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Newhall on the North Esk, with its Artistic and Literary Associations

IMMEDIATELY on issuing from the hills at Carlopbrig, the boundary between Midlothian and Tweeddale, all but a thousand feet above the sea, the Esk assumes its easterly trend, and starts on its course along the foot of the Pentlands by Brunstane, Penicuik, Roslin, Dryden, Hawthornden, to Dalkeith and the sea at Musselburgh. A little more than a mile below Carlopbrig, on the north side of the stream, looking south, is the site of Newhall ; one of those bastions which so frequently occur on the banks of the river, where little water-courses have delved two little glens on either side of a harder knot of rock, leaving a promontory or platform, what the French call a ' butte,' dominating the main glen. The gorge of the Esk at Newhall is very narrow and steep, and at least eighty feet deep. Until it was profusely planted, at the close of the eighteenth and opening of the nineteenth centuries, there was hardly any timber about the place, and its dominating site commanded wide sweeps of vision both up and down the Esk, and out across the Harlaw Muir to the Moorfoots and the more distant hills of Tweeddale. Newhall has an air and a character of its own, which it seems to have impressed on the various families who owned it and the diverse people who came in contact with it.

There is a tradition, recorded in the life of Chief Baron Clerk, of Penicuik, that Newhall and the lands attached to it were once a religious foundation under the Cathedral Church of Glasgow, and

the names of Monksburn, Monkshaugh, and Monksrig, with Friartown and St. Robert's Croft, still applied to places in the neighbourhood, are cited as confirmatory evidence. The name of the Spitals of Newhall, attached to the farms of Spital and Patieshill, seems to indicate the existence of an hospitium or hospice for the reception of travellers crossing the hills; and until quite recent years the Spital was supposed to have been under the obligation to furnish food and shelter to wayfarers who might demand it, before the Newhouse inn was built, near Nine-mile-burn, on the old Edinburgh-Biggarr road. I have my doubts, however, as to the truth of the monastic tradition. The original Crown charter declares the lands to be in the Barony of Penicuik, which does not favour the theory of ecclesiastical ownership.

We do not come to solid ground in the history of the place, and that is not very solid, till the opening of the fifteenth century. There is evidence that a Crown charter of the lands of Newhall was granted by Robert III. to Lawrence Crichton. The charter itself presumably went to the bottom of the sea along with the other archives which Cromwell was sending to London in 1660. We have knowledge, however, of the contents of these lost rolls from a Latin Index made between 1554 and 1579, now in the Register House, and an English Index, known as Robertson's Index, from the name of its first editor. Under the rough date Robert III. we get this entry in the Latin Index, 'Carta Laurentii de Creichtoun de terris de Newhall in Baronia de Pennycuik,' and in the English Index, 'To Lawrence Crichton of the lands of Newhall in the Barony of Pennycook Edinburgh.' From the company in which it finds itself indexed we may pretty safely conclude that the date of the lost charter was about the year 1405, and from these entries we learn, first, that there were distinct lands of Newhall; that the place was a well-defined and recognisable entity; secondly, that it lay within the Barony of Penicuik, and therefore probably was not in itself a Barony; and thirdly, but more conjecturally, that, as the lost charter was a Crown charter, the lands were held *in capite* of the Crown and not of the Barony of Penicuik, then the fief of the Penicuiks of that ilk; in short, that Newhall was a *dominium*, a lordship held of the Crown. At what date the lands of Newhall were carved out of the Barony of Penicuik and erected into a separate *dominium* held of the Crown, is not clear, but we may venture a conjecture that it was about the latter half of the preceding century, when we find another branch of the Crichtons, in the person of William Crichton of

that ilk, receiving a Crown charter of Brunstane and Welchetoun or Walston, and in 1375 a Crown confirmation of the lands of Braidwood, all in the Barony of Penicuik, and contiguous to the lands of Newhall. The view that the lands of Newhall were a *dominium held in capite* is confirmed by subsequent charters, especially by a Crown confirmation of a charter by Alexander Crichton, in which the lands are specifically described as the *dominium* of Newhall. There is a tradition that the *reddendo* for the said lands was a pair of silver-gilt spurs, but the loss of the original charter leaves us in doubt.

To whichever of the numerous branches of that family the Crichtons of Newhall may have belonged, they do not seem to have played any considerable part in the history of their time; we do not find them involved in the bloody business of the Chancellor Crichton, the Livingstones and the Douglasses and the black bull's head for dinner in the Castle of Edinburgh; but we know that the family was prosperous, extending its possessions into Tweeddale, where we find Alexander, grandson of Lawrence, holding Kirklawhill, in the parish of Skirling, in 1503, and immediately involved in a lawsuit with Sir William Cockburn of Skirling, which ran on for many years. The Crichtons fortified the bastion on which Newhall stands, and built a castle there, with chapel and chapel-yard attached, and flanking defence works running along the crest of the glen, traces of which exist to this day. It must have been a strong place, commanding the only line of transit along the Biggar-Lanark road, where it runs between the slopes of the Pentlands and the impassable hags of Auchincorthy Moss and Harlaw Muir.

Though there is no proof and not much probability that Newhall was a Barony, the Crichtons seem to have claimed and exercised baronial rights, with power of *fossa et furca*, pit and gallows. There is a grim legend, still current in the countryside, attached to Newhall in this connection, though it is not clear to which Crichton it refers. The son of a widow on the estate had been caught robbing the orchard in the east-garden of Newhall; as this was by no means a first offence, the Crichton of the day condemned the boy to death by hanging on the tree he had robbed; but intending this sentence as a deterrent and a warning, with no desire that it should be carried to its fatal conclusion, he ordered his men to cut the boy down the moment he had been turned off. This the gardener, in revenge for his stolen fruit, failed to do, and the mother met the men carrying the lifeless

body of her son back to the castle. She thereupon bitterly cursed the whole Crichton family, praying that none of the name might be blessed with a son to inherit the estate. The tale is told with some variations, and was made the subject of a romantic drama, called *Mary's Bower, or the Castle in the Glen*, by a later proprietor of Newhall, and Watson-Gordon painted six large canvases, illustrating scenes from the play, which are still in the house; it also furnished Sir James Fergusson of Spitalhaugh with the theme of his ballad, 'Lord Crichton.' Whether the Crichton of the tale was Nicholas Crichton we cannot be sure, but the widow's curse took effect in his person. Nicholas Crichton, son of Alexander Crichton and Agnes Craufurd, married Agnes Otterburne of Reidhall, and left only four daughters, Marietta, Elizabeth, Agnes, and Alisone, his heiresses portioners. He had run the estate into difficulties; the usual course, mortgages to merchant-burgesses of Edinburgh. He was dead by 1604. The lands passed through the families of Fairlie of Braid, Hay of Forresterseat, Scott of Drumsheugh, and Patrick Baxter, till in 1634 they came into the possession of David Crichton, younger of Lugton, 'and others,' a phrase which suggests the closing of a mortgage. In the following year they were acquired by George Watson and his wife, by whom they were sold in 1646 to the next family of any interest in the possession of Newhall, a representative of the Penicuiks of Penicuik.

Alexander Penicuik, who now acquired Newhall, was lineally descended from the Penicuiks of that Ilk, the earliest owners of the Barony and lands of Penicuik. The Penicuiks had alienated their family estate some time before it came into the possession of the Clerks; but it is a curious coincidence that Alexander Penicuik should have bought Newhall, thus returning to his own countryside and becoming neighbour to the lands whence he took his name, in 1646, the year before John Clerk, merchant-burgess of Montrose, purchased the lands and Barony of Penicuik. Alexander Penicuik of Newhall had been surgeon to General Bannier in the Swedish wars, and afterwards Surgeon-General to the Scottish Auxiliary Army in England. The first step taken by the new owner was to secure a Crown charter of the lands and *dominium* of Newhall in favour of himself and his wife, Janet Leslie, and their heirs. This charter changed, or rather restored, the nature of the tenure from ward to blench-farm at the quit-rent of a silver penny, 'it having been proved from the Exchequer Rolls of November 9th, 1497, from the Sasine of

Alexander Crichton, and from the accompts of the late Ludovic Stuart, Duke of Lennox and Sheriff of Edinburgh, that the lands were originally so held, but that, *defectu originalium cartarum*, the lands had for some time past been held on service of wardship.' The surgeon, on the decease of his first wife, Janet Leslie, married the daughter and heiress of Murray of Romano, between West-Linton and Newlands in Tweeddale, became possessed of that estate and settled there. His Murray wife bore him two sons, Alexander, born in 1652, and James. The family lived chiefly at Romano, where the Surgeon-General died at the age of ninety, 'the oldest Esculapius of our age,' as his poet son calls him, and was buried in Newlands Kirkyard.

Romano continued to be the principal residence of Alexander the younger, and it is pretty certain that neither he nor his father made any alteration upon the old Crichton house or tower at Newhall. At Romano they had many and near neighbours. Up at Newhall they had few or none. At Romano they had the public-house of Cant's Walls and the village of West-Linton—it had already changed its name from Linton Roderick—to amuse them. Linton and its neighbourhood furnish the themes for Alexander's humorous pen. It is in Alexander Penicuik the younger that we meet for the first time that dangerous bacillus of the pen which is apparently native to Newhall, and attacks all who come within its influence. Alexander had been bred to his father's profession of medicine. He had travelled in his early years, and when he settled at Romano with his father he gave free rein to his literary instincts; translations from the classics, Anacreon, Horace, 'Stattius the heathen,' as he calls him, from the Italian of Machiavelli and Guarini's 'Pastor Fido.' His comic verses on his neighbours and the humours of village life in Linton give us in a few Teniers-like touches a faithful picture of the countryside. Alexander, however, was physician and botanist as well as poet. He was in close relations with James Sutherland, the author of that early and admirable work on botany the *Hortus Edinburgensis*, published in 1684, and the first superintendent of the first Botanic Garden in Edinburgh, established by Sir Andrew Balfour, with the help of Sir Robert Sibald and the Faculty of Advocates about the year 1670. This double employment, as physician and as botanist, obliged Alexander, as he says, 'to know and observe every corner of Tweeddale, having made so frequent surveys through all the hills and valleys of that country both on horse and foot, and made a nice scrutiny

into all things I found remarkable'; and this 'nice scrutiny' is embodied in the author's remarkable work, his *Description of Tweeddale*, published with his poems in 1715. It was suggested by, and no doubt modelled on, Sir Robert Sibald's *Fife and Kinross*, published in 1710, and is in a way the precursor of the famous *Statistical Account*. Penicuik's *Tweeddale* is a work of considerable interest, displaying a literary skill far above that of his poems, and enlivened by many quaint, felicitous, and picturesque turns of phrase.

Alexander Penicuik parted with Newhall during his lifetime. He gave it in 1702 to one of his daughters on her marriage to Mr. Oliphant of Lanton. Mr. Oliphant, a spark of those days, was deep in debt, and promptly sold Newhall the following year to Sir David Forbes of the Culloden branch, uncle to Duncan Forbes, the celebrated Lord President, and father of Mr. John Forbes, a friend of Allan Ramsay and also of Dr. Penicuik himself, who visited Newhall more frequently after he had parted with it than when it was his own. Penicuik kept the Romano estate till his death in 1722, when it passed to his other daughter, married to Mr. Farquharson of Kirktown of Aboyne, in Aberdeenshire, from whom it was purchased by Mr. Adam Kennedy, whose only son married the sister of a later proprietor of Newhall, and thus recemented the connection between the two estates.

With the advent of the Forbeses the story of Newhall becomes more alive, and begins to acquire a considerable interest in the literary and artistic annals of the lowlands. The Forbeses came to Newhall to reside on it, and the first thing they had to consider was the house. The Crichton tower or house belonged to the period of feudal or castellated architecture, probably resembling, though *longo intervallo*, those splendid examples Borthwick and the original castle of the Crichtons in the Lammermoors—strong places indeed, but certainly not comfortable dwellings. Moreover, its recent proprietors, the Penicuiks, had lived there but little. The Crichton tower probably had fallen into considerable disrepair. Besides, the Forbeses were people of taste and dying to express it. All their work, most of which is still extant, abundantly proves their cultured refinement. They resolved to rebuild the house, and Newhall entered on the second stage of its architectural existence. Under the Crichtons it was a feudal keep; the Forbeses made it a mansion-house in that attractive style which, though perhaps strictly speaking Gothic, yet betrays the spirit of the Renaissance in its reserve and sense of pro-

portion struggling to express itself just before the Adam brothers carried it to its full perfection. Later owners modified it under the influence of the Romantic revival through Strawberry-hill Gothic down to baronial Scotch, and thus the architectural life of Newhall is, in a very modest degree, an epitome of the architectural epochs that have succeeded one another in Scotland.

We do not know the name of Sir David Forbes's architect. We have a picture of the house, however, drawn by A. Carse and engraved by Robert Scott, which shows a fore-court with two pavilions connected by a screen through which a Gothic portal gives entry to the house. The main body of the house, which preserved on the ground floor a vaulted chamber of the Crichton tower, is described by Mr. Forbes himself as 'a double house.' The design is extremely simple and symmetrical. It presents six gables in all, two on the south-west and a corresponding two on the north-east, explaining Mr. Forbes' phrase a 'double house'; and a single gable to the south-east corresponding to a single gable to the north-west. The house consists of a ground floor, first floor, and attics. The gable-ends, with crow-steps leading up to massive, well-moulded and finely proportioned chimney-stacks, are the great feature of the house; that and the simple but well-designed pinnacles or *gullie* which adorn the angles and surmount the buttresses dividing each gable-end. Between the ground floor and the first floor runs a string-course of simple yet massive moulding. Inside, on the first floor, a long gallery ran from the single south-east gable to the corresponding north-west gable; it was known as 'the great room at Newhall,' with dwelling-rooms opening off it, an arrangement that will at once recall the interior plan of a Venetian palazzo. The ceiling of the staircase showed Jupiter's eagle carrying off Ganymede. The house was furnished with tapestries in the panels of its bedrooms and pictures in the great room. One panelled bedroom, still known as the Advocate's room, was reserved for Duncan Forbes, then Lord-Advocate and afterwards Lord-President, while upstairs in the attics Allan Ramsay, Mr. Tytler, and William Clerk, son of Sir John of Penicuik, called 'Wandering Willie,' from his addiction to country-house visits, had also fixed chambers adjoining each other, with splendid views to the Moorfoots and across the glen of the Esk to the Tweeddale hills.

But there was one marked difference between then and now. When Sir David took over Newhall there were hardly any trees about the place, and that should be borne in mind when we think

of the scenery in which *The Gentle Shepherd* is laid. The idea of policies round a Scottish mansion is a comparatively recent development; anything in the nature of an English park was unknown. At most there were some rectangular green fields adjoining the house, called parks in a restricted sense, and divided perhaps by rows of trees, which gave the mansion all its boskage. Sir David and his son began extensive planting, and to them and the next proprietor we owe the wooded glen of Habbie's How. But, in accordance with the taste of their time, it was avenues that chiefly engaged the Forbeses—fine broad straight drives, nobly conceived and proportioned, with their double row of justly-spaced beeches, the lines of which may still be traced, led from the house north-east to the Edinburgh road at the foot of Patie's Hill and away south-west across the Esk and out by Kitleybrig towards Peebles, connecting the place with its two capitals.

Sir David was married to Catharine Clerk, sister to the first Sir John of Penicuik. His wife's sister had married Mr. Aikman of Cairney, father of the painter. Sir David himself was uncle to Duncan Forbes, the friend of Thomson the poet. His son, John Forbes, was an intimate of Allan Ramsay, who addressed several poems to him, and for whom Ramsay wrote a touching elegy on Mrs. Forbes, the Lady Newhall, as he styles her in the fashion of the time. His daughter Abigail was mother of Sir David Rae, Lord Eskgrove, Lord-Justice Clerk. Obviously there was an artistic and literary society gathered round Newhall, and the principal figure undoubtedly is Allan Ramsay. It is not my intention to rekindle the heated controversy as to the place and scenery of *The Gentle Shepherd*, the Glencorse or the Newhall site. Allan himself lays the scene in 'a shepherd's village and fields some few miles from Edinburgh.' As far as I am aware there never was a village in the upper recesses of the Glencorse valley, whereas the Carllops is nigh at hand to Newhall, and its scenery with that of the Newhall glen respond with striking accuracy to the setting of the play. Then again Tytler, in his edition of King James' poems, declares that 'while I passed my infancy at Newhall, near Pentland hills, where the scene of this pastoral is laid, the seat of Mr. Forbes, and the resort of many of the *literati* at that time, I well remember to have heard Ramsay recite different scenes of *The Gentle Shepherd*, and particularly the two first before it was printed.' Yet again, David Allan, the painter, was projecting an illustrated edition of *The Gentle Shepherd*, which

appeared in 1788. Two years earlier he paid an unexpected visit to Newhall for the express purpose of noting the scenery and the costumes of the play; and he declares in the dedication to Hamilton of *Murdiston* that 'I have studied the same characters' as Ramsay, 'and from the same spot, and I find that he has drawn faithfully and with taste from nature.' These evidences seem conclusive.

The Newhall-Glencorse controversy appeared to have died away, but the publication of Strahan's edition of Ramsay's works in 1880, revived the Glencorse claim in the most assertive form. This called forth the two volume edition of *The Gentle Shepherd, with Illustrations of the Scenery* (published anonymously in 1808), by Robert Brown, who had by that time acquired the estate of Newhall. In these two volumes, which contain a mass of information about the place, and several sketches from his own pencil, and might be justly called a history of Newhall and its district, the editor vigorously and, I think, successfully maintains the Newhall tradition.

