find it all in an uproar. Upwards of twenty individuals, men, women, and children, were lying among the straw. The wife was called upon to see what state the barn was in; and the old man, in no very loft voice, railed at her for admitting such a band. She replied, she would send them away quietly: and this she did by giving them as much brose and milk as they could take. On their departure, Charlie told him he was a d—d old crab, and that his wife was worth a hundred of him. However he kept his word as to the cheese, and nothing was touched. In the market next day, a good deal of business was done in his way; several pockets were picked, and a number of petty thefts committed. Charlie being in the habit of dealing with a respectable merchant for horn spoons, he was one day in the shop getting payment for a parcel: the money was counted down, but during the time his wife was taking it up, the merchant turned to speak to some one in the shop; the wife on taking up the money said she wanted five shillings; the merchant said he was positive he laid down the whole. She still insisted that she wanted five shillings, and the merchant was determined to resist; on which Charlie interfered saying "Come, come, ye limmer, down with the money; none of your tricks here." At one time he took it into his head to enlist for a regiment in India, with a party here; he did very well until they were ordered to join the regiment. All the recruits being assembled but Charlie, he at last was found drinking in a public house, but would not stir a foot. The officer was got, and the party attempted, after fair means had failed, to take him by force. They only got him the length of the street, when he drew a short bludgeon from an inside pocket, and laid about him from right to left, in such a way that the whole were soon sprawling on the street, and he escaped. The officer, seeing what kind of a character he was, desired the serjeant not to look after him, as he would have nothing to do with him. At all the fairs, he was present with his gang: if any row commenced he was sure to take a lead—and whichever party he joined were generally left masters of the field. One Midsummer market here, a dreadful row got up between the weavers and the farmer lads, hundreds of whom attended the market at

that time. Charlie and his friends joined the weavers; the streets were soon in a perfect uproar; the chapmen's stands were upset, and themselves tumbled in the midst of their goods; sweets and gingerbread were scattered in all directions by the pressure of the contending parties; and broken heads and faces were to be seen in abundance. The whole fair was thrown into a dreadful state of confusion, until a party of military were brought out, who at length succeeded in restoring order;—but Charlie and his friends were not to be found. Many individuals lost their hats, &c., and got bruised bones and torn coats; it was also discovered that many pockets had been picked during the affray. Charlie had often been convicted of theft, imprisoned, and banished the county.—He not unfrequently made his escape by breaking out of prison; but was at length apprehended for horse stealing; and, during his confinement, was put in irons, in one of the strong cages in the old jail. During his imprisonment he was very cheerful, often declaring they could have no proof against him—but a short time convinced him of his folly. He was tried, found guilty, and sentenced to be hanged. When brought out to execution, he was attended to the scaffold by four artillerymen, for fear of resistance. He recognized many of his old acquaintances in the multitude—particularly the merchant with whom he dealt in spoons, and gave him a bow and a wave of his hand. When the fatal hour approached, he appeared quite subdued, and submitted to his fate with calm resignation. After his body was cut down, it was conveyed to the grave by an immense multitude; the coffin was opened and filled with quicklime, to render it useless for the surgeon. Charlie's death was a severe loss to the gang; immediately after this Charlie Brown, his brother-in-law, became leader. This fellow, although not so large a man, was stout, firm built, of great activity, and, like Charlie, had been frequently in the hands of the law, and made shift to get clear, until at last the fiscal was determined to have him. It being ascertained that he was in the neighbourhood, a party of light dragoons was sent out with the officers, who traced him to Auchtergaven. When he saw the party he set off through the fields, until fairly run down by two of the horsemen, and brought to Perth. This desperate character had on him about eighty guineas; he was charged with several crimes, convicted, and sent to Botany-bay for life. After this the gang, who had for a long period invested the country, dispersed, and was seldom heard of.

Some years before Graham suffered, a man of the name of Marshall, from Auchtermuchty, was convicted of poisoning his wife. He had formed an intimacy with a woman in Perth, and adopted this method to get rid of his wife. About the time of her death, some suspicions had been

entertained of foul play, but it lay over until the body was ten weeks in the grave, when several circumstances occurred which convinced the public that all had not been right. The body was raised, and the stomach examined, in which arsenic was found in considerable quantity. The evidence was so clear and conclusive, that the jury unanimously found him guilty; after Marshall was condemned, he acknowledged his guilt. It was a little singular that Lord Dunsinane passed the sentence; and that Katharine Nairne, his lordship's sister, had been convicted of a similar crime, but had evaded the law by getting out of prison by a trick. It was observed that the passing of this sentence was extremely painful to him.

Two Irishmen were also condemned for highway robbery: one of them suffered on the day appointed, the other was respited for a fortnight. The first behaved as became his situation; the other, when brought out, behaved in every respect like a play-actor. He refused the service of a clergyman; gave out a psalm and sung it himself, none of the assemblage joining him, so struck were they at such conduct. He then prayed kneeling; but such a prayer was never heard before: he thanked God he was going to a country where there was no rascally judges who would condemn a man for his country. Indeed, the whole he uttered was little other than blasphemy. He then made a spring up on the drop, threw off his neckcloth and shoes, and put the halter over his head, telling the populace, in a jocular way, he would shew them the Irish way of dying; and then, before the executioner was aware, flung himself off from the drop. The whole scene appeared so strange, that little sympathy was felt for him.