But the name which Ramsay chose for the knight in his play, 'Sir William Worthy,' suggests to my mind a further link between the poet and Newhall, and introduces us to an interesting episode of the literary and artistic story of the place. Clubs, as is well known, were then all the fashion; Lord Cockburn has an instructive essay on Edinburgh clubs. We hear of the 'Wig,' the 'Loose,' the 'Whin-bush,' the 'Easy,' to which Ramsay belonged, under the club names of 'Isaac Bickerstaff,' and later of 'Gavin Douglas.' In the minute-book we find this amusing entry, 'Gavin Douglas and Dr. Pitcairn having behaved themselves three years as good members of this Club are adjudged to be gentlemen.' It seems that one such club, entitled 'The Worthy Club,' used to meet at Leith in a tavern kept by a handsome Mrs. Forbes. The pleasant and easy walk from Edinburgh, the sea air, the golf links, the fish, and Mrs. Forbes' good cheer made the club popular with several persons of distinction: the Lord-President Duncan Forbes, Sir Gilbert Elliot of Minto, John Forbes of Newhall, William Aikman of Cairney, the painter, John Stuart of Innereity, Capt. Kennedy of Craig, Dr. Clerk, whose portrait by Sir John Medina is in the Surgeons' Hall, and Dr. Alexander Penicuik of Romano. This club frequently met at Newhall in the summer. Its members are no doubt the *literati* to whom Mr. Tytler is referring in his statement that he often heard Ramsay recite passages from *The Gentle Shepherd* to

Mr. Forbes' literary guests. The room in which they met at Newhall always has been and is still known as the Club-room; their portraits and that of their landlady were painted by Aikman, kit-cats in wigs, and distressingly like one another. These portraits, along with a portrait of Allan Ramsay by Smibert, and another of Duncan Forbes by Allan Ramsay, junior, are now in the Club-room at Newhall, where they were transferred from Leith. Let into the ceiling of the Club-room is a picture, not, I think, by Aikman, more likely by David Allan, representing the club in full session, with Ramsay standing, reading his poem, and handsome Mrs. Forbes bringing in a steaming bowl of punch.

Ramsay left two daughters, Christian and Janet, and one son, Allan, who became Court painter, amassed a fortune of £40,000, it is said, and won high and even excessive praise from Horace Walpole, his contemporary, who, writing to Dalrymple, says that 'Reynolds seldom succeeds in women, Ramsay is formed to paint them.' He seems to have continued the family connection with Newhall, for a portrait of his sister Janet—a rather severe old lady in rose-coloured satin and abundant lace, a black velvet cap trimmed with lace on her head, who lived to a great age, and only died in 1802—is still at Newhall.

Mr. Forbes added considerably to the estate. He acquired the contiguous property of Carlops, across the Esk, in Tweeddale. The Carlops belonged to the family of Burnet, cadets of Burnet of Barnes, purchased by them from Menzies of Menzies. The lands of Carlops at that time were all held as a single sheep-walk, with some moss and peat-hags lying at the foot of the hills. The tenant resided in the mansion-house of Carlops, now called Carlop Mains, a small white-washed house, with some architectural enrichments over the door, which stands beside the Carlops rock, a few paces back from the high road. The Burnets were Jacobites, and in the early years of the eighteenth century Archibald Burnet was attainted and his lands forfeited. They were eventually purchased by 'Canny' Mr. Forbes, as Ramsay calls him, and added to the Newhall estate. There exists at Newhall a portrait of a man in the archer's uniform by Waite, for long supposed to be the Chevalier de St. Georges. There is little doubt, however, that this is the portrait of Archibald Burnet, the last of the Carlops, who was admitted to the Royal Company of Archers in 1708. It is the earliest known representation of the uniform of a private in the Royal

Body-guard, and on that ground a copy has recently been added to the fine gallery of portraits in the Archers' Hall.

As Dr. Penicuik recovered the lands of Harlaw Muir, which were originally included in the lands of Newhall, so Mr. Forbes restored the Fore and Back Spitals of Newhall, the hill lands about the ancient *hospitium*, now known as Cockrig, Spital, and Patie's Hill, thus rounding off the estate of Newhall and Carlops as it exists to this day. At the time of their restoration to Newhall the Spitals were owned by a family named Oswald. The last proprietor, James Oswald, was accidentally shot by his servant when after wild duck on Slipperfield Loch, near Linton. He was buried in Linton Kirkyard under a large slab of stone, no longer *in situ*, which was once his hall-table, and on which, in anticipation of this use, he had caused to be engraved in his lifetime an inscription in Latin.

But Mr. Forbes did not confine his attention exclusively to literature, the arts, and the amenities of his place. Agricultural experiments for the improvement and development of his lands occupied his mind. His ventures rendered Newhall notable for other and more practical things than poetry and painting. Potatoes and Newhall are intimately connected. In *The Transactions of the Highland Society* there is an 'Essay on Peat' by the Rev. Dr. Walker, in which he says 'the potato forms one of the most useful and profitable crops that can be raised in pure peat earth. Though this was long known in Ireland, the first trial in this country was made in 1750 at Newhall, in Midlothian. The experiment was conducted on an enclosure of about four acres, consisting of such soft, wet peat soil as to be incapable of bearing a horse. Having lain some years in grass it was planted in lazy-beds with potatoes, chiefly indeed with a view to having it more perfectly drained by means of the trenches. The crop turned out so abundant both in size and quantity of the roots as to be a matter of surprise to all the neighbourhood.' At New Liston, on the northern side of the Pentlands, and about the same date, John Earl of Stair was raising turnips and cabbages in the open fields for the first time. Hitherto potatoes, turnips, and cabbages had been known only as garden plants.

But poetry and pictures and experimental potatoes and added acres were costly tastes, and by 1740 Mr. Forbes was in difficulties. He has laid out, he says, considerable sums on his house, parks, planting, and improvements, and upon coal-works. He has therefore been unable to reduce the burden of debt, and

has been brought under by bankrupt debtors and his father's and his own cautionaries. It is the old pathetic story of land and literature in unworkable wedlock, luring the victim to his doom. Mr. Forbes died about 1750. And his children, John, Duncan, Katharine, and Margaret, by his wife Annabella Bruce, were either unable or unwilling to keep the place. After passing through various hands it was purchased from the Hays in 1782 by Mr. Thomas Dunmore of Kelvinside as an investment for the fortune of his ward and grandson, Robert Brown.

The place immediately dominated the newcomers. Like the Penicuiks, the Forbeses, and the Oswalds, they succumbed to poetry, painting, and the arts in general. The house underwent its second modification. Having passed from the feudal tower or fortalice of the Crichtons, through the semi-classical mansion-house of the Forbeses, it now received a romantic addition in the Gothic chapel-style, as Mr. Brown describes it. This addition, which still exists, consisted of a gallery in which to house the collection of pictures the new owner was bringing together. He bought widely, but seems to have preferred the Dutch school, as indeed one would gather from the genre of his comic and pastoral poems, in the taste of Teniers and the Dutch masters. I remember a tradition that his purchases were carried out to Newhall by relays of men, the carrier's cart being considered unsafe. Mr. Brown has left a catalogue of this collection incomplete, as he himself declares, but nevertheless it numbers about 250 canvases. I do not think that room was found for all these pictures on the walls of the new Gothic gallery, and many of them were still standing stacked against the walls when Robert's son parted with them in order to make his own alterations on the house, keeping merely a few which pleased him most, notably works by Scottish painters, Runciman, Carse, Geddes, Watson-Gordon, Nasmyth, and David Allan.

But Robert Brown was not merely a collector, he drew and etched himself, designing some of the plates for his edition of *The Gentle Shepherd*. He carried his taste into all about him, his library, with its uniformly bound volumes in solid calf, his seals, his clothes; I found a drawer full of fine flowered and embroidered waistcoats, black satin coats with cut-steel buttons, white cloth coats with gilt buttons, breeches of the finest soft pale-yellow chamois leather. From these we gather that he was a little man. In that curious and illuminating volume *The Political State of Scotland*, compiled by Adam of Blairadam for

Henry Dundas, when he was running Scotland on behalf of Pitt—a sort of Scots *Who's Who* for 1788, with telling little thumb-nail sketches of the 2262 gentlemen who then composed the county electorate of Scotland—Robert Brown finds a modest but honourable place in the brief record, 'A lawyer. Little in practice. Small estate, but very independent.' With such tastes, and living within fairly easy reach of Edinburgh, Robert Brown was naturally intimate with most of the artists of the day; Steel made a bust of him, Raeburn painted his portrait, and Geddes a large family group of Robert Brown, his wife, Elizabeth Ker, and their son Hugh, all in a Pentland landscape. He corresponded with Geddes; there are letters referring to the purchase of copies from the old masters, for which Geddes was famous, and one large canvas by Geddes, a mythological scene, with nymphs and goddesses, in which the influence of the Venetian masters is plainly discernible in the glowing rich and fluid handling of both flesh and drapery, hangs on the stair. Watson-Gordon painted a portrait of Mrs. Brown, and also a series of six large canvases to illustrate Robert Brown's drama of *Mary's Bower*. Besides this play Robert Brown also published a volume of *Comic Poems*, in Scots, like all of their kind, direct descendants of *Peebles to the Play*. He edited Penicuik's *Tweeddale*, with copious notes on the agriculture, ornithology, and botany of the county, and above all he edited *The Gentle Shepherd*. It is characteristic of Robert Brown that he never put his name to any of his numerous publications, nor claimed any recognition.

As with Mr. Forbes so with Robert Brown, painting and poetry and literature generally were not by any means the sole occupations of their lives. Robert Brown left untouched the Newhall avenues, now grown up, but he continued the planting of the grounds and the glen, and much of the timber now in Habbie's How is due to him. He studied practically and wrote learnedly on farming; he has treatises on the rotation of crops suited to that high, poor, peaty soil; he experimented in carrots as Forbes did in potatoes, and he discusses the vexed question of the proper size of farms. The village of Carlops, too, as we at present know it, is entirely his work. In his day there was certainly Carlopbrig, and Dr. Penicuik's *Tweeddale* notes 'Carlops itself, with a considerable inn,' and there was the mansion-house, Carlop Mains, but how much of a village there was is uncertain. Robert Brown built most of the houses of the present village in 1784, and established an industry of hand-loom weavers. I can

remember hearing the clatter of the two last looms that were working in 1860.

Robert's son Hugh, born in 1795, made the last alterations on the house, still further deviating from the simplicity of the Mr. Forbes' mansion. By his orders Bryce carried out additions in the Scottish baronial style, which have certainly improved the accommodation but disturbed the original design of the building by the application of turrets and towers. Hugh Brown, no more than any of his predecessors or than his successor in the possession of Newhall, escaped the literary infection of the place, which seems to attack all who come within its reach, from Ramsay down to its lairds, shepherds, mole-catchers, weavers; all have contributed to the *Corpus Poeticum* of Newhall, and hardly a summer passes without some addition from one or other of the visitors to Carlops and to Habbie's How.

HORATIO F. BROWN.

The Scottish Craft Gild as a Religious Fraternity

ON 27th February 1558-9 the Provost, Bailies and Council of Glasgow granted a charter of erection to the Cordiners and Barkers, indwellers of the city, burgesses and freemen of the same.

It proceeds to narrate the petition to the council of fifteen cordiners for themselves and the remanent freemen of that occupation in the following terms: Wherefore the loving of Almighty God, the honour of holy kirk, worship and common weal of this good town and for the profit of all and sundry our sovereign Lord and Lady's the King and Queen's grace's lieges and others repairing thereto and for augmentation of divine service at the Altar of St. Ninian situate in the metropolitan kirk of Glasgow, the honour of the Saints Crispin and Crispinian our patrons, we desire that we may have these statutes, articles and rules following granted and given to us by your authority, where-through good rule and guiding may be had among us and our successors of the said craft both masters and servants in time coming.

The articles which were their 'reasonable desires' were as follows: (1) That the most able and worthy craftsmen shall have power yearly to choose a deacon and kirkmaster who shall be defended by the provost and bailies in all their lawful acts and statutes. (2) That every man of the craft pretending to set up booth in this good town, shall be made first freeman with the town and pay to the upholding and reparation of the said altar the sum of three pounds, six shillings and eight pennies for his upset. (3) That all freemen's sons in the upsetting of their booths of new shall pay allenary for their upset to the reparation of the said altar six shillings and eight pence money and every apprentice at his entry, twenty shillings for the same purpose. (4) That every master of the said craft shall pay weekly to the

reparation of the said altar one penny scots and for every servant (apprentices being excepted) shall pay in like manner weekly one half-penny to those who happen to be depute to the gathering of the same, and also that every man of the said occupation both free and unfree that presents to the market any worked or barked leather to sell shall pay each time they present the work one penny to the upholding of the suffrage of the altar, and (5) That all those who are absent from the four quarter accounts being duly warned and required by the officer of the craft shall pay to the altar four shillings.

Then follow articles more particularly relating to the regulation of the trade. These need not be described, but each rule is fenced with penalties varying in kind; some are payable in wax, some in money, and in certain cases pecuniary penalties are to be shared between the town and the gild. The deacon has power conferred upon him to poind and distrain for dues and penalties, and in default of payment to close the booth and window of the defaulter until full payment be made. Finally, the deacon with the advice of the best and worthiest of the craftsmen has power conferred upon him to make statutes for their own craft for the common weal and profit of the said burgh and city and for upholding the said altar and suffrage to be done thereat in all time coming, 'as efferis ane deacon to do.' Glasgow was not yet a royal burgh. Originally created a burgh of barony it was then a burgh of regality, but the provost and bailies were still appointed by the Archbishop and all their official acts were subject to his confirmation. In witness and verification, therefore, of the consent, approbation and ratification of 'ane maist Rev. fadir James be the mercie of God Archbishop of Glasgow' his seal was appended together with the common seal of the town.

This document, commonly called a Charter of Erection or Letter of Deaconhead but more usually a Seal of Cause, from the name of the official seal appended to it, is framed in a style common to all such deeds in Scotland. Its legal effect was formally to erect the petitioners and their successors in the trade into a corporate body with a separate legal existence apart from the individual members, and it included or attempted to include as corporators the whole individual householders following the tanning and shoe-making trades in the city.

It is plain this Charter has two aspects: a religious purpose and the regulation of the industry; yet the first is so much the main purpose that the whole tenor of the document is moulded

by it. Its object appears to be to obtain authority to enforce payment of contributions and penalties not so much for a trade or economic purpose as for the support of religious rites and observances. The provision for sharing certain penalties with the town was the consideration they derived from the grant, and did no more than enlist their interest and good will.

It is this purpose of the pre-Reformation craft guilds—the promotion of religious duties and services at the altars of their patron saints—that is the subject of this paper.

The argument is that all the Scottish craft guilds of pre-Reformation times were religious fraternities, that the incorporated guilds which we find in Scottish record in full economic and social activity at the end of the fifteenth and during the sixteenth centuries developed out of such associations formed by men of the same occupation, and that a religious, and not merely an industrial motive, was the effective cause in their organisation whether they were ultimately incorporated or continued to exist as private associations, and impressed upon them a character which their survivals down to our own times still display.

There is not a hint from the Charter I have briefly resumed or the extant records of the city to show that before this date the Cordiners of Glasgow were associated together either as a religious fraternity or a secular gild. Considering the times, one might very well doubt their sincerity. The Reformation in Scotland was approaching a crisis. That very year 1559 the interior and windows of Glasgow Cathedral were wrecked and the altars destroyed. It was the days of the Good and Godlie Ballatis, biting satires in literature, burnings of heretics and churches, and murders of churchmen throughout the country. The supreme power was then in the hands of Knox and the Lords of the Congregation. The Queen Regent was supported by French Forces and an English army had invaded the country. The old church had expended its last breath in passing a series of resolutions for reform, and then sank exhausted and unresisting in the storm. It must have been one of the last official acts of Archbishop Beaton to fix his seal to the Cordiners' Charter before packing up with the muniments of the See and the University and leaving Scotland with the French troops in the summer of the next year.

The place and development of the craft gild in the history of industry in Western Europe is now well ascertained, and there is nothing peculiar about the development in Scotland except that it followed that in England by about from 100 to 150 years, just as

England was behind the Continent ; and when the gilds began to obtain recognition from the towns in the form of Charters of Erection they followed the continental models provided by the similar gilds in the low countries rather than the English and particularly the London companies. The universal obligation to produce an essay or master-stick before admission to the gild, which is rare in England but is common both on the Continent and Scotland, the frequent references to the practices of Bruges and the towns of France and Flanders in these charters and similar trade records, the expression Seal of Cause—itself a continental term—as applied to such charters, and the ascertained fact that many Flemings and other foreigners were members of the Edinburgh trades, are all evidence of this connection between the Continent and Scotland.

The general body of craftsmen arose between the agricultural population of the country and the trading class in the towns, who were already organised in their merchant gilds, and as the craftsmen grew in numbers and wealth they gradually built up an industrial class as opposed to a trading class. During the fifteenth century in Scotland this industrial class first challenged the control which the merchants had gained over the government of the towns, and in the following century established their position on something like an equality of influence.

In the later Middle Ages the immense town populations of the present day, dependent on steam power and foreign bread and meat, could not and did not exist. The country was wholly, and many of the towns themselves largely, agricultural in character. International markets with a world price fixed by the demands and supplies of all countries did not exist, nor was there even a national market, but prices and supplies were entirely local in character. Communications were bad, and consisted of riding tracks, and times of rude plenty alternated with periods of dearth and pestilence. The populations of great towns were those of villages to-day, Edinburgh, the largest, had at the Reformation possibly 3000 families. Glasgow had perhaps a total population of 5000 persons, many of whom were churchmen, and probably there were not 1000 families in the town. In these circumstances demand was steady, supplies were local and known, and prices were comparatively easy to fix. The town councils regulated the prices of food and drink and the common articles of daily use to yield the customary profit which would maintain the recognised classes of the community in their accustomed standard of comfort.

Forestalling of the market or engrossment of supplies was a crime, and such crimes were said by Adam Smith some centuries later, when conditions, however, had wholly changed, to be as imaginary as witchcraft.

There was no such freedom of opinion or of association as we are accustomed to. Objection to the person or disagreement with the policy of a prince was treason, and, later, an association for what would now be called political purposes was considered as sedition or unlawful conspiracy. If one's opinions differed from the dogmas of the Church they must be kept to oneself on pain of excommunication for heresy. All the immense and widespread activities, social, charitable and benevolent, which characterise modern society, and are only now being taken over by the State piecemeal and at intervals, were enjoined and promoted by the Church as an exercise of religion, and the instrument by which this was effected was the association for those, or some of those purposes, in the form of a gild. These gilds, under the protection and authority of the Church, were constituted in the name of some patron saint whose altar was founded in the parish or some other favourite church. In the capitularies of Archbishop Hincmar of Rheims, in 858, it is laid down that the brethren and sisters of the gild shall unite in every exercise of religion.¹

This *obsequium religionis* included not only devotions and prayers, but every exercise of Christian charity. In general, it involved mutual assistance of the gild brethren in every exigency, especially in old age, sickness and cases of impoverishment, if not brought about by one's own crime or folly. Gilds provided for loans to members, provision of work, setting up of sons of deceased members in trade and finding their daughters in a dowry. The gild also provided for the burial and masses for the souls of deceased members. There are provisions extant providing that persons leaving legacies for the objects of the gild should be received as members, and the safety of their souls be provided for at the cost of the gild. Many gilds made provision for schools and schoolmasters, education in the Middle Ages being supplied by or at the instance of the Church, and some provided aid for the maintenance of poor scholars. There were gilds for the repair of bridges and highways, and the building and repair of churches. Of this last there is an instance in connection with the rebuilding of Glasgow Cathedral after its demolition by fire, when Bishop Jocelyn founded a fraternity, which was approved by

¹ Quoted by Brentano, *Introd. English Guilds*, 1870. [E.E.T.S.]

King William the Lion about 1189-92, to collect subscriptions throughout Scotland.¹ Guilds were also founded and encouraged by the Church for the express purpose of the representation of religious plays, and to bear the expenses of the public processions on *Corpus Christi* day and other Church festivals, when all sections of the community—with their banners and in the livery or with the badges of their trades on their breasts—went in procession through the town in great splendour and magnificence before assembling at the church for service. After attending mass, the members generally met again to banquet together. These processions, in which the crafts were ranked in groups, such as the metal workers, cloth workers, leather, wood, and other trades, had much to do with the union of several cognate trades in one craft gild. The Hammermen is the best example of those composite bodies. No one gild pursued all these objects, but both the merchant guilds and, later, the craft guilds performed many of them, and it was these activities involving great expense which necessitated the collection of contributions from members, and fines and penalties for their neglect.

There is curiously little mention of these religious fraternities in surviving Scottish record, but their more domestic and general purposes are well illustrated by the *Statuta Gilde*² of the merchant gild of Berwick, the earlier statutes of which, dated about 1429, begin with an invocation in the name of the Holy Undivided Trinity and of the Blessed Mary the Virgin. The brethren met in the hall of the Friars of the Holy Trinity at Berwick, and although there is no mention of a priest or fines of wax in the Scottish Record Edition (the fines being chiefly casks of wine, which illustrates the social side of such guilds), nevertheless several of the English merchant guilds were incorporated in the name of the Holy Trinity and were undoubtedly religious fraternities. There was no general merchant gild in London; but that was not necessary there, because most of the early London companies were themselves trading or commercial guilds, such as the Fishmongers' Company, the members of which owned fishing boats and traded in fish; the Merchant Tailors' Company, whose members dealt in cloth; the Goldsmiths, some of whom were farmers of the royal taxes and financial advisers to the Government; and the Grocers, who dealt as merchants in all classes of foreign spices

¹ Reg. Episc. Glasguen. vol. i. No. 76.

² Acts. Pt. Scot. Rec. Ed. vol. i. p. 431.

and other articles of imported luxury. In connection with every one of them a religious fraternity has been found.

There was an ancient merchant gild at Edinburgh, as in most other Scottish burghs, and in 1518 the magistrates, on the petition of the haill merchants and gild brethren, gave to them the aisle and altar in honour of the Holy Blood of our Lord Jesus Christ founded in St. Giles', with power to them to honour and repair the same honourably as they think most expedient to the honour of God and the Holy Blood, to be patrons of the said aisle and altar and to make the Holy Blood to be their patron, . . . and the gift disposition and removing of the chaplains to be founded or instituted by them at the said altar to be at the election and disposition of their master of faculty, councillors and officers of their faculty for the time.¹

The merchant gild of Stirling still survives, and prior to the Reformation frequent references are made to payments of wax as well as wine on entry to that gild. There are also references, at the same time as in Edinburgh, to the Brethir and Fraternity of the Holy Blood of our Lord Jesus Christ, indeed the very words—A Faculty of Brethren—are used. They received fines levied by the town council, consented to payment of chaplains, and in one instance undertook to indemnify the council of the stipend of the priest of that altar; and many donations were made to them for obits. I suggest that the Brethren and Fraternity of the Holy Blood at Stirling, hitherto unidentified, was really the name by which the Stirling merchant gild was known in pre-Reformation times.² Each craft gild, Hammermen, Weavers, Cordiners, and others, all over the country had the same patron saint, and it may possibly be established that the tutelar patron of the Scottish Merchants was the Holy Blood of our Lord Jesus Christ.

These religious fraternities were governed by officers elected by themselves, the principal being the Dean, a name borrowed from the presiding officer of the Chapter, or Deacon, the name of the lowest order in the ecclesiastical hierarchy. An oath was taken on entrance not to reveal the secrets of the community, and its breach involved severe punishment. Members who on election refused to accept office were fined. Contributions were collected every quarter at meetings held either in the hall or chapel, if the fraternity owned one, or in the tolbooth, or in the parish church

¹ Extracts Edin. Counc. Rec. [Burgh Rec. Soc.] vol. i. p. 186: Reg. Mag. Sig. 1513-46 No. 2600.

² Extracts Stirling Rec. [B.R.S.] vol. i. pp. 13, 19, 58, 70, and 266.

at which they worshipped. Absence from these quarterly meetings at which the quarterly wage or payment was collected, was visited by fine, and so were absences from the services on the Saint's Day, the festivals of the Church, and the dirges and funerals of members, and the fines were applied to the various purposes of the gild. The funds, the banners, missals, charters, and other valuables were kept in a shrine or common box in the custody of the dean or deacon, and keys to its several locks were kept by the worthiest members. The members often wore a livery, although there is no evidence of this in Scotland. Disputes among members were to be settled by the officers of the gild, and resort was not to be made to the courts. Persons of ill-fame were not accepted as members, and those guilty of aspersing the deacon were fined, and if recalcitrant, were expelled. The chaplain of the gild was maintained in rotation by the more wealthy members, besides having, when in the service of a richer fellowship, a fixed annual fee and special fees on the occasions of baptism, marriage, and death. In later times, when the fraternities proceeded to record their transactions, he invariably acted as their clerk.

In the later Middle Ages it became increasingly common for wealthy merchants and craftsmen, in imitation of princes and great magnates who founded abbeys and endowed colleges, to found chaplainries for a priest to sing for ever for the weal of their souls and the souls of their near relatives at the altar of some favourite saint. This practice was followed in Scotland, as well as in England and on the Continent, by groups of men of the same occupation, who founded 'co-operative chantries,' supported by the voluntary contributions of the members. Besides fulfilling the function of a modern benefit society, sick club and burial society, the chief concern of the craft chantries was the welfare of the souls of deceased members. Every year requiem was sung for all departed gild brothers, who were all mentioned by name. On the death of any member services were held for the weal of his soul and a trentall of masses was paid for. Special services were held on the feast day of the patron saint and on all the festivals of the Church, especially at Christmas and midsummer.

In London it has been ascertained by the publication of records that there was a fraternity—sometimes several—in connection with each city gild. These fraternities arose among the members of a particular trade and ultimately absorbed all practising that

trade. They provided not only the financial resources, but also the protection of the Church, which enabled the London Companies, for example, at the beginning of the fifteenth century to capture and control the government of London.

I do not propose to follow the long drawn-out contest of the Scottish craftsmen with the merchants for a share in the government of the towns in any detail, except to indicate from the Acts of the Scottish Parliament the general course of legislation. We first hear of craftsmen in Scottish record in a grant¹ by King Malcolm IV. to the Abbot of Scone about 1164, when he allowed the monastery to have a smith, a skinner and a shoe-maker for the service of the abbey with all the privileges such tradesmen enjoyed in the town of Perth. This is an instance of the 'family' or household system existing contemporaneously with the gild system in a neighbouring town. The merchant gilds rigorously excluded craftsmen from their membership; and the condition that the craftsman must first renounce his trade was embodied in the royal letters patent to the towns of the time. These merchant gilds became in many instances, such as Edinburgh, Leith and Stirling, almost indistinguishable from the town courts or councils. In the statutes of the merchant gild of Berwick, already referred to, many regulations of the more common handicrafts are found. For example, to take only one relating to shoe-makers who tan their own hides, 'that no shoe-maker ought to tan any hides but such as have the horns and ears of equal length.'² That is a distinction between the trades of tanner and skinner continued through all subsequent legislation and recognised in the leather trades and industries of to-day. It draws the line of demarcation between workers in the heavier hides of cattle and in the lighter skins of other animals, hornless or horned, such as sheep and goats, the horns of which are obviously longer than the ears. In later times the Great Chamberlain of Scotland made inquiry as to offences against the burgh laws committed by the different craftsmen, such as saddlers, malt-makers, weavers, tailors, skinners and shoe-makers. He was to inquire whether shoe-makers bark and make shone otherwise than the law allows, whether they make shone, boots and other graith of the leather or it be barkit. Whether they sew with false and rotten thread, through the whilk the shone are tynt or they be half worn. Whether, where they should give their leather good oil and tallow, they give it but

¹ *Liber Eccles. de Scon.* Nos. 5 and 8.

² *Statuta Gilde*, No. 24.

water and salt, and whether they work it or it be courait in great hinder and scaith of the king's lieges.¹

There is no indication in such provisions of the craftsmen being treated otherwise than as individual delinquents, and no principle of association appears.

In the fifteenth century, however, in the reign of James I., this early system of regulation must have broken down, and Parliament in the statute of 12th March, 1424, which contains the first instance in legislation of the word 'deacon,' enacted that: 'In each town of the realm in each sundry craft used therein there be chosen a wise man of their craft by the layff of that craft and by the council of the officers of the town who shall be held deacon or maister man over the layff for the time till him assigned to assay and govern all works that is made by the workmen of his craft so that the King's lieges be not defrauded and scathed in time to come as they have been in time bygone through untrue men of crafts.'²

This statute shows that it had occurred to the legislature of the day that the best method of regulation was to select the deacon or head of the fraternity to act as an officer of what would now be called the local government. But the deacons so appointed probably exceeded their powers, for by the next statute on the subject, dated 30th September, 1426, it was enacted: 'The King of deliverance of parliament has ordained that . . . the Deacon of ilk craft shall have no correction of the craft nor of the layff of the men of that craft but allenary see that the workmen be cunning and the work sufficient which he shall assay and examine once every fifteen days.'³ In the same year Parliament enacted that the town councils should price the goods of each craft, taking into account the costs and travail of the workmen, and fix the price for working up other men's materials.⁴ Then a statute of the following year, dated 1st July, 1427, wholly repeals the two preceding statutes as to the appointing of deacons of crafts. It is in Latin and enacts that 'for the future no such deacons be elected among the craftsmen in any burghs of the realm and that those already elected shall no longer exercise the functions of deacons nor hold their usual assemblies which are considered to savour of conspiracies.'⁵

¹ *Iter Camerarii*, No. 22.

² *A.P.S.* vol. ii. c. 21, p. 8.

³ *A.P.S.* vol. ii. c. 2, p. 13.

⁴ *A.P.S.* vol. ii. c. 3, p. 13.

⁵ *A.P.S.* vol. ii. c. 4, p. 14.

Apart from the use of the word 'deacon' in these statutes, it is the last words, giving the reason for the abolition of the office, *suas congregaciones consuetas*, which savour of conspiracy, that gives the clearest hint of the character the bodies of craftsmen had taken. Two annual meetings since 1425 can hardly be called accustomed or usual. They are more likely to have been the quarterly meetings of the brotherhood. In medieval Latin the word *congregatio* meant primarily a religious assembly or meeting for a religious purpose, a meaning which it still has in our word 'congregation.' The word has the same religious signification in France, where *congrégations* is used of those religious orders and houses whose dissolution, disendowment and dispersion was until lately so prominent a policy of the French legislature.

But although deacons elected by the trade were abolished, some efficient method of supervision was still necessary, and at the end of the same year Parliament enacted in the statute of 1st March, 1427, that 'it is sene spedfull, ande the King withe the hail consal has ordanit for a yere that of euery craft there salbe chosyn a wardane be the consal of the burghe, the whilk wardane with consale of uthir discret men unsuspect, assignyt till hym be the said consal, sal examyn ande pryse the mater ande the werkman-schip of ilk craft and sett it to a certane price.'¹ These statutes mark the beginning of the prolonged contest between the craftsmen and the merchants for a share in the government of the towns.

No further statutes are recorded until 1457, when it was enacted that for the reformacion of gold and silver wrought by goldsmiths there shall be in each burgh where goldsmiths work 'ane understandande and cunnande man of gude conscience, whilk sall be dene of the craft.'²

In the interval of thirty years between 1427 and 1457, the craftsmen of the burghs grew in wealth and numbers, and apparently continued to elect the kirk-masters of their fraternities, although they had no rights of supervision. Many of them traded in the raw materials of their business, and so came into conflict with the exclusive privileges of the merchants to deal in merchandise. There were disputes as to entry money to the gilds diminishing the dues on burgesses entering as townmen. At yet another point—the control and alienation by long lease, or feu of the burgh acres—they protested against the administration of the town councils composed wholly of merchants, and there continued

¹ *A.P.S.* vol. ii. c. 3, p. 15.

² *A.P.S.* vol. ii. c. 8, p. 48.

the galling supervision by wardens in whose appointment they had no choice and who were not necessarily members of their trade. The craftsmen were excluded from the gild merchant unless they renounced their craft, and the gild merchant controlled the town councils. It would not be surprising if the activities of societies among the craftsmen were driven underground. By the town councils and the Parliament of which merchants were members and craftsmen were not, their associations were regarded as seditious conspiracies, and it is in this period that the first Act against bands and leagues in burghs was passed in 1457.¹ Protected by the Church as religious fraternities, their proceedings fenced by an oath of secrecy, and provided by the contributions of their members with what funds might be required, they exerted very considerable political influence. A similar situation had already in London produced very much the same effect. The founding of religious fraternities among the unorganised craftsmen there received an immense stimulus on the eve of the contest which at the beginning of the fifteenth century resulted in the capture and control of the London municipality by the city companies. A deacon was the lowest order in the priesthood; and though I know of no similar instance in Scotland, yet in London Hamo de Chigwell, the Master of the Fishmongers' Company and a Lord Mayor, was at a perilous moment fortunately for himself conveniently discovered to be in holy orders and so beyond the reach of his enemies.

In 1469 the Scots Parliament enacted anent the election of aldermen, bailies and other officers in burghs, because of the great trouble and contention yearly in choosing the same through multitude and clamour of common simple persons, that no officers nor councillors be continued in office for longer than a year; and, among other provisions, that 'ilka craft shall cheise a person of the samyn craft that sal have voce in the town electioun of the officiaris for that tyme in like wise yeir.'²

The crafts had now obtained a status and a footing which no doubt they used to the full. The consent of the deacons soon becomes necessary to make acts of the town councils, and they act as auditors of the burgh accounts. But it was not till towards the end of the next century that craftsmen became eligible as members of the town councils. A further statute in 1473 in favour of the goldsmiths, to the effect that 'thare be deput and ordanit a wardane and a decanne of the craft that salbe sworne

¹ *A.P.S.* vol. ii. c. 24, p. 50.

² *A.P.S.* vol. ii. c. 5, p. 95.

thairto and examyne al the werkmanship that cummis fra thare handis,'¹ showed that the government had been convinced that in that trade, at least, regulation under the town councils by the trade itself offered the best method of control.

The legislation, however, in favour of merchants and repressive of the class of handicraftsmen still continued. In 1491² an Act was passed against leagues and bands and convocations in burghs; a second Act³ stigmatised the Cordiners, especially, as oppressors of the King's lieges in levying a penny of each cordiner who sold shoes in the market, thereby enhancing the price; and a third Act,⁴ on the narrative that the using of deacons in burghs is 'rycht dangerous' and as they use the same may be the cause of great trouble and convocation and rising of the King's lieges by statutes made contrary to the common profit and for their singular profit and avail . . ., ordained that all such deacons shall cease for a year and have no other power but only to examine the finish of the stuff and work that is wrought by the remanent of his craft. The crafts, however, proceeded on their course and continued to elect their deacons. After an Act⁵ in 1551 anent the exorbitant prices 'rasit be craftsmen,' a final attempt to suppress the powers of deacons was made. In 1555, during the minority of Mary, a statute⁶ was passed 'because it hes bene clairlie understand to the Quenis grace Regent and the thre estatis that the chesing of dekinnis and men of craft within burgh hes bene rycht dangerous, and as they have usit thameselfis in tymes bygane hes causit greit troubill in burrowis, commotioun and rysing of the Quenis lieges in divers partis, and be making of liggis and bandis amangis themselfis, and betuix burgh and burgh quhilk deservis greit punischement,' therefore it was statute and ordained that 'thair be na dekinnis chosin in tymes cumming within burgh,' but visitors of the crafts were to be chosen by the town councils.