About the same period an exciseman from Comrie was convicted of murder. He had quarrelled with a baker there, about a bird cage which the baker had lent him. At the time, the baker was sitting before his door, with a child on his knee, when the exciseman lifted a large oak kaber from a load of peeled wood, and beat out the man's brains with it. The jury brought in a verdict finding him guilty, at four o'clock in the afternoon. In the interval one of the excisemen in Perth remarked, that some of the jurymen appeared very young: an enquiry was set on foot instantly; and the result was that two from Montrose were below twenty-three years, and one from Perth was only nineteen. Haggart of Cairnmuir, the counsel for the panel, craved an arrest of judgment, on the ground that, by the law of Scotland, no man can serve on a jury until he be twenty-five years of age. The court did not sustain the objection, but as the case was singular, remitted the whole to the High Court of Justiciary, who sustained the objection; and also found they could not try him again for the same crime. He was, therefore, liberated

on condition of banishing himself from Scotland for life. Some years afterwards he was in Perth as a recruiting sergeant.

At that same circuit, a strange character was tried before the court for theft. When brought in he had a piece of bread in his hand; his eyes were rolling in a strange manner, and his arms shaking as if he had the palsy. When put to the bar he flung pieces of bread to the judges, telling them it would keep the witches from them. The court sat some time mute, beholding him, and then dismissed him *simpliciter* from the bar. The very next circuit he was brought forward, charged with four separate acts of cattle stealing. His counsel pled insanity, and that he was not a fit object to go to trial. A jury was impanelled to try the issue, and many witnesses were examined: among the rest, the jailor. He had at different times been 180 days under his charge. Among the first questions put to him was—What did he know of the panel at the bar? He replied that he knew many things of him; amongst others, that he bullied his judges, and got clear off! “What do you say, sir?” exclaimed the judge (Braxfield), “do you recollect you are on oath?” “I do, my lord; and I repeat it on oath, that he ‘bullied his judges and got clear!’” “How do you come to that conclusion?” “On various grounds: among others, he came into my house after he got out, and, over half a mutchkin, boasted that he had played his part so well.” At length, after much gross examination, he was asked to give his opinion of the prisoner, when he said “My lord, I think he’s just one that we say wants a cast, but more rogue than fool.” He was then found fit to go trial, and proved guilty; but in passing sentence, the court restricted the punishment to transportation, on account that, though he was not insane, still they considered there was something silly about him. A short time after he was sentenced, he found means to cut through the bars, and get into the lobby of the laigh iron house; and was found behind the outer door, with an iron bar in his hand, with which he intended to knock down the jailor.—He was secured at that time; but afterwards made his escape.

About the year 1796, a man of the name of M’Craw, a weaver, was hung for the murder of his wife. The cause of quarrel was her taking an ounce of tea in a shop on credit—for the payment of which the merchant had craved him. M’Craw went home, and butchered his wife in a cruel manner.

The only native of Perth who suffered capital punishment here, at least for the last century, was John Larg. He was executed in company with one Mitchell, for hamesucken, committed at the Friarton toll, about the year 1815.

In the year 1806, Donald M’Craw was hanged for the murder of a

young girl, almost an infant, by abusing her in an unseemly manner.— This man was upwards of seventy years of age. He had been at one time in the Black Watch, had a pension of one shilling a day, kept a respectable shop in the Kirkgate, and had a good business. This man was for many years serjeant of the town-guard,—attended all the executions,—and paraded in great pomp at the foot of the gallows; little dreaming that he was one day to suffer on the spot.

During the late war, a Danish sailor, belonging to a vessel then lying at Burntisland, was brought up to the Circuit Court, and tried for rape. Several circumstances in this man's case created much sympathy—being a foreigner, with little or no English; unacquainted with the laws of the country; and last, though not least, the woman was known to be of a worthless character. Much influence was used in his behalf; but in vain. At that time, the number of prisoners of war in the country was great; many had made their escape, and were prowling through the country; and it was currently reported that government meant to make an example. When it was known that there was no prospect of a remit, public feeling became so much excited in his favour, that the authorities deemed it prudent to send an express to Dundee for military aid. Half a regiment arrived on the day appointed, and took up their ground at the place of execution, right across the High-street, a little below the Watergate, a few minutes before the criminal was brought out. Nothing, however, occurred, and the poor fellow was thrown off without the least symptoms of any disturbance.

We have already stated, that when the place of execution was changed, a scaffold, with a drop, was introduced; but in this instance, a new method was adopted. A scaffold was erected in front of the centre window of the Council-room; over which a beam was fixed, on the side of the window, with the same length of beam within as without. To the end of the beam within, a rope was attached, and a hole was cut in the floor, through which a rope descended into the weigh-house, where a heavy weight was fastened, about 3 feet from the ground. When the signal was given, this weight descended, and the beam rose on the outside, raising the body from the scaffold. The troops that had come up from Dundee returned next day.