But the guilds were now too strong. The craftsmen throughout Scotland immediately formed the most famous league and band in their history. They interviewed the Queen Regent and procured a repeal of the most obnoxious sections of the statute under the Great Seal in January, 1556, which, as the Edinburgh Hammermen who had taken a leading part in the matter record in their

¹ *A.P.S.* vol. ii. c. 17, p. 105.

² *A.P.S.* vol. ii. c. 17, p. 226.

³ *A.P.S.* 1493, c. 13, p. 234.

⁴ *A.P.S.* 1493, c. 14, p. 234.

⁵ *A.P.S.* vol. ii. c. 18, p. 487.

⁶ *A.P.S.* vol. ii. c. 26, p. 497.

minutes, was 'ryte honest and pleasant to all the craftsmen.' On the young Queen attaining her majority in 1564 the repeal was confirmed, and before the end of the century the craftsmen were able to win half the representation of the town councils (though Glasgow did not follow till 1605), and the constitution of the burghs thus set remained until the Burgh Reform Act of 1833.¹

The statutes in favour of the goldsmiths in 1457 and 1473² permitting the election of a deacon had made a precedent. It became impossible to prevent its extension to other trades. There followed rapidly charters of incorporation of the hitherto voluntary societies and fraternities of craftsmen primarily organised for religious purposes, with power now freely to elect their deacons and kirk-masters, and with power also, increasingly as time went on, to regulate their own industry. This movement was extended, and often promoted by the town councils, during the next century and a half over the whole industrial field in every burgh in Scotland where a separate trade could be said to exist. The co-operative chantry forming the nucleus of organisation of the trade and absorbing all the members exercising that trade, became the incorporated craft gild and a recognised organ of local government. This great change took place at the close of the period of forty-five years which elapsed between 1427 and 1473.

St. Giles was the parish church of Edinburgh till 1466, when by virtue of a grant from King James III. it was established as a collegiate church on the foundation of the old altarages and chaplainries. These were then at least thirty-four in number and included altars to most of the saints who are later found as the patron saints of the craft gilds.

The first Charter was to the Edinburgh Skinners in 1474, their patron Saint, St. Christopher; the next to the Masons and Wrights in 1475, patron St. John the Evangelist, and the town council conveyed to them their whole right in the aisle and chapel of St. John in the collegiate Church of St. Giles; in 1476 the Weavers, their patron St. Severane; in 1483 the Hammermen, patron St. Eloi; in 1488 the Fleshers, patron St. Cuthbert; in 1489 the Coopers, patron St. John; in 1500 the Walkers and shearers of cloth, patron Saints Mark, Philip and Jacob; also in 1500 the Tailors, matron St. Ann, the mother of the Virgin. At the beginning of the next century, in 1505, the Surgeons and Barbers, out of which arose the Royal College of Surgeons of

¹ Royal Burghs (Scotland) Act 1833.

² *A.P.S.* vol. ii. 1457, c. 8, p. 48; and 1473, c. 17, p. 105.

Edinburgh, patron St. Kentigern; in 1510 the Cordiners, patron Saints Crispin and Crispinane the martyrs; in 1520 the Bonnet-makers combined with the Walkers and Shearers, their patron St. Mark; and the Bonnetmakers stipulated that as often as the chaplainry of the said altar should fall vacant they should have an equal right with the Walkers and shearmen in choosing a chaplain to fill the vacancy. In 1523 the Baxters were incorporated as a gild, their patron St. Hubert.

In Glasgow the same development took place somewhat later. There were seven pre-Reformation gilds. The first Charter was to the Skinners and Furriers in 1516, the regulations in which are on entirely a religious account. They had an altar to St. Christopher their patron in the Cathedral, and members were bound to pay each his weekly penny to the reparation and adornment of the altar and sustain the priest's meat thereof as it comes about, that is, in rotation. Fines were half a pound of candle of wax to the altar, and they asked leave to hold the solemnity of the feast of their altar on the Sunday next after St. James' Day. They besought their lordships the town council 'sen we ar tua craftis and unyte ourself in charite togidder to ye uphald of goddis service' to grant their reasonable desires, which was done with the approval of the Archbishop. The Weavers followed in 1518, but their charter is lost, and although it was confirmed by the Scots Parliament in 1681 from a notarial copy the Saint's name is amissing. It was without doubt St. Severane as in other weaver gilds throughout Scotland. The Bakers' charter is wholly lost, but was probably of the same character and their patron St. Hubert. The Hammermen were incorporated in 1536, patron St. Eloi or Eligius; the Tailors in 1546, matron St. Ann; the Masons, Slaters, Sawyers and Quarriers incorporated as one gild in 1551, patron St. Thomas, and the Cordiners and Barkers in 1558-9. There were other crafts, which however only obtained charters in post-Reformation times.

The same process is observed in Aberdeen, Stirling, Perth, and all the other towns of which early records have been published; all exhibit the religious character of the gild, and that sanction was sought to bring compulsion on all those of the trade to contribute in their varying degrees to the expenses of the altar and religious observances.

In Aberdeen certain Cordiners, 'in honour of God Almichtie, the blissit virgine Mary, Sancts Crispin and Crispian and al Sanctis,' had chosen a chaplain to make ministration of divine service at

their altar as effeirs and had bound themselves 'to sustene the said chaplane honestlie as effeirs in meytis, drinkis and sustentatione circualie, be sevin of ye best and worthaist of the said craftismene, ilk ane day in ye oulk; ande payand to him xls. usual monie of Scotland yeirlie for his fie,' by the other members. They failed to do so, and were sued before the Bailies upon the contract, which was recorded in a notarial instrument. The Chaplain won his case, and the deacons and masters of the craft were ordained to compel and distrain their neighbour craftsmen and cordiners to maintain him after the tenor of his evident.¹

This was in 1495. It was not till 1520 that this voluntary group of craftsmen framed anything like the formal constitution of an incorporated gild. On 13th June of that year, eleven cordiners met in the principal chamber of their deacon, John Wishart, for the purpose of electing new deacons and office-bearers, and of rectifying and amending all and sundry defects existing at the time in that craft. They then proceeded to elect deacons and a beadle; they determined to establish a common box into which to collect every week a penny from each master and a halfpenny from each servant, apprentice and domestic for payment of the stipend of their chaplain, and if the craft should prosper the chaplain's stipend was to be increased nearly to the amount of the contributions, and the balance was to accumulate in the box for the repairs of the altar and its furniture. Thereupon Thomas Brodie, one of those present, paid over thirty pence which he had received nearly two years before from delinquent servants which he was bound to pay over in wax to the altar, and the meeting immediately devoted the money to the repair of the base of their chalice.²

But Edinburgh, the mother city of the affiliation of Scottish burghs, affords the clearest instances. The earliest is that of the Edinburgh Skinners, who are first met with as a religious fraternity. On 12th January 1451, a time when deacons were still suppressed and associations of craftsmen were still regarded as conspiracies, seventeen men of that trade asked a notary to record statutes they had agreed upon for the maintenance of the altar of Saint Christopher lately founded by them in the parish church of St. Giles. This instrument narrates that they had bound themselves to lend a helping hand during their lives and according to their means towards the service and support of a chaplain to

¹ Bain : Hist. Aberdeen Incorporated Trades, p. 65.

² Bain : op. cit. p. 266.

celebrate at the altar and the repair of its ornaments. Each member receiving an apprentice agreed to pay five shillings towards the repairs, and apprentices on joining were to become bound in the same obligations.¹ In their first charter of 1474, twenty-three years later, the contribution according to means becomes a fixed payment of one penny per week, and in their second charter in 1533 they obtain power to pound for it, and are to 'sustene the preistis meit thairof as it cumis about.' That the Edinburgh Skinners regarded themselves as a religious fellowship appears from their minute book beginning in 1549, in which they describe themselves as the 'freternite and craft of Sanct Christopheir.'

It is, however, the published minute book of the Edinburgh Hammermen, dating from 1494 and coming down to the Reformation, which gives the most vivid picture of one of these guilds in its daily life and activity.² Every item of expenditure on the altar of St. Eloi, the image and vestments of the saint, the adornments of the altar, the masses and services, pageants and processions, is given in minute and exact detail. There is hardly an enactment recorded in the whole sixty years of a trade or economic character. There are a few records of disputes amicably settled, and a very few instances of a shilling or two, sometimes only some pence, given to a poor member or his widow. But large sums were paid for masses for their souls. Either the Edinburgh Hammermen were exceptionally prosperous or the poor of the craft were maintained in their almshouse. Monetary assistance, like private charity, was regarded as an alms; no decayed member had any right to demand it, and organised charitable aid by the guilds only became prominent in their expenditure after the Reformation. The charity of the guilds, however, never became a benefit to be claimed in return for entry money paid, and to this day it retains its eleemosynary character.

The early minute book of the Glasgow Cordiners does not record their expenditure, and for that reason may lack some of the interest of the Perth and Edinburgh Hammermen's books. It begins in 1550, when, on Michaelmas day, the Cordiners and Barkaris met in the Tolbooth and elected their deacon or kirk-master according to 'auld use and consuetude.' It discloses a fully organised guild with a court of assisters, searchers of the

¹ Ext. Edin. Counc. Rec. [B.R.S.] vol. i. pp. 9-11.

² Smith's *Edinburgh Hammermen*.

market, an officer, and a clerk. The latter was Sir David McKeown, a well-known priest and notary of the day, and clerk to the chapter of the Collegiate Church of St. Mary and St. Anne on the south side of the Trongate. Apprentices with the different masters are duly booked, and the dues are entered indifferently as prentice silver or altar silver. The weekly penny from sellers in the market is collected in a box called the market box. The Edinburgh Hammermen as well as the Glasgow Hammermen called these weekly pennies St. Loye's brod, from the wooden platters or bowls in which they were collected. These old Cordiners every year set up their market box to auction among their members, and secured a certain sum in advance, leaving the risk and trouble of the weekly collection to the successful bidder. Every year they carefully recorded the delivery of the common box containing their charter, banner, bonds and evidents, with the money on hand, to the new deacon. In the first year recorded there were thirty men paying the twelve pence a quarter on the four quarterly account days, making from that source alone an income of £6 per annum. The entry moneys or upsets, of which many are recorded, were no doubt treated as income and applied in meeting the annual expenditure, which, if we only knew it, was probably of the same character as that of the Edinburgh Hammermen. In addition, the new member had to give a dinner to the masters of the craft. These quarterly meetings were distinct from the annual meeting at or about Michaelmas, when the election of the deacons and other office-bearers of the crafts took place, an arrangement among all the incorporated trades which still continues. The membership gradually grows until in 1581 there are 106 members given on a list of which 36 are deleted, leaving 70. The book ends in 1612.

In 1550 the Cordiners appear to have contemplated applying for a charter. In the interval between that date and 1559 they proceeded to record in their book, one by one, the more strictly trade regulations which I have referred to as also included in their first charter. The rules as to religious rites and observances, aliment and others, were recorded, if recorded at all, in some earlier book, or, more probably, were matter of use and wont. It seems impossible to credit the view that the Glasgow Cordiners were not also a religious fraternity like other craft gilds throughout the country long before 1550, or that they were associated together for the first time either by their charter in

1559 or at the meeting recorded in their surviving minute book in 1550.

The early Glasgow records are unfortunately rather imperfect. The town council minutes only begin in 1573, thirteen years after the Reformation, and I know of no other continuous pre-Reformation minute book connected with Glasgow. Like most records of the kind it omits all mention of public events, or only refers to them inferentially. Its great interest and value—when read along with their pre-Reformation charter of 1559 and post-Reformation charter of 1569—is to show at the moment of a great change how the gild of an important trade was affected; and how, while they became more specifically an industrial unit, they developed in other and more practical directions their religious and benevolent activities.

The Glasgow Cordiners had no altar of their own. That was common enough. Many of the crafts appropriated or had allotted to them an old altar imperfectly endowed, and set up the image of their own saint upon it. There is very little known of the altar of St. Ninian in Glasgow Cathedral. Hardly any reference to annual rents payable in support of the prebendary is found in any of the published records relating to Glasgow, and it appears to have been very scantily endowed. Its site has been forgotten and probably cannot now be determined, unless a trough stane with the craft emblem of a cutting knife hewn upon it should be found under the floor of the Cathedral.

The Cordiners of the Canongate, a small craft gild in the Abbot's burgh of Holyrood, received from the commendator permission to build an altar in honour of their patron Saints in the Abbey and were given seven years to complete the work. The document¹ recording the grant reads like a bargain. They obtain power to levy dues upon other cordiners in the Abbot's barony of Broughton and royalty of Leith on condition of completing the altar within the time. This grant is dated in 1554, very near the Reformation.

Archbishop Spottiswood's picturesque story of how the devoted craftsmen saved Glasgow Cathedral from destruction has often been exposed, but they probably saved some of their own property. Although their altars were destroyed and the images of the saints were thrown down, the Edinburgh gilds saved most of their property. The Hammermen saved their chalice and so did some of the Stirling gilds. The Edinburgh Skinners received

¹ *Liber Cart. Sancte Crucis.* App. II. No. 39.

£5 for the remains of their altar and prosaically roused off their 'kyrk geir,' for which they obtained £65, a large sum of money. In Aberdeen things did not go so smoothly, and a petition was made to the Privy Council for recovery of their property by the crafts from the magistrates, into whose hands they alleged it had unlawfully come, but no decision is recorded. The Scottish craft guilds were little affected by the dissolution of the chantries and chapels. There was no confiscation of their funds for secular purposes. It was only the funded endowments of chantries and chapels in the form of annual rents which were affected by the legislation of 1567; the craft guilds simply ceased their voluntary expenditure.

After the Reformation the regulations as to attendance on Sabbath at church and at funerals became if possible stricter than ever. They still continued to collect their quarter accounts, exact a weekly penny and dues on entry; but the money now went in considerable sums to repair at intervals the decay of cathedrals and churches, to support ministers, and to a growing extent to maintain the poor of the trade. Not only was the membership growing, but a labouring class as distinct from the master craftsmen was now becoming visible. Various causes, the growth of population, wars, changes in agriculture and the break up generally of the medieval order of things, were producing a social question not confined by any means to Scotland alone. The maintenance of the decent and unfortunate poor—the cruikit folk, the seik folk and waik folk—has never been a problem of much difficulty. It is the sornor and beggar, the idle rascal and vagrant who cause the trouble. These classes were fed and increased not only by the indiscriminate charity of religious houses and old foundations badly administered, but by almsgiving for the soul's sake of the giver. Legislation had been chiefly of a repressive character by branding, lopping of ears, and banishing the town. Even hanging had proved a failure.

It was Ypres whose reforms early in the sixteenth century in the treatment of this problem pointed the way to success. The reforms of Ypres depended on a classification of the poor. Those that belonged elsewhere were to be sent to their own place. The town poor were absolutely prohibited from begging. The sick and aged were to be maintained in almshouses and hospitals; the strong and idle were to be set to work, and work was to be found for them. If they did not work they should not eat. The honest poor were to be maintained in their own houses. The

administration was placed under superintendents assisted in each parish by persons specially charged with the duty, and the cost was to be provided by the reformation of endowments, by bequests, by collections in churches, and the money to be saved from expenditure on festivities. These reforms were discussed all over Europe and gradually found their way into legislation.¹ The great Act of 1574 in the reign of James VI. in Scotland is the foundation of the poor law to-day.

The craft gilds, like the town councils and the Government, were affected by this great movement, and after the abolition of altar worship had set free their funds, they are seen everywhere founding or enlarging almshouses, either alone or in co-operation with others, and undertaking the regular maintenance of the poor of their trade. Projects of all kinds begin to be found in the minutes of town councils. After the constitution of the Glasgow Gildry in 1605 the Merchants and the Convenery of Crafts both founded hospitals for their poor. The Cordiners' minute book shows the same movement in many entries, but the earliest instance of its effect on their declared purposes appears clearly from their second charter in 1569, when they petitioned the town council for an amended grant to obtain power to exact increased entry money to support their 'puire dekeyit brethir.'

The Glasgow Cordiners still flourish. With many of the surviving craft gilds throughout Scotland they have never forgotten the exercise of religion. Since their exclusive privileges of trading, long impossible of maintenance in practice, were formally abolished in 1846, these gilds have devoted their funds to the relief of decently nurtured middle-class people. Much also was spent on education until the State took over that service in 1872; and now, not forgetful that the notion of apprenticeship implies that of education, many are preparing, in addition to their other activities, to promote technical skill and scientific research in connection with their industry.

ROBERT LAMOND.

¹ Ashley, *Econ. Hist.* vol. i. pt. ii. p. 347.

Glasgow in 1781

SOME months ago, in the course of examining a collection of family papers belonging to Mr. W. S. Turnbull, I came upon a MS. volume containing copies of forty-five letters dated from 25th October, 1780, to 25th October, 1781, under the heading 'Letters relative to the Town of Glasgow, 1780.' The letters are in the handwriting of Hugh Wyllie, and the volume appears to have served as a letter-book in which he entered copies or drafts of official letters written by him as Provost of Glasgow. As the letters are of interest, and have not otherwise been preserved, Mr. Turnbull has been good enough to place them at my disposal for publication, and a selection follows.

The years to which the letters belong were among the most critical in British history, and to Fox and his followers each sunset which marked their passage seemed symbolic of the rapid decay of national honour and prosperity. They witnessed the series of disasters which brought the War with the American colonies to a close, the struggle of the British Navy, which had been neglected under the regime of Sandwich, to confront the united forces of France, Spain and Holland, and the loss for a time of superiority at sea. The war was keenly felt by the merchants whose fortunes were often at the mercy of privateers, and the capture of a fleet of fifty-five Indiamen by the enemy in August 1780 was only an extreme example of the frequent failure of convoys to protect British commerce. Glasgow, which had been one of the centres of the tobacco trade, received a heavy blow when relations with Virginia were severed, and the merchants who were attempting to direct what remained of their resources to other channels, such as the West Indies, were naturally apprehensive of enemy naval activity.

These considerations of commercial policy naturally predominate in the correspondence which follows, but it is apparent from the tone of the letters addressed to Mr. John Crawford that he was not really designed to be the representative of an active burghal

constituency. Crawford had complained bitterly of the drinking contests into which his election for Renfrewshire resolved itself, but once elected for a county constituency his duties were not onerous.¹ That astute 'doer' of the Hamilton family, Andrew Stewart of Craighorn, complained bitterly to the Duchess of Argyll in 1773 of an arrangement which Crawford, in the political innocence of his heart, had made for the Hamilton interest getting the Lanarkshire boroughs and Campbell of Shawfield the county. 'It is not,' he wrote, 'from a notion of any essential difference between having a seat in Parliament from a County or from Boroughs that I should have been so averse to this measure, but I have neither genius nor constitution for contested Borough elections; on the contrary, have a decided aversion to such contests, for I neither understand how to make love to Boroughs, nor have I any disposition for the variety of attentions and other means requisite for gaining their favour.'²

Crawford had probably frequent cause when he was transferred from the electors of Renfrew to the Glasgow boroughs, to echo the sentiments of his Parliamentary colleague. It must be noted, however, that the political life of the parliamentary burghs was open to charges of corruption, and that the period covered by the following letters was succeeded by a strong agitation in favour of municipal reform. Political power in the Glasgow Burghs was in the hands of a small oligarchy, but the oligarchy was one of active merchants and manufacturers whose far-reaching interests preserved them from the most flagrant forms of abuse. The Glasgow oligarchy used their political influence for selfish ends, but these ends were generally those of the commercial prosperity of Glasgow and the Clyde.³

Glasgow was developing as an industrial centre, manufacturing products for export and seeking new channels for the business experience and enterprise which in happier days had found an

¹ Of 114 voters in Renfrewshire, 82 were 'faggot' votes. Mathieson, *Awakening of Scotland*, 20.

² Argyle, *Intimate Society Letters*, i. 180.

³ Mathieson, *op. cit.* 101 *et seq.* Some interesting details of the finances of Glasgow are given in Marwick, *Glasgow in 1781 and 1833* (Regality Club: Fourth Series, 127), and in a report which R. B. Sheridan prepared in 1793 on behalf of a Committee of the House of Commons (*Reports of Committees* (1803), xiv. 1). For contemporary treatises and pamphlets on the economic questions of the period, v. Scott, *Scottish Economic Literature to 1800* (Glasgow, 1911).

El Dorado in Virginia. The offensive ostentation of the tobacco plutocracy was a thing of the past, and the men who were directing the energies of the growing town were touched with that 'benevolence' which marked the age. The neighbouring counties were finding the industrial community in their midst a source of uneasiness and almost alarm. The foodstuffs which they could supply were insufficient for the population, and the steps which the town was taking to regulate prices and provide cheap transport by canal seemed to threaten the agricultural interest. Writing in 1769, Sir James Stuart of Coltness observed: 'The trade of Glasgow has augmented the number of her inhabitants. These now call for more subsistence than the county can supply; so the landed interest of Lanarkshire looks like the indigent parent of an industrious son, who has become independent of him from the time he has been forced to provide for himself. The high prices of sustenance, owing, of late years, to the deficiency of the county supply, and the difficulties Glasgow has found in having its wants elsewhere supplied with certainty and regularity, have excited, on the one hand, a taste for agriculture among the farmers; while, on the other, the citizens (by means of a navigable canal between the Forth and Clyde) have been driven to the necessity of looking for a more certain supply from without.'¹ Glasgow had a clear interest in the Corn Laws, and did not fail to express its views. A memorial on the subject by the merchants evoked in 1777 'An essay on the Corn Laws, in opposition to the inflammatory memorial for the merchants of Glasgow,' and Stuart complained of the manner in which the magistrates exacted 'ladle' dues on corn and meal in transit, and checked circulation.² When the important Corn Act of 1791 was passed it contained special provisions in favour of the Forth and Clyde Canal, and consequently of Glasgow.³

Hugh Wyllie first appears in the Records of the Burgh of Glasgow in the year 1766 as one of the partners of the Glasgow Rope Manufactory, an industry which was created in 1696 and was carried on as 'The Rope Work Company of Glasgow' by the firm of James Corbet & Company. This firm also included

¹ 'Considerations on the interest of the County of Lanark,' *Works* (London, 1805), v. 282.

² *Ibid.* 343.

³ 33 George III. cap. 38. 'An Act for regulating the importation and exportation of Corn, and the payment of the duty on foreign corn imported, and of the Bounty on British Corn exported.'

among the sixteen partners Wyllie's father-in-law, James Dunlop.¹ He was one of the parties to the Agreement of 1766, under which Cow Lane was formed into Queen Street.² The only light cast on his previous history is his statement, in his letter to Crawford of 29th December, 1780, that he was 'bred to the sea near 25 years.' On 2nd October, 1769, George Buchanan and Hugh Wyllie were ordered by the Magistrates to remove a quantity of gunpowder from the vicinity of the Castle of Glasgow, and a month later the Procurator-Fiscal was instructed to prosecute the latter for his failure to implement the order.³ This contact with public life was followed by Wyllie's election in 1770 as Bailie of Gorbals and in 1771 as Bailie 'of the Merchant rank.' After being Dean of Guild from 1776 to 1778 he was elected Provost on 16th October, 1780, and died in office 'after a lingering illness' on 20th February, 1782.⁴ He was succeeded by that pompous criminologist, Patrick Colquhoun, and was survived by his wife Elizabeth, daughter of James Dunlop of Garnkirk. He died in at least temporary financial embarrassment, and his widow received help from the Town Council 'until the remittances of her late husband's effects from America be made.'⁵

The zeal with which Wyllie sought to promote the interests of Glasgow is apparent in his letters, and the care with which he recorded them is typical of the ex-sea-captain merchant class to which he belonged. He may have been responsible for an unregarded resolution which the Magistrates passed on 11th December, 1780, for the preservation of official correspondence.

John Crawford of Auchenames, to whom about one-fourth of Wyllie's letters are addressed, succeeded Lord Frederick Campbell as member for the Glasgow Burghs in 1780, but at

¹ The history of the business can be traced in the Preamble to 24 George III. cap. 7 (1784) which in consideration of a payment of £2250 extinguished a claim to exemption from customs and duties.—*Glasgow Records*, vii. 613 and 635.

² *Glasgow Past and Present*, ii. 422 and 429; *Glasgow Records*, vii. 635 and 1277.

³ The magistrates subsequently spent considerable sums in erecting a powder magazine near Cowcaddens, which was little used. Wyllie doubtless interested himself in this question when he attained 'municipal honours.' *Glasgow Records*, vii. 301 and 309, viii. 12 and 74.

⁴ *Glasgow Mercury* of 21st February, 1782.

⁵ *Glasgow Records*, viii. 75-80. *Old Country Houses* (1878), 22 and 107.

next election in 1784 he was replaced by Ilay Campbell, Lord-Advocate. On Campbell being appointed Lord President of the Court of Session, in February 1790, Crawford again became member, but was succeeded by William M'Dowall of Garthland at the general election in the following July. In a confidential political report prepared in 1788 for the Whig Opposition candidates, he is described as 'Rich Little in Scotland Goes with Opposition,' and this terse judgment adequately describes his political activities.¹ He made one unsuccessful attempt to address the House, and played the rôle of a silent ministerial voter under Lord North, save in the famous division of March 1782, when, in deference to his friendship for Charles James Fox, he abstained from voting. Insignificant as a politician, he was well-known as 'a man about town,' and a steady 'punter' at the gaming table. His insatiable curiosity earned for him the nick-name of 'The Fish,' under which he appears constantly in the Familiar Letters of the period. 'Crawford,' wrote Horace Walpole, 'has been robbed in Oxford Road in a hackney-coach at ten at night. He lost twenty guineas and his pocket-book; and as he has always presence of mind enough to be curious, Hare says that he said to the highwayman, 'You must have taken other pocket-books: could you not let me have one instead of mine?' George Selwyn shared Walpole's contempt for him, but a hopeless and life-long devotion for the widow of Stephen Fox, and his unfailing friendship for her distinguished brother-in-law, implies some merit on his part.

As a young man he accompanied Charles James Fox on his Grand Tour, was at his elbow to assist him in the most fateful hour of his political career, and was his constant companion when he went out into the wilderness in 1782. Lord Holland and Trevelyan pay tributes to his unrecognised merits, and their estimate is supported by the splendid list of friends he gained and retained. He was a favourite of Voltaire and an intimate of Madame de Deffand, who preferred him to Fox and called him her 'petit Crufurt.' To the friendship of David Hume he added that of Edward Gibbon, and was the last visitor with whom the great historian conversed before his death. Trevelyan describes him as 'a man of parts and vivacity, but too self-absorbed and affected even to have made a successful politician,' and this judgment may be accepted as accurate.

DAVID BAIRD SMITH.

¹ *Political State of Scotland* (Edinburgh, 1887), 30.

To Jas. Samber, Esqr., Commander of his Majesties Ship
Satisfaction at Greenock, from Provost Hugh Wyllie.

Glasgow 25th October 1780

Your letters of the 17th & 22d Curt. I received & am happy to find your disposition to suppress these Piratical Smugglers, for such I believe them to be, I am well convinced you could not put to sea in such tempestuous weather even with a better sailing Ship than the *Satisfaction*, & it seems agreed on all hands that she sails heavy & is otherwise very ill calculated & unfitt for the Service. I wish you had a better Ship for, from the account I have received from my friend Baillie Moodie of Greenock of your Character, you are entitled to a better, & I mean in conjunction with the other Magistrates of this City to apply soon for a better Ship to be put on this Station & it will be agreeable to us all that you get the Command.

Whenever it suits your convenience to come here I assure you the Magistrates wish to see you, & they will be happy to drink a Glass with you.

I am at present unacquainted with the limits of your Station as also with the Instructions you have from the Lords of the Admiralty respecting the orders you are to take from the chief Magistrate of this City. I will be much obliged to you to inform me of both & you may depend I will make no bad use of them. I only wish to know them, least I should give you unnecessary trouble, and that I would wish to avoid In your next please say when I may expect you in town.

The printed Naval Records of the period contain no reference to Samber and his inappropriately named ship. She was in the Clyde in March, 1778, under the command of Captain Foulks. *Glasgow Records*, vii. 521.

To Capt. Samber from Provost Hugh Wyllie.

Glasgow 14 Novr. 1780

It is the wish of the Gentr. Interested in the Jamaica Fleet (which may be looked for in a few days) that you would embrace the first favourable wind & put to Sea with the *Satisfaction* & Cruize in the Channel for their protection, which I think absolutely necessary; & I doubt not of your agreeing with me in Sentiment & I hope your best Endeavours will not be a wanting to guard them into Port, Last Night I received Intelligence from Greenock that the *Glasgow*, Capt. Porter arrived there that

morning from Liverpool, on her passage was brought too on the 12th Curt. off the point of Corshill by an American Privateer of 14 Guns; but the Sea ran so high they could not board her & she kept off: this Circumstance alone shews the necessity of putting to sea without Loss of time which I hope youl not fail to do whenever wind & weather will permit. I presume this is the very Privateer I wrote you off formerly, probably drove out of the Highlands by the *Seaford* & her Cutter.

The Provost's instructions were not given effect to, for the *Glasgow Mercury* of 16th November records the departure on 14th of 'armed ship *Satisfaction* for England with impressed men.'

The *Seaford* was built in 1754. She is entered in the list of ships in commission in 1770 on the dispute with Spain regarding the Falkland Islands, was one of the squadron at the Leeward Islands under Vice-Admiral James Young and is entered in the list of the British Navy in June, 1778, and in a later list of the British fleet at or near home. She is included in the list of the squadron under the command of Captain Charles Fielding, sent to intercept a Dutch convoy, laden with naval stores for Brest in December, 1779. Her armament is given as 20/24 guns, and she was commanded from time to time by John Jackson, John Colpoys, and John Prescott. Beatson, *Naval and Military Memoirs* (1804), vi. 19, 88, 93, 150 and 198.

She has a modest place in the history of mechanical invention as the first ship on which Cole's improved chain-pump was worked with success, in 1768. Traill, *Social England*, v. 211.

To Jno. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 1st Decr. 1780

I observe by the votes of the Ho of Commons that leave is given to bring in a Bill for regulating the Importation & Exportation of Corn & Grain within several Ports & Places therein to be mentioned; least this bill be against the Interest of this Country, I beg you may transmit me a Copie of it as soon as you possibly can, & at same time, I must request you to give me the earliest Intelligence of every Bill that may hereafter be brought into Parliament, which may in any respect effect the Trade or Manufactures of this Country.

I shall soon have occasion to Correspond with you again on the Subject of procuring a proper Ship to be Stationed here for the protection of our Trade, As the one we had is very unequal to the Task.

I will be much obliged to you if you'll tell Mr John Seton that I shall correspond with him upon our City Business when any thing occurs that lies in his way.

The attempt to balance the interests of the producer and the consumer can be traced in the legislation of the period, and the difficulty of the task increased as the industrial population grew. In 1783 the House of Commons appointed a Committee 'to take the Act for regulating and ascertaining the Importation & Exportation of grain into consideration.' Two reports were issued. The failure of the crop in part of Scotland, including Dumbartonshire, led in the same year to relaxation of restrictions on import (23 George III. cap. 53). The important Act of 1791 on the subject (33 George III. cap. 30) merits careful study by students of Glasgow history. Reference may also be made to the interesting reports by Committees of the House of Commons from 1774 to 1800 printed in *Reports from Committees* (1803), ix. 1-197.

John Seton was the London agent of the City from 21st July, 1779. His chambers were in John Street, Golden Square.

To Philip Stephens, Esqr., Admiralty Office, London, from
Provost Hugh Wyllie and Dean of Guild John Campbell.

Glasgow 15 December 1780

We are desired by the Corporation, & petitioned by the Merchants, to apply to the Lords Commissioners of the Admiralty, for a proper Ship to be stationed here (in room of the *Satisfaction* Armed Ship now gone to England with impressed men) for the protection of our Trade.

The *Satisfaction*, from her built & Construction is no ways adequate to the Task, In the first place she sails so heavy that she can scarce come up with a loaded Merchantman, & far less with an Enemy fitted out in the quality of a Privateer, & in the second place, she has been originally built for the Coal trade, consequently very unfitt for action, She carries her Guns on no less than three decks, a rough draught of which, we inclose for their Lordships Inspection.

For these two last years, our Coast has been very much infested & our trade distressed, by a set of Piratical Smuglers, & yet from the unfitness of the *Satisfaction* for such Service, they have all escaped with impunity; from what we have said of the Ship, we would not wish to be understood to throw the Slightest reflection on her Commander Capt. Samber, for we know him to be an active, experienced Officer, & well acquainted with the Navigation of the River Clyde & the adjacent Coast, and it would

give us real pleasure was he promoted to the Command of a proper Ship on this Station.

We must entreat of their Lordships, Seriously to Consider the Naked & defenceless state of our Coast, & we hope they will be pleased to order a frigate of 24 Guns to be stationed here for the protection of our trade; such a Ship, if She sails fast, will effectually prevent further molestation. We beg Sir, you will take the earliest opportunity of laying this Letter before the Lords Commissioners of the Admiralty, & as you know Sir, that the City of Glasgow is not disposed to trouble Governmt. with any thing they can possibly avoid, we doubt not of your best endeavours to procure us a favourable answer.

On 11th December the magistrates instructed this letter to be written. *Glasgow Records*, vii. 614. Philip Stephens (1725-1809) was Secretary to the Admiralty from 1763 to 1795.

To The Rt. Honble. Lord F. K. Campbell, M.P., London,
from Provost Hugh Wyllie, Patrick Colquhoun, Walter
Stirling and Alexander Buchanan.

Glasgow 15 Novr. (Dec. ?) 1780

We are authorized by the Councill to return your Lordship our best thanks for procuring Provost Buchanan so respectable and so Beneficial a place as Commissioner of the Customs of Scotland, & we can assure your Lordship that this particular mark of your friendship to an old Magistrate will be long remember'd by the Inhabitants of this City.

Lord Frederick Campbell (1729-1816), third son of 4th Duke of Argyll, M.P. for Glasgow Burghs (1761-1780) and for County of Argyll (1780-1799), Lord Clerk Register (1765-1816).

Provost Buchanan was James Buchanan of Drumpellier, eldest son of Provost Andrew Buchanan, Virginia merchant. He was Dean of Guild in 1772 and Provost in 1768 and 1774. His firm of Buchanan, Hastie & Co. was ruined by the American War in 1777. He died in Edinburgh in 1786. His nephew, Andrew Stirling, purchased Drumpellier from his trustees. For note on Andrew Stirling, *Old County Houses* (1878) and Mitchell's *Old Glasgow Essays*.

To Geo. Chalmers, Esqr., Edinr., from Provost Hugh Wyllie.

Glasgow 30th Decr 1780

I received your favours of the 28th Curt, with a Memorial which I have carefully read & considered, you have much merit

in the Composition of it & the Country at large is indebted to you for the great pains & Labour you have taken to show how much the fair Trader is imposed upon by the Custom ho. Officers of this Kingdom, I shall recomend the matter to Provost Buchanan, who I am persuaded will do every thing he can consistant wt. his Office.

George Chalmers was probably the author of *Caledonia*. He published a number of pamphlets with reference to the economic effects of the American War. In 1780 the Convention of Royal Burghs made him a grant of £50 'for soliciting an alteration of the duties on culm.'