Of late, executions have been exceeding rare. The last who suffered was John Chisholm, an old man upwards of sixty, for murdering his wife in a beastly manner, similar to M'Craw. He denied the crime to the last, although the evidence was clear against him. Chisholm was long a merchant in the South-street, and held a rather respectable status in society.

Formerly, various summary punishments were inflicted without either judge or jury. If a lecherous wight was found in correspondence with another man's wife, or any similar crime, the neighbours assembled, seized the culprit, and he, or she, were made to *ride the stang*. A large pole was provided, on which the party was mounted; men at each end bearing it on their shoulders. The delinquent was retained in his unpleasant seat, by people holding by his legs. In this manner they were marched through the streets; and the ceremony was concluded by *sousing* the offender into the Mill-lade. Another popular method of expressing disapprobation was by burning the obnoxious individual in effigy, after having paraded it through the streets.

THEATRICALS.

It is said that Shakespeare performed in Perth; but we have no account of a theatre or players until the reign of Charles II., when a play was performed on a platform on the river, before the King and his nobles, who were seated on the terrace of Gowrie House. Religious prejudices were so high against theatricals after the Reformation, that players had but very poor encouragement; and, among the Dissenters, a person who was known to visit the theatre, was deprived of Church privileges. Even so late as 1780, several individuals were taken before the session for going to see a play. At that time, a small company made their appearance in a flat of one of these houses a little below the North Secession Meeting-house, where they played three nights in the week to very poor houses, perhaps 30 to 40 shillings a-night. Their personal appearance was the shabby genteel, in the true sense of the word, and their moral conduct ranked very low. Since that period we have had repeated visits from companies in the Guild-hall; but they were of the same tag-rag description, until the Edinburgh company came over for a few weeks, with some of the first-rate actors of the day with them. They met with pretty good encouragement. By this time, the Glovers'-hall was built (now the coffee-room), and fitted up in a temporary way as a theatre, with a pit and gallery, but no boxes. Some excellent companies paid us visits, and drew full houses. During one season of Sutherland's company in the Glovers'-hall, the gallery broke down: the play was *Macbeth*, and the house crowded to excess. *Macbeth* was on the stage, looking at his hands, and exclaiming, "This is a sorry sight!" when, in an instant, the supports of the gallery gave way, and the whole came down with a dreadful crash on the floor, from a height of from ten to twelve feet, with upwards of 300 people in it. The scene that ensued baffles description; the appearance of the house was frightful, and in some instances ludicrous.

Men and women were crawling out from amongst the broken rafters, with torn clothes; women wanting bonnets, with bleeding faces; and many, who were seriously hurt, were unable to extricate themselves.— On the alarm many of the ladies in the pit, unable to get to the door, had sprung upon the stage, where ghosts, witches, kings and queens, ladies and gentlemen, mingled together, made a motley appearance. The news of the accident soon spread through the town; and the people flocked from every quarter, every one anxious for their friends, it being rumoured that a great number were killed. The stairs became so crowded with these wanting in and others endeavouring to get out, that an alarm that the stair was giving way, created a dreadful confusion. It was reported through the town that the players had been representing the Day of Judgment, and that the fall of the gallery was a judgment on them; hence some of the Dissenting clergy took occasion to denounce theatricals as the works of the devil. Several persons got severe wounds and bruises: some had their arms, and one man, a paister, his thigh-bone, broken. This man had a large family, and the manager gave him his wages during his stay in Perth; and, after he left, sent supplies from Dumfries, until he was able to follow his business. When the Seminaries were built in Rose Terrace in 1806, the old Grammar-school was taken for a theatre, and occupied by Mr Henry Siddons and the Edinburgh company, and by Mr Ryder. It was here that Rob Roy was introduced to the public by Ryder. This piece drew amazing houses for many nights, and induced many individuals to go to see it that never were within the walls of a theatre before. Even religious prejudices were given up, such was the fame of this piece, and of those who played the principal parts.

About the year 1821, the theatre was built in Athole-street, and fitted up in an elegant manner with a range of boxes round the house. The theatre was built by a joint stock company; but has never paid.— From the direction that new buildings have taken, a great proportion of the genteel population are now removed to the south side of the town, at a great distance from the theatre. Indeed, the taste for theatricals has declined so much, that even the first talent has failed to draw a good house. It has been remarked, that ever since boxes were fitted up, the attendance has fallen off rapidly. When there was only pit and gallery, the gentry got into the pit—the ladies without being in full dress; and the price was so much lower, that it was easier for a family to go to the play; but now, many who would have gone to the pit when there was no boxes, do not choose to go there, and will not pay for the boxes, but rather stay at home altogether. During the seasons the theatre has been open of late years,

we have seen almost all the London Stars on our boards—Kean, Macready, Young, Mrs H. Siddons, Paganini, Emeliani, Wilson, Miss Inverarity, and almost all the eminent performers and vocalists of the age. Of late the officers of the 71st and 92d regiments, have performed in the theatre for the benefit of public charities, when considerable sums were collected.