To J. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 29th Decr. 1780

I received your much esteemed favours of the 22d Curt. informing me that you have procured the *Seaford* frigate of 24 Guns, Copper bottom'd to be stationed here for the protection of our trade in room of the *Satisfaction* armed Ship which is a piece of great service done to this City & a very particular mark of your friendship & regard for its Inhabitants, You have much merit in bring this matter (of so much importance) about in so short at time; therefore give me leave to return you my best thanks as also the thanks of the Dean of Guild, the Corporation & the Trade at large

I must now request you to get this Ship put under the direction of the chief Magistrate here, for the time being, in order that he may send her out at any time for the protection of the Trade when it does not interfere with his Majesties service, I wish to have liberty to order her wt. the Trade from Clyde to Cork or from Clyde out the North Channel perhaps 50 leagues not to exceed 100 to the westward of the Island Torry—for without the liberty of such traversing she cannot render the Trade such essential Service as is necessary for its protection, I hope my Lord Sandwich will gratify you in this fresh application & his Lordship may depend no bad use shall be made of the trust he may repose in me, I shall give no unnecessary trouble to his Majesties Ship nor at any time interfere with his Majesties Service, nay on the Contraty I shall use my best endeavours at all times to promote it, I was bred to the sea myself near 25 years, therefore I hope their Lordships will grant my request & order me a Letter to that effect—I am told the Lord Provost of

Edinr. has the direction of all the Ships on that Station—If my Lords Commissioners of the Admiralty thought proper to grant letters of mark to Revenue Cutters Station'd in & about the River Clyde who are all now double mann'd and Gun'd they might be of very great service in Suppressing the Piratical Smugglers who in Common infest our Coasts from the 1st of Febr. to the begining or end of October, If My Lords Commissioners of the Admiralty will please to send me an impress Warrant I will use my best endeavours to procure some men for his Majesties Sea Service I have the honor to be

N B accept of my best thanks for the Covers which I duly received—

Covers = franks.

To Jno. Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 25 Jany 1781

I refer you to my last respects of the 29th ulto. & I have now to inform you that by the Edinr. papers to day, I observe the *Seaford* frigate arrived in Leith roads after protecting the Herring Fishery, which is an unlucky Circumstance to the Trade of this City

I expected to have had her to Convoy our West India Ships (which are now near clear to sail) the length of Cork, It will therefore be necessary that you apply again to Lord Sandwich & to urge him to send her round here immediately or some other fast sailing Ship of equal force, I reken it my duty to communicate this piece of Intilligence to you & I shall ever be attentive to give you the Earliest notice of every thing that may interfere with the Interests of this City, as I well Know you are disposed as much as you can I have the honor to be with Esteem & regard

To Philip Stephens, Esqr., from Provost Hugh Wyllie.

Glasgow 26th Jany. 1781

I received in Course your Letter of the 20th Curt. and I am much obliged to my Lords Commissioners of the Admiralty, & to you Sir, for informing me of the time appointed for the sailing of the Second Convoy from Cork for the West Indies, & which

I have communicated to the Merchts. here,—Upon the 15th ulto. the Dean of Guild & I, at the desire of the Corporation & Merchts. of this City, transmitted you a Letter to be laid before my Lords Commissioners of the Admiralty, requesting they would order a frigate of 24 Guns to be stationed here for the protection of our Trade, we expected soon thereafter a favourable answer, but having no reply, nor yet a Ship for our protection, we cannot well account for your unusual silence on this particular occasion, may I beg the favour of you Sir, to inform me if you laid that Letter before my Lords Commissioners of the Admiralty, & what answer they gave to it,

Our M.P. Mr Crawford made me believe, that my Lord Sandwich had orderd the *Seaford* Frigate to this Station, after protecting the Herring fishing, but I see by the Edinr. Papers, She is arrived in Leith Roads, which at present is a very unlucky Circumstance for the Trade of this City, for our outward bound W; India Ships, to a very considerable number, are very nigh clear to sail, but unfortunately there is no Convoy for them to Cork, & the risk would be too much without it, I hope my Lords Commissioners will seriously consider our defenceless situation, & the necessity there is for a Convoy immediately for the West India men to Join the Second Convoy at Cork,—Glasgow being a large Commercial City, ought never to be without a fast sailing frigate not less than 24 Guns, for the protection of her Trade, & this I hope will appear obvious to my Lords Commissioners of the Admiralty, I beg Sir, an answer to this & the former as soon as you possibly can.

To Jno. Crawford, Esq., M.P., London, from Provost
Hugh Wyllie.

Glasgow 14 February 1781

I received your much esteemed favours of the 1st Curt. and duly note the Contents, The *Satisfaction* Armed Ship is not yet arrived here, the *Seaford* appears to be otherwise disposed of I received a Letter yesterday from the Lord Provost of Edinburgh confirming it which Letter I enclose for your perusal, I cannot well accot. for my Lord Sandwich conduct in this matter, you'll be necessitated to apply again, I am sorry on your accot. that ever mentioned the assurance he gave you of the *Seaford* being order'd to this Station I hope to hear from you soon of one

frigate or other being ordered here, its very unlucky we have nothing to convoy our W: India Ships to Cork, I have the Honour to be with much esteem & regard

To Mr John Seton, London, from Provost Hugh Wyllie.

I received your favours of the 15th with a Letter for Provost French, which I deliver'd, he told me to day he had sign'd the power of Attorney you transmitted him, & was to return it in Course, I am particularly obliged to my Ld. Frederick Campbell for the pains he has taken to procure payment of the Expence of Erecting the Battery at Greenock & to him my best thanks is due—I am much obliged to you for the early information you were pleased to give me of that matter Messrs Kempt & Gairdner of Edinr. who you say, have received payment of the Battery itself, has not mentioned the matter to me, please to advise me in Course if you think I should apply to them for payment or wait further orders—The Corn bill is mentioned in our papers as being once read, as soon as you can transmit me a Copie of the Bill—My reason for not answering your Letter of the 19 Decr., was to save you postage, I desired Mr Crawford our M.P. to return you my best thanks & to inform you I received that Letter, which he has probably omitted to do, but if I were possessed of some Franks directed to yourself I would Correspond with you more frequently.

There are a number of letters on this subject.

'In 1778, a detachment of the Western Fencibles, under command of the Right Honourable Lord Frederick Campbell was quartered in town, and remained for several months... In the same year a correspondence took place between the Magistrates of Greenock and Glasgow respecting the defenceless state of the Clyde, and the necessity of securing its towns and trade from the depredations of American or French privateers. Lord Frederick had informed that application had been made to Government to have a permanent Battery or Fort erected at Greenock, and that if Government agreed, he was doubtful if they would defray the expense of a temporary one, which it was necessary to construct immediately. His Lordship had no funds for the purpose. The Magistrates of Greenock put themselves in communication with the Cumbræ Lighthouse Trustees, with a view to their furnishing the money. This was accomplished, as appears by their minute of 8th September, by which "the Trustees recommended to and authorized the Honble. Lord Frederick Campbell, the Commanding Officer at Greenock for the time being, to take charge of, and give directions for the carrying on and finishing the Battery, and other works now carrying on below Greenock, for the defence of the shipping

belonging to the River Clyde and West Coast: and authorized the Magistrates of Greenock to draw upon the Magistrates of Glasgow for payment of the workmen's wages and other necessary expenses, which must be immediately paid." On leaving town, his Lordship received the cordial thanks of the Magistracy, not only for his general attention to the town, but, in particular, for his getting the battery erected for the security of the town and the trade of the river Clyde.' Williamson, *Old Greenock* (Paisley, 1886), i. 168.

An earlier instance of the difficulties of recovering money advanced in the public interest in an emergency is found in the Acts of the Scots Parliament, vi. (1), p. 21, and vi. (2), pp. 714 and 724. The Commissioners of the Burghs of Glasgow, Ayr and Irvine had advanced 5000 merks 'for outreiking tuo shippes in the west against the Irisch and Dunkirk friggotis and cleareing of the cost betuixt this Kingdom and Ireland.' On 4th August, 1643, the Parliament took measures to relieve them, but the business was still before it six years later.

To David Stewart, Esqr., Lord Provost of Eder., from
Provost Hugh Wyllie.

Glasgow 21st Feby 1781

I have now to own receipt of your Lordships letter of the 17th with Copy of the Letter you wrote the Lord Advocate on the Subject of the Linen Manufacture of Scotland, & which I have Shown to those principally concerned in that branch here, who all approve of its Contents, & request me to return your Lordship their best thanks for the trouble you have taken in a matter of so much importance to the Country at large, & to acquaint you they have now procured the Information they wanted from Ireland & will soon transmitt your Lordship their Memorial—

Your Lordship will please accept of my best thanks for the particular pains you have taken to have the Linnen Manufacture of Scotland put upon an equal footing with that of Ireland; the Landed Interest, as well as those more immediately concernd, ought & should be deeply Interested in the application to Parliament, for if redress is not obtain'd, lands will sink in their present value very considerably.

The destruction of the Irish woollen industry in the interests of the manufacturers of Great Britain had been to some extent counter-balanced by encouragement given to the Irish linen trade. The Irish manufacturers had enjoyed a large export trade with America and France, which was brought to an end by the war. After a struggle, which was decided by the menace of the Irish volunteers, the Parliament of Great Britain on 24th February, 1780, abandoned the system of restriction on Irish trade. Free export of Irish wool and woollen goods to any part of Europe was granted and Ireland

was admitted without restriction to the colonial markets, and this new situation was emphasised by additional bounties granted by the Irish Parliament. The result was that the bounty-favoured Irish Linen trade was able to compete with the manufacturers of Great Britain. The Scottish Linen trade was up in arms. On 11th April, 1781, Mr. Dempster, M.P. for Perth Burghs, moved 'That this House do on tomorrow fortnight, the 26th inst., resolve itself into a committee of the whole House, to consider of the state of the linen manufacturers of Great Britain,' and in support of the motion he explained that 'the indulgence in favour of the Irish linen manufacture had been given by a compact, in lieu of another manufacture. By the extension of trade bestowed by the late Act, the Irish were relieved from all the disadvantages for which the linen trade had been granted; and therefore it was but fair and reasonable to give to the linen manufacturers of this country equal advantages with Ireland.' When the motion came up on the 26th Mr. Dempster referred to the Act of twenty-ninth year of George II. which granted a bounty on all linen exported from Great Britain and Ireland, excepting printed and stained linens. The Irish legislature had recently removed the exception, and he urged that Great Britain should do the same, and thus cut down the difference of 10% in favour of Ireland, which the unrestricted bounty involved. He also urged other concessions in respect of taxation on soap, &c. The motion was supported by the Lord Advocate (Dundas) and Lord F. Campbell and was carried, but of Mr. Dempster's other recommendations only one relating to the free import of wood ashes was agreed to. In the course of the debate Lord North stated that the bounties payable under the act of George II. had never been claimed, and that a sum of £44,000 was on hand (*Parliamentary Register*, iii. 157 and 167). On 21st May a motion by Sir Thomas Egerton to place cotton on the same footing as it was proposed to place linen in regard to bounties was approved (*Ibid.* 371). The provisions in favour of British linens and cottons were embodied in 21 George III. cap. 40. The Glasgow linen industry dated from the first quarter of the eighteenth century and for half a century formed the staple industry, but in consequence of the American War cotton rapidly superseded it. Bremner, *Industries of Scotland* (Edinburgh, 1879), pp. 230, 272, 282.

The Magistrates of Glasgow took an active part in the agitation, and Wyllie wrote to Crawford, Lord Frederick Campbell, Andrew Stewart, George Dempster, and Henry Dundas on the subject.

To Lord Provost, Eder., from Provost Hugh Wyllie.

The practise of Illuminating Windows & making Bonfires upon every frivolous occassion has of late prevailed but too much all over Scotland, this City in particular, These Illuminations are generally set a going by a few Idle & disorderly Boys much against the Wish & Inclination of the principal Inhabitants but so it is, Unless the Rabble are gratify'd, Windows are broken & destroyd

The Magistrates of this City wish much to put a stop to every Irregularity of the Kind, they have had it in Contemplation to prohibit Such rejoicings (except when they think proper to allow them) by Public advertisement, I would beg to be enformed, if your Lordship & the Magistrates of Edinburgh mean to adopt any System similar to what I have Just mentioned, or if you think proper we should go hand in hand with you in any other measure you may Judge better for preserving the Public peace, not only of the Cities of Edinr. & Glasgow but of every Town in Scotland—I beg your Lordships answer as soon as convenient.

The rejoicings probably celebrated the acquittal of Lord George Gordon.

To Ph. Stephens, Esqr., from Provost Hugh Wyllie.

Glasgow 5 March 1781

I count it my duty to give you the earliest notice of everything that comes to my Knowledge respecting Maritime affairs & for that purpose I have now taken the Liberty of troubling you with the following Information which you may Communicate if you think proper to my Lords Commissioners of the Admiralty—

‘On the 31st January a considerable fleet of dutch Ships sailed from St Eustatia for Holland under Convoy of a Man of War of 64 Guns & that the Dutch in St. Eustatia were then expecting a War wt. Britain’

This Information I have by a Ship which arrived in this River yesterday in 29 days from St. Kitts & which may be depended on as truth—

On 28th September, 1780, Horace Walpole wrote: ‘We have little news. The papers say that General Dalrymple is arrived with bad accounts from New York—it is probable, for nothing is told. But I credit little on any side for some time. From Glasgow, we are told of revolts in five Spanish-American provinces, but it is from *Glasgow*, whence I am still longer before I believe. Can any truth come out of Nazareth? *Letters* (Ed. Toynbee), xi. 287.

To Jno. Seton from Provost Hugh Wyllie.

Glasgow 23d March 1781

I received your favours of the 15 Curt. and am much obliged to you for noting the new taxes as soon as the law is pass'd please send me a Copie of it, also a Copie of Mr Stephens bill entitled an

act for the more speedy maning his Majesties Navy & Merchant Ships, the New taxes are not disliked here particularly as they remove many Intricate matters respecting the duty on Tobacco, I hope youl soon be enabled to settle the affair of the Battery at Greenock to your own liking & the Satisfaction of this City.

The 'new taxes' were imposed by 21 George III. cap. 16 on tobacco and sugar. 'Mr. Stephen's Bill' is probably 21 George III. cap. 15.

To Jno. Crawford, Esqr., from Provost Hugh Wyllie.

Glasgow 23d March 1781

We are much perplexed from the Report which says the Commanders in Chief have confiscated all the British Property at St. Eustatia, for my own part I do not believe it, I will be obliged to you, if you'l take the trouble to inform me the Certainty thereof, & if true, what measures this City should adopt for redress.

St. Eustatius, a small Dutch island in the West Indies, had been used with the connivance of the British Government as a place for the purchase of foodstuffs from Americans by West India traders, and had developed as a centre of contraband and even trade with the enemy. When the island surrendered to Rodney on 3rd February, 1781, over 150 vessels were at anchor there and a Dutch convoy was captured in the neighbourhood. The spoil of the island was estimated at £4,000,000, and was granted by the King to the captors. Rodney, holding that the place was a 'nest of villains,' confiscated everything, including British property. The fears of the Glasgow merchants were only too well founded. On 6th April the 'West Indian Planters and Merchants' petitioned the King for redress (*Scots Magazine*, 1781, p. 283). On 14th May and again on 4th December, 1781, Burke raised the matter of Rodney's confiscation and sale of goods without the exercise of any discrimination in the House of Commons, but his motion was defeated, though in the course of his speech he had waved in the face of the House a piece of linen from the coat of a Jew, a venerable old gentleman, who had been ill-treated for endeavouring to remove 36 shillings from the island (*Parliamentary Register*, v. 82; *Parliamentary History*, xxii. 218, 769 and 1023). The claims of some of the British merchants came before the House of Lords on appeal. *v. Mitchell and Gay v. Rodney and Vaughan* (24th Nov., 1783) (*English Reports*, i. 1039; *Mundy's Rodney*, ii. 29; *Walpole's Letters*, xi. 446 and 447).

To The Provost of Air from Provost Hugh Wyllie.

Glasgow 26th March 1781

I take the earliest opportunity to acquaint you for the Information of the Merchants of the Town of Air, that his

Majesties Ship *Tirmagant*, Arthur Kempe Esqr. Commander will sail from Liverpool in a week after the 29th Curt for Belfast Lough being the place appointed for Rendezvous where She will take under her Convoy all Ships bund up the Baltic.

N.B. It is requested this Information may not be published in the News Papers.

Copy of the foregoing to the Provost of Irvine

Do to Robt Ried Cunningham Esqr. Seabank

Do to the Magistrates of Pt. Glasgow

Do to . . Ditto Greenock

To John Crawford, Esqr., M.P., London, from Provost
Hugh Wyllie.

Glasgow 11th April 1781

I had the honour of your Letter of the 2d Inst. and I am happy to find the Business relative to the linnen Manufacture is in a proper train & likely to succeed to our wishes I cannot pretend to say when you ought to present the Petition, you are much better able to Judge the proper time than I am you will no doubt act in Conformity with the Ld Advocate & the other Scotch Members who attend to the Linnen Business; This Letter will be handed to you by Mr Andrew Stirling who I beg leave to Introduce to your acquaintance, he is fixed on by the Manufacturers here, as their agent for conducting the Linen Business he is a very Intelligent man, & much Interested in the Manufactures of this Country consequently will be able to give you every Information you may require concerning the Linnen Manufacture, & you may Introduce him to any of the Members who want information on this Business, I am very well pleased at Mr Stirling being made Agent for the Linnen Manufacturers, because I think it will save you a great deal of trouble—

The *Seaford* Frigate arrived here on the 7th Inst. but as I have had no Letter from her Commander, I suppose he is not to take any directions from the chief Magistrate of this City, in which Case she can be of little service to the Trade of this River for unless the Chief Magistrate have it in his power to order a Convoy to Cork, or out the North Chanell or to Cruise as the Circumstance of the times may require she will do us very little Service & this you may if you think proper communicate to Mr

Stephens who will see the impropriety of not lodging some little power with the Chief Magistrate

In order to have the *Seaford* mann'd expeditiously (if she was short of men) as well as for the Benefit of his Majesties Service at large the Corporation order'd a Bounty to be paid, to all Seamen who should Voluntarily Enter with the Regulating Capt. at Pt Glasgow or Greenock, this Bounty Commenced the 31st March and is to Continue for 3 Mo. from that time

I propose being in London about the middle of May when I will do myself the honour of waiting on you

In the course of the debate on 26th April on the bounties on linen, Mr. Turner complained of the *inertia* of the English members, and stated that Scotland and Ireland had linen boards which watched over the interests of the manufacturers (*Parliamentary Register*, iii. 170).

Andrew Stirling was the eldest son of William Stirling and Mary Buchanan, daughter of Provost Andrew B. and sister of Provost James B. (v. p. 220.) Stirling lost his money at a later date (*Old Country Houses*, 189).

The *Glasgow Mercury* of 12th April notes the arrival on the 7th of 'Seaford Frigate, Captain Christian, from a cruise' and the departure on the 6th of 'Satisfaction (a.s.) on a cruise.'

The offering of bounties to seamen by towns was common during this period. Glasgow offered bounties on 12th March, 1778, 30th June, 1779, 7th July, 1779, 5th April, 1781, 19th October, 1781, and 11th July, 1782 (*Glasgow Records*, vii. 521, 556, 557; viii. 6, 27, 51). It is noted that no one had responded to the offer of 30th June, 1779, and the magistrates were instructed to bring the matter before the Merchants' House and the Trades' House.

To Mr John Seton from Provost Hugh Wyllie.

Glasgow 12th April 1781

I received your favours of the 5 Inst. wt. a Copie of the act for granting additional duties on tobacco & sugar &c for which accept my best thanks,

I see by the notes of the House of Commons of the 2d April page 555 a petition from the County of York complaining of the mode of opening the Ports for the importation & exportation of Corn, if a new act is pass'd on this account please transmit me a Copy as soon as you can, I mean to be in London about the 15th May, when I will do myself the pleasure of waiting on you.

The Act referred to is 21 George III. cap. 16, and the Petition probably concerned 21 George III. cap. 50.

To Bn. Christian, Esqr., Commander of his Majesties Ship
Seaford, Greenock, from Provost Hugh Wyllie.

Glasgow 13th April 1781

I had the honour of your Letter of the 10th Inst & I congratulate you on your safe arrival, You may depend on having the earliest notice when a Convoy is wanted & of every Intelligence that may come to my Knowledge respecting the Enemy being on our Coast—As I am unacquainted with your Instructions from the Admiralty, you'll please advise me the limits of your Station so as I may not at any time give you unnecessary trouble, and if I find your Instructions are not calculated for the protection of the Trade of this River, I will advise My Lord Sandwich thereof & have them rectified

You ought to have liberty to proceed a Convoy with the Trade to Cork & bring back with you any Vessells that are ready bound up St. Georges Chanell, and at other times to proceed wt. the trade out the North Channell perhaps from 50 to 100 leagues to the westward of the Island Torry & on your return to Cruise there & there about perhaps for a week or 10 days, where I think you'll have a Chance of meeting with some rich Dutchmen

I mean to go for London about the begining of next Month, I would be happy to see you here before I set out, & if you can make it Convenient, I will esteem it a favour if you'll dine with the Magistrates upon Tuesday the 24th Inst. when I hope my friend Capt. Samber will accompany you & to him please present my best Compts

Commander Brabazon Christian had commanded the *Vigilant* (20 guns and 150 men) armed ship, under Lord Howe (Clowes, *Royal Navy*, iii. 406 and *errata*).

To Bn. Christian, Esq., Greenock, from Provost Hugh Wyllie.

Glasgow 18th April 1781

The principal trade of this River is to the W Indies & North America, the greatest part of which goes & comes by the North Channell the rest by St. Georges Channel, many vessells have been captured of late years in & about the N. Channel, & there is but too much reason to fear that more Enemys will Infest those Seas through the Course of this Summer than any hitherto, I am therefore to request the favour of you, to inform me, if your

Instructions from the Lords Commissioners of the Admiralty will permitt you to Convoy the Trade bound out the Nr Channel clear of the Irish Coast as also to Cruise for a few days off the Island of Torry for the protection of the homeward bound Ships for this River & the Adjacent ports both in England and Ireland,

To Jno. Crawford, Esqr., from Provost Hugh Wyllie.

Glasgow 8th Octr. 1781

I am desired by the Corporation of this City to transmitt you the Inclosed Memorial in favours of Lieutenant Robertson of the 83d Regt. of Foot & to request you may take the Earliest opportunity of laying it before his Majesty, & I doubt not of your best endeavours to promote Mr Robertsons Success which is the real wish of the Corporation.

I expected you would have paid us a visit during the recess of Parliament I will not take it Kind if you do not see us next Summer

The 83rd or 'Glasgow Regiment' was raised in Glasgow in the spring of 1777 (Fortesque, *History of the British Army*, iii. 245). Lieutenant James Robertson rendered the services for which promotion was sought in the course of the French descent on Jersey in January, 1781. The garrison included five companies of the 83rd commanded by Captain William Campbell, who with some artillery composed the garrison of Fort Conway. He marched with all the men that could be spared from the fort to La Roque, a redoubt which had been seized by the French. 'He, therefore, resolved to storm it with the grenadier company of the 83rd regiment, which service they performed with great spirit and judgment. To prevent the enemy from making their escape, he divided the company into two equal parts, keeping the command of one of them to himself and giving the other to Lieutenant James Robertson of the same regiment. They attacked the redoubt on opposite sides. The party commanded by the latter were the first who entered the place, when they received a heavy fire from the enemy, which killed six and wounded seven or eight men; but instantly forcing open the guard-house door, most of the enemy threw down their arms and sued for mercy, after having had twenty killed and as many wounded' (Beatson, *Naval and Military Memoirs*, v. 367; vi. 306). In a letter of 7th January, written by Captain Mulcaster, R.E., to Lord Amhurst, the former wrote: 'The rear-guard of the enemy being near Grouville Bay, in the neighbourhood of the 83rd regiment, were attacked with great spirit, and defeated by the grenadier company, commanded by Lieutenant Robertson, they distinguished themselves exceedingly.' Cf. *Annual Register for 1782*, p. 96; *Glasgow Records*,

viii. 14 and 19. The *Glasgow Mercury* of 25th January, 1781, contains an extract from a letter from an officer in the Glasgow Regiment which states: 'Lieutenants Robertson and Davidson, grenadiers, showed equal spirit.'

To Russell, Esqr., Clerk to the Signet, Edinr., from Provost Hugh Wyllie.

Glasgow 25th Octr. 1781

I am much Obliged to you for the Gazett Extraordinary on Saturday last I wish its contents had been more pleasing, as we are not much acquainted here with striking the assize of bread you'l please furnish me with the mode used in Edinr. In the plainest & fullest manner the difficulty lies in ascertaining the price of the Boll of wheat Our bakers say the method made use of at Edinr. for that purpose is first to take the average price of new wheat say crop 1781 & then of Crop 1780, then they say that $\frac{3}{4}$ of the Old and $\frac{1}{4}$ of the new makes up the price of a Boll of wheat from which the Assize is to be Struck adding to that 4/ Shillings Stg as charges of Manufactory for Example, suppose the average price of the Old wheat to be 24/- P boll $\frac{3}{4}$ of which is £o. 18. —
 suppose the average of new wheat 20/- P boll $\frac{1}{4}$ is o. 5. —
 charge of Manufacturing o. 4. —
 The price of the Boll wheat Including Manufacture amounts to 27/ Stg or 6/9 P Winchester Bushell of 4 to the Boll, I have endeavoured to explain this matter as well as I can think of at present, & I hope you'l meet with no difficulty in procuring the necessary information for our Government in time coming Its said by people not in the Baking line that at Edinr. the price of Old & new wheat is added together & the medium the Standard for fixing the Assize adding to which for Manufacture this mode would bring the boll of wheat according to the prices on the other side to 26/ in place of 27/- as I wish the Assize to take place next Thursday I will expect your answer in Due time

The letter refers to the 'Assize of Bread.' The earliest regulations on this subject are found in the *Assise panis vini et cervisie* (*Acts Par. Scot.* i. 675), which belong to a date before the thirteenth century, and in the *Leges quatuor burgorum* attributed to King David. The latter contain provisions for the price of bread baked in the burgh being fixed at the sight of the *probi homines* of the town (*Ibid.* 344). In 1496 provosts and baillies of burghs were ordained by the Parliament to fix prices and impose penalties

for their infringement (*Ibid.* ii. 238). By an Act of 1669 the duty was imposed on the Privy Council (*Ibid.* vii. 574). The matter was the source of much friction between the Town Council of Glasgow and the Bakers' Incorporation, which in 1693 appealed to the Privy Council and then, finding no prospect of support, endeavoured to get the Principal of the University and another to arbitrate, and then submitted. The ostensible subject of dispute was the Town's right to 'laddles,' *i.e.* dues, but the interference of the magistrates with the craft was the question at issue (*Glasgow Records*, iv. 101). Again in 1696 some of the bakers were imprisoned by the magistrates for making bad and insufficient bread, and the Court of Session declined to interfere (*Morrison's Dictionary*, 1868). The custom of fixing the price of bread continued until last century (*Glasgow Records*, iv. 208, 519; v. 440; vi. 45; vii. 261 and 598; *Merchants' House of Glasgow*, 141, 183). One of the duties imposed on the 'intendant of police' in 1788 was 'to report to the magistrates the current price of wheat at the west end of the canal and in the country, that they may judge how far it may be proper to order a proof of it for fixing an assize of bread' (*Glasgow Records*, viii. 282). A Bill on the subject, promoted by the Incorporation of Bakers in Edinburgh and supported by that of Glasgow was considered by the Town Council in November, 1790 (*Ibid.* 387). For subsequent developments *v. Parliamentary Report on Municipal Corporations (Scotland) Local Reports*, part 2 (London, 1835), p. 24. Reference may also be made to a Report by a House of Commons Committee of 1774 printed in *Reports from Committees* (1803), 1 *et seq.*

Some Unpublished Letters of Henry Cardinal York, 1767

THE letters of Henry Cardinal York, which are published below, were sold in July 1918, at Sotheby's under the heading 'Various Properties,' and were bought by Mr. Charles R. Cowie, of Glasgow, who most courteously placed them at the disposal of the present writer for purposes of study. The series consists of nine letters, or rather drafts, all in the holograph of Henry Cardinal York, in his legible but rather sprawling hand. They are unsigned, and the name of the addressee is not given. By a curious coincidence the present writer acquired at the Alfred Morrison sale in April 1918 a parcel of papers relating to Henry Cardinal York which included *inter alia* the letter dated 20th May, 1767 [No. VI.] which clearly belongs properly to this series. There exist also several other letters of the same period already published or described in the Hist. MSS. Comm. Reports which fit into the series and probably, though not certainly, are addressed to the same person.

The letters are of distinct interest, because of their bearing upon an episode in the life of Charles III. (Prince Charles Edward)—his reconciliation with the Pope; but still more because of the way in which they show Henry himself in a rather new light. Henry's biographies generally give the impression of a rather pompous, stodgy, somewhat ostentatious person. These letters show the real Henry—deeply devoted to his brother, much concerned as to his welfare, a man of genuine religious devotion.

The historical setting of the series is as follows: Charles had been estranged from his brother Henry ever since 1747, when the latter had somewhat suddenly decided to accept a Cardinal's hat. Their father, James III. died in January 1766, and Charles immediately returned to Rome, reconciled with his brother who had most devotedly maintained his interests. But he did not receive from Pope Benedict XIV. and the Papal Court that recognition of his royal station which he claimed. For about sixteen

months Charles continued to live in Rome in a palace placed at the disposal of his family by the Pope and drawing a pension from the Pope, but without consenting to be received in audience by the Pope.

The letters, collected from the three sources mentioned above and arranged chronologically, are as follows :

I.

[Hist. MSS. Comm. Report 9, p. 479.] Dated 7th April, 1767.
Alluding to his brother's besetting frailties, love of wine and freakishness of temper, Henry writes :

'I have had no very bad account as to the bottle of late, but *ce qui me desole*, is the singularity and incomprehensibility of his temper.'

II.

[Cowie MSS.]

Cent huit cotte vingt deux.

Frascati. April ye 21st 1767.

I received yesterday your's of the 6th and God be praised can give you good accounts of my health after the considerable fatigues of this week past together with a new coald I got from the irregularity of the season which is so coald that wee had yesterday snow within a couple of mile of this place. My Brother has been a good deal out of order in the week by his Pile's he was obliged to keep his Bed for a few day's but I conclude he is quite well, since he talkes of coming to dine with me one of these day's. For my part I wonder how he exists in this Climate withe the singular life he leads. I have allwise neglected mentioning to you how much wee have all been plagued here these several months with a most ridicolous pretension of Lord Elcho's claming as a dept from my Brother a considerable sum of money he brought to him when in Scotland from Charter's his Brother. He can have no proofs of any kind, and both my Brother and those about him assert it was a donative from Charters. Elcho is in Rome these six month's past very ny, never has come ny me and every now and then plague's me with very improper letters in which he never call's my Brother King and say's in one that he has no other country but France et le Roy est mon Maitre. I never answerd any of these Letters as you may believe so much the more that I had a year agoe got him be toled I cou'd not nor wou'd not medle with his affair, but at last being quite tiered with so many importunity's I got underhand a person to desire the French Minister to oblige him in some shape to be quiet and to stir any more so ridicolous a pretention, when to my greatest Surprise I had for answer that the respect etc he had for me made him not obey the positive Orders he had from his Court to protect Lord Elcho in that very Pretention. I own to you I was shocked to such a degree that I

cannot comprehend it to this very moment. I reckon you will make of yourself those reflections, the want of time does not allow me to make.

Lord Elcho, to whom reference is made in this letter, was a Jacobite adherent of very doubtful value. In 1766-1767 he gave a good deal of trouble to Charles and Henry. He appears to have visited Miss Walkinshaw (Charles' mistress) at Meaux, and probably encouraged her to press her claims upon the King. Then he came to Rome and endeavoured—as stated in this letter—to recover either from the King or the Cardinal a sum of £1500, which had been as he said lent by him to Charles at Edinburgh in 1745.

III.

[Cowie MSS.]

Cent douze cotte vingt deux.

Frascati. April ye 29th, 1767.

I received your's of ye 13th yesterday evening and was hoping to answer it immediatly but was hindered, so that I am in a great hurry for fear this shou'd not come in time for the Post. I have had accounts that all that has regarded my B's letter has gon with great regularity and edification. He came last Saturday¹ to see me and dine with me, and it is certain that I was much comforted since I perceived a certain change in his way of discourse with me that I cannot well express myself in what it consisted in, but was an evident signe to me of the good effect of the Holy Sacraments, and as I had been apprised of his being in some disposition of goeing privatly to the Pope as I had so often suggested to him but to no purpose, I attacked him again and found I had been well informed, so that I hope in God wee shall get over soon this great point which certainly is of the utmost consequence. When wee come to the point of execution, his difficulty's and odd notions are such, that it is indeed enough for to make one run madd; and I have perceived in this occasion that he has so little practice of the worled that he insists on sum particulars that are in reality against his own Dignity but that one must comply with for not to spoil all. The thing I own has pleased me the most in all this is, that he has repeated to me several times that he wou'd never yeald to such a step with any Monark in the Univers except the Pope out of Spirit of Religion; however I am very anxious to have this affair over, for I allwaise tremble of the singular new found out notions that come's in to his head when one least thinks of it. My being at a certain distance from him instead of being of prejudice to him is certainly advantagious for him, since he feel's

¹This is confirmed by the Diary of Henry Cardinal York under date 25 April, 1767.

'Ebbe a' pranzo S.A.R. in questa Mattina Sua Maestà Fratello quale parti poi alle 21 di ritorno in Roma.'

I belive the want he has of me, encreases his tenderness towards me, and makes him take less amiss the home things I sometimes let drive at him. I shall not forgett to remembre you and all you desire in my poor Prayers. Do you the same for me hwo want it much on many accounts. You know my sentiments &c.

IV.

[Cowie MSS.]

Cent soixante onze cotte vingt deux.

Frascati. May ye 6th 1767.

I have as yet no Letter from you, but do not wonder at it since you had then no letter of mine to answer. I have very little to say this Post to you and am in a hurry for want of time fearing this may not arrive in time at Rome for the Post. I hope by next Post to be able to give you an account of my B's Secret Audience with the Pope. I have maneged all thing's in Such a Shape that he certainly loses nothing either of his Dignity nor of his proposals, but I own I long to have this affair over, for I allwaise tremble of some new odd notion comeing in to his head. Stafford is to arrive in Rome this Evening, he brings all the Baggadge from Avignon. Wee are all destroyed here with a singular exsessive cold Season, which makes me never get well ridd of my Coald. Otherways I am God be praised well enough notwithstanding a number of disagreeable incidents that have given me a good deal of uneasiness of late. In this world there is no resource but Praire. You know my unalterable sentiments &c.

V.

[Hist. MSS. Comm. Report 3. Appendix, p. 421.] Dated from Frascati, 12th May, 1767.

This letter is probably not to the same person as the others, for the letter of 20th May (No. VI.) covers much the same ground.

God be praised, last Saturday evening, after a good deal of batleying upon very trifling circumstances, I carried my brother to the Pope's privately, as a private nobleman, by which means he certainly has derogated nothing of his just pretentions, and has at the same time fulfilled with an indispensable duty owing to the Head of the Church. The visit went much better than I expected, the Pope was extremely well satisfied, and my brother seemed well enough content, tho' I asked him very few questions, and so I hop to draw from it a great deal of good, provided my brother does not obstruct all by his indocility, and most singular way of thinking and arguing, which indeed passes anybody's comprehension.

The visit of Charles III. to the Pope is described also in the Diary of the Cardinal Duke under date 9th May, 1767.

¹ Sold in the Morrison sale at Sotheby's on 13th December, 1918, and bought by a London dealer who has since resold it.

Naturally the incident became known in Roman society and the ever-watchful Sir Horace Mann describes what he was told about it in a letter :

‘The eldest son of the late Pretender has at last been induced by his Brother to make a visit to the Pope with an intention, it is supposed, to live in society for the future. But for that visit he was forced to desist from all his pretensions whatever from the Pope, who treated him without any distinction. His Brother carried him there, but he was made to wait, though the Cardinal, by right of his Hat, was immediately introduced and seated. He was then called for by the name of—The brother of the Cardinal of York! He knelt to kiss the Pope’s foot, and remained on his knees till the Pope said *Alzatevi* (arise!) and he then stood for a quarter of an hour, the whole time of his audience.’

VI.

[Formerly in Morrison collection : now in collection of the present writer.]

Cent quatre vingt deux, cotte vingt deux.

Frascati, May y^e 20th 1767.

These few lines will only serve to accuse the receipt of your’s of the 4th. Have no time to write at length. My Br was to dine with me last Sunday, I found him very well pleased of his visit to the Pope and particularly so of his having had in that occasion a present from his Holiness of a pair of Beads of such a kind as are only given to Sovrain’s, and cou’d wee but gett the better of the nasty Bottle which every now and then come on by spurts, I wou’d hope a great deal of ouer gaining a good deal as to other things but I see that to gett the better of that nasty habit there must be the hand of God. I have nothing else remarquable to mention to you, so make an end with the usual assurances, &c.

Evidently the relations between the brothers were becoming more cordial, for the Diary notes a further visit to the Cardinal on 27th May, 1767, to which reference is made in Letter VII.

VII.

[Hist. MSS. Comm. Report 3. Appendix, p. 267. MSS. of Rev. F. Hopkinson.] Dated 10th June, 1767, from Frascati.

My brother was here last Sunday and is to come back on Saturday to see the Ordination. I am persuaded we should gain ground as to every-thing, were it not for the nasty botle, that goes on but too much, and

certainly must at last kill him. Stafford is in desolation about it, but has no sway, as in reality no living body has with him.

Charles duly appeared at Frascati for the Ordination which was on 13th June, 1767, and which is mentioned in the Diary.

VIII.

[Cowie MSS.]

Cent soixante quatorze, cotte vingt deux.

Frascati. June ye 16th 1767.

I have received your's of the 1st that gives me a great deal of comfort in perceiving the singular changes in your parts in regard of the publick discourses that are held on my B's Topick. You may easilily remark by this, how false a step it wou'd have been to have given way to the ridiculous project of his writeing a sort of a profession of faith which in a time was thought so absolutely necessary, and God be praised I was not mistaken when I alleged that his exteriour actions were alone to disabuse people of the assertion cast against him. He came yesterday¹ when I less expected him, heard my Mass with a great deal of devotion and after haveing staid with me a little went back to dinner at Albano. Cou'd wee but gett the better of the Bottle I shou'd yett hope everything; as I have nothing to add that is worth the while, and that I am afraied of this letter not arriving in time for the Post I make an end with the usual assurances &c.

IX.

[Hist. MSS. Comm. Report 3. Appendix, p. 421. From MSS. of J. Webster, Esq., Advocate in Aberdeen, acquired from the Lauderdale, Southwell, Leeds and other collections.] Dated 7th July, 1767.

I have very little to say, except to deplore the continuance of the bottle; that I own to you makes me despair of everything, and I am of opinion that it is impossible for my brother to live if he continues in this strain; you say he ought to be sensible of all I have endeavoured to doe for his good; whether he is or not is more than I can tell, for he never has said anything of that kind to me; what is certain is, that he has singular tenderness and regard for me, and all regards myself and as singular an inflexibility and disregard for everything that regards his own good. I am seriously afflicted on his account when I reflect on the dismal situation he puts himself under, which is a thousand times worse than the

¹Confirmed by the Diary under date 16th June, 1767, which shows a discrepancy, as the letter says 'yesterday.'

'Venne d'Albano a Cavallo colla sua Comitiva S.M. per far visita a S.A.R. ed ascolto La Sua Messa con che si parti dopo brieve discorso, di ritorno alla d^a Citta.'

situation his enemys have endeavoured to place him ; but there is no remedy except a miracle, which may be kept at last for his eternal salvation, but surely nothing else. For what regards the Lady, I am in very little trouble about her, since I am persuaded she might wait to the day of Judgment without having any answer. I am sorry to afflict you with such melancholy reflexions but it is allwise a comfort to open ones mind with such freedom to such a friend as you are. You know my unalterable sentiments towards you.

X.

[Cowie MSS.]

*Cent soixante seize, cotte vingt deux.*Rome, July ye 14th 1767.

I have received yesterday your's of the 30th last month and am very sorry to be obliged to continue to deplore the nasty bottle ; wee all conclude that it is impossible he can live if he continues in the way he has been in of late and he has been somewhat out of order these days past. For what regards the Fauteuil that is supposed was denied my Br when he was at the Pope's it is a dream, since there cou'd be no pretensions where the maxime I adopted in that occasion was, that as my Br cou'd not have everything that was due to him he was to accept of nothing and for that reason I presented him as a Stranger recommended to my care, and that so rigourously that I was sitting with the distinction I have as Duk of York and he was standing, by which means he did not yeald in the least to his just pretensions and every thing was *sans consequence*. I found my Br very sober yesterday as he has been for some days but the fear is that as soon as he gets well again he forgetts everything. As I am in a great hurry I must make an end with the usual assurances &c.

XI.

[Cowie MSS.]

*Deux cente cinq cotte vingt deux.*Rome, July ye 29th 1767.

I accuse the receipt of your's of ye 13th. All what you say in it is very wright and very just but all useless to be communicated to my Br who betwixt you and me is as incapable to govern any soul as he is incapable to have a wife as long as the nasty habit of the Bottle cannot be got over and I am sorry to tell you that I think it rather takes more wroot every day than otherwise. All I can say or doe has no effect upon him, and by the credit he gives to people of this country he scarce knows who they are, he puts it entierly out of my power to serve him here in a province that by all sort of respects ought to have been entierly left to myself. The only dolefull comfort is that no body in the worled can doe him any serious advantage by his indocility and by the constant obstacles he puts to everything that is his true interest. Your new Nuncio dined with me the other

day: he is on is departure and reckons to be at Paris for Lady Day of Septembre. I spoke to him much of your person and as he promised me to seek for you imedately on his arrival he will be able to confess to you by word of mouth the sentiments I constantly retain towards you. It will be allwise of some use that you should cultivate his friendship and I believe you will be satisfaid with his sentiments towards my Person and family. In a hurry I renew my sentiments &c.

XII.

[Cowie MSS.]

*Cent onze cotte vingt deux.*Rome, August y^e 4th 1767.

I received yesterday your kind letter of y^e 20th last month and remarque all what you say on regard of Pesse Shalmond's project, which tho very good in it's self will not be easy as to the execution when there shou'd be question of proposeing it to my B^r but what wou'd in my opinion not be advisable wou'd by my writing, since independently of the little hopes of success it wou'd picque the first person against one so that there wou'd be no more remedy even in case circumstances shou'd change whereas my B^r's writing wou'd be of no consequence. However I shall think of it better betwixt this and the other Post, but all your zeal and all my wishes must be allwise useless as long as this nasty Bottle continues. For my part I do not comprehend how he lives and I am convinced that it must end soon in some very serious Illness. I must end at present so conclude with the usual assurances &c.

XIII.

[Cowie MSS.]

*Cent sept cotte vingt deux.*Rome, August y^e 19th 1767.

I have scarce time to acknowledge your's of y^e 3^d and have nothing to add to what I saied in my last concerning the Lady except that by what I find my B^r does not open his mouth to any body of the letter he received, much less to myself as you may well believe and I am very certain now that she may write till Dooms day without ever getting any answer, but if she continues to be making bussles in a matter where in reality she may expose my B^r to some perhaps false step, considering the irregularity of his temper, I shall certainly take at last some resolution that will make the mother repent all her lifetime the way she has used me in this affair, and I wish you cou'd contrive to let her know it in plain English. The Bottle has gon on but so much some days past; there are however four days of entier sobriety. God send it may last. I own to you I am quite tierd seeing the total uselessness of every thing I can doe for his service. You know my sentiments &c.

XIV.

[Cowie MSS.]

*Cent quatre vingt trois, cotte vingt deux.*Rome, August ye 26th 1767.

I quite forgott this day was the Post day so that I am reduced to have very little time to answer your Letter of ye 10th. I cannot imagin where you cou'd hear the ridiculous invention of my Br's being insulted in the streets &c. and of his haveing had a message to goe from hence, since there has not happend the least incident of any kind to give the smallest colour to such false reports. My Br is just in the same way he was. His situation is without doubt very dismall, but he makes it a great deal worse then it wou'd be by his own fault by not yealding to my replicate suggestions which have allwaies tended to preserve is dignity together with rendering his life more agreable. I find people are very ready to find fault with the Pope on my Br's regard, but nobody sollicitous either to plead his cause or to give him any sort of assistance which finally the Pope has never refused. As to Jones the only thing I have against him is his being a Protestant, and when my Br has gon so far as to have more confidence in a private man of this country than in is own Brother, I do not see how it is possible to form a settled judgement against any body; what is a fact that a certain Lady sent her letter by a quite different channel then that of Jones. Sobriety has gone on very well all these day's past, but I am allwaise affraid wee shall soon have some relaps. The short and long of every thing is that God Almighty must touch is heart and change is head before wee can expect any essential change; for my part I am tiered of every thing except comending him to God in whose infinite mercy wee may to be sure hope every thing that is good and great. I have no more time so remain &c.

As already stated, it has not been ascertained who was the Cardinal Duke's correspondent. As the letters are in English, it may be supposed that he was an English or a Scottish adherent of the Stuart House, as the Cardinal would not otherwise have written in English—a language never very familiar to him. He was probably resident in Paris, as one may gather from the letter of 29th July, 1767, in which reference is made to 'your new Nuncio' who 'reckons to be at Paris for Lady Day of Septembre.' Unfortunately, the Cardinal's diary does not refer to this particular dinner party. An attempt has been made, through the courteous co-operation of the Librarian of Windsor Castle, the Hon. John Fortescue, to ascertain whether the letters mentioned in the correspondence as having been received by the Cardinal, are in the Stuart Papers, but the inquiry has shown that there are none such there.

WALTER W. SETON.

The Lady's Gown : A Forgotten Custom

‘OUR unwritten or customary law,’ says Erskine, ‘is that which without being expressly enacted by Statute derives its force from the consent of King and People, which consent is presumed from the ancient custom of the community.’¹ Of well-known examples may be mentioned the laws of primogeniture and succession, and much of our Mercantile Law. These are still with us, but many customs disappear. Not the least interesting of our Scottish forgotten customs is that called ‘The Lady’s Gown.’ We learn what it was in that mine which preserves so much that is illustrative of the daily life of Scotland in by-gone times—the Collections of the reported decisions of our Courts, and chiefly the collection made by Morrison in the form of what the lawyers of older days called a ‘Dictionary.’

There are three reported cases which throw light on the custom—one in the year 1709 and two in the years 1750 and 1751 respectively. It was before shorthand came into vogue. The Judges in many instances made brief notes of the cases in which they took part, and there is little of the careful reporting to which the lawyers of modern times are accustomed.

The first case is reported of the date July 26th, 1709,² and the parties were Dame Janet Murray, Lady Pitfirran, and Mr. Alexander Wood, chamberlain to the Earl of Kinnoul, and for part of the report we are indebted to Sir John Lauder of Fountainhall, Lord Fountainhall. The facts are simple : David Drummond of Cultmalundie sold his lands of Cultmalundie to the Earl of Kinnoul (or the Viscount of Dupplin, as Fountainhall styles him), and when the bargain was made it was agreed that besides the price the purchaser was to give 100 guineas to Cultmalundie’s lady ‘for her consent to the disposition and for renouncing her right and jointure therein,’ which gratuity is commonly called ‘The Lady’s Gown.’

The time is nearly two hundred years before the Married Women’s Property Act, and we can imagine that ‘The Lady’s

¹ Erskine’s *Principles*, B. i. T. i. 16, p. 6 (18th edn.). ² *F. C.* p. 5729.

Gown' was a perquisite highly prized, as by custom it was treated as of like nature to the wife's *paraphernalia*, and so did not fall under the *jus mariti*—that is, the wife could deal with it as her absolute property without consulting her husband or requiring his consent. That the ladies were most anxious to make sure that the gratuity should not by any chance fall under the husband's right is clear from Lord Fountainhall's note. A bond was granted by Mr. Wood, the buyer's chamberlain, to Lady Pitfirran, the mother of Cultmalundie's lady, and not direct to the lady herself. The lady must have had cause to suspect the good faith of the buyer's chamberlain, because he appears to have at the same time taken a bond from her husband for an equivalent sum. Lady Pitfirran charged Mr. Wood to pay the sum in the bond, which she held for her daughter's behoof, and Mr. Wood brought a suspension of the charge, in which process he pleaded the bond granted by the husband as extinguishing the debt by compensation. Fountainhall's report gives the arguments briefly—the pleadings themselves were written at great length in those days. The charger (that is to say the pursuer) in the course of her answers says 'it was not very honest to take a bond from the husband at the same time to found a compensation to meet it,' *i.e.* the bond granted to Lady Pitfirran. This is placing a very mild construction on the transaction.

The following passage from the same answers is quoted in full, 'and such gratuities are of the nature of *peculium separatum* to the wife, and are as much exeemed from the husband's *jus mariti* as her *paraphernalia* are; for which if the 100 guineas had been actually employed to buy her clothes, rings and jewels, the husband nor his creditors could have claimed no right therein, and no more can the husband claim the money so destined in compliment for giving her consent.' To which the chamberlain replied: 'The wife can have no moveable sums though hid and screened under other confident names; but the same *ipso momento* accresce and belong to the husband.' The Court of Session, however, would have none of Mr. Wood's pleading, and the custom is upheld in these terms: 'The Lords found the bond not compensable by a bond granted of the same date for the like sum by the husband to Alexander Wood the Suspender in respect the customary gratification to a wife for her consent to the alienation of her husband's lands, commonly called 'The Lady's Gown,' falls under the *paraphernalia* and excludes the *jus mariti*, and it hardly consisted with *bona fides* in the Suspender to take another bond at

the same time from the husband, to defeat the security granted to the lady.'

The next case (reported January 11th, 1750)¹ shows another purchaser doing his best to get out of the obligation to fulfil the custom, but this time he has not the husband conniving with him. Janet Mungel, spouse of James Hastie of Boggo, charged Patrick Calder of Reidford to pay the sum contained in the following bill: 'Against Martinmas next pay to me Janet Mungel, Spouse of James Hastie, of Boggo, or my order, secluding my Husband's *jus mariti*, in the house of William Rannie, Merchant, in Falkirk, the sum of twenty guineas, value in your hand received of, (signed) Janet Mungel.' Mr. Calder brought a suspension of the charge. This case as well as the case following is reported by Sir James Ferguson, Lord Kilkerran. From the very curtailed report it appears that Mr. Calder pleaded the presumption of law that the value must have belonged to the husband, 'therefore the acceptor (Calder) is not bound to pay to her (the wife) but to her husband against whom the suspender had a compensation to plead.' The nature of the compensation is not stated, but the wife's answer was 'That the bill was granted as the value of a gown, which was agreed to be given to the charger, upon the sale of certain lands by Boggo to Reidford, and which did not fall under the *jus mariti*, and the husband nor his creditors had no interest in it.' The decision both of the Outer House and of 'the Fifteen' could not be reported in fewer words: 'Which the Ordinary sustained and found the letters orderly proceeded and the Lords adhered.' This was another victory for the custom.

So far it will be noticed that the Court supported the view that 'The Lady's Gown' belonged in absolute property to the lady, and could not be touched by the husband or his creditors even although the money had never been used to buy clothes or jewellery. It was thus given the same protection as goods properly *paraphernal*—such as articles of wearing apparel and personal adornment. Our institutional writers, Bankton, Erskine of Carnock and Professor Bell are of the same way of thinking. There is, however, a third case reported, January 25th, 1751,² Dame Jean Douglas against Anne Kennedy, which also went before 'the Fifteen,' and in which a somewhat modified view is taken. It is right to say that in this case a much wider sweep is sought to be given to the custom than has hitherto been spoken of. Dame Jean Douglas, relict of Sir John Kennedy of Cullean,

¹ M. 5771.

² M. 6019.

raised an action before the Commissary in which she sued her daughter, Anne Kennedy (spouse of Blair of Dunskey), executrix confirmed to her father, Sir John Kennedy, for her mournings, and obtained decree. The executrix brought a suspension of the decree on the ground of compensation (the usual plea), 'for the Lady had in her hand, when her husband died, money to the amount of about £70 Sterling.' To this the answer was given that the money was the lady's own, consisting of compliments at several times given her on occasion of letting tacks, selling cattle, and other such occasions by her husband's allowance. As in the previous cases, it was pleaded that the property in the money rested with the husband, but the Lords, following the Lord Ordinary, repelled the plea of compensation and adhered to his decision. In Lord Kilkerran's report there occurs the following passage: 'It is common in some parts of the country, where tacks are let, on which grassums are paid, or where a considerable number of cattle are sold, that the taker of the tack, or the buyer of the cattle, gives a present to the lady; and the money made up of these presents, though it be not inter paraphernalia, yet it is considered as a donation by the husband *quae morte confirmatur.*' It seems fairly clear that although the custom here referred to is analogous to 'The Lady's Gown,' there is a distinction, and the Court no doubt were right in deciding that the money in 'Lady Kennedy's possession represented gifts from husband to wife, confirmed by his dying without revocation.'

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