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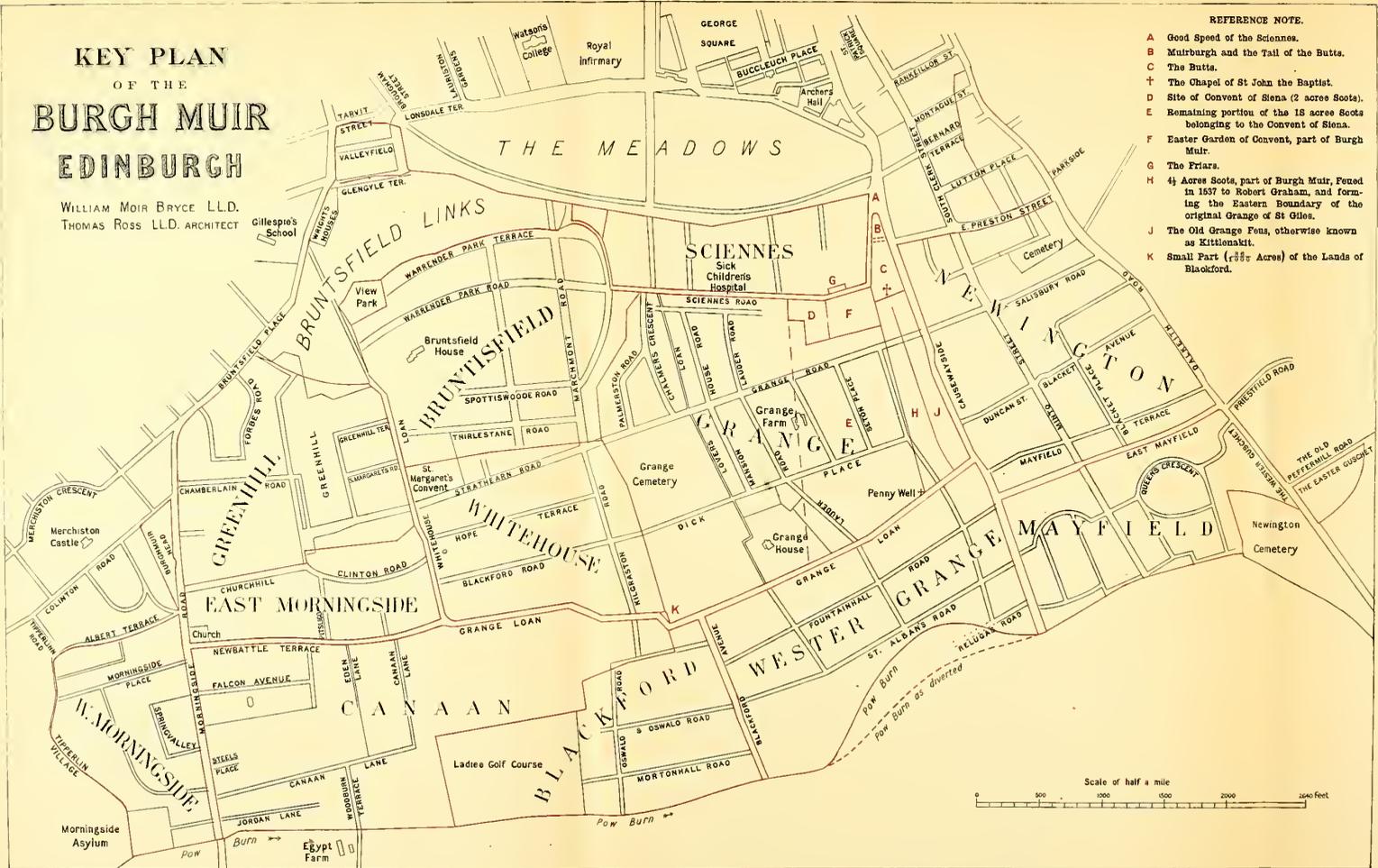


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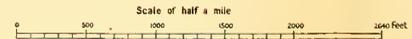
KEY PLAN OF THE BURGH MUIR EDINBURGH

WILLIAM MOIR BRYCE LL.D.
THOMAS ROSS LL.D. ARCHITECT



REFERENCE NOTE.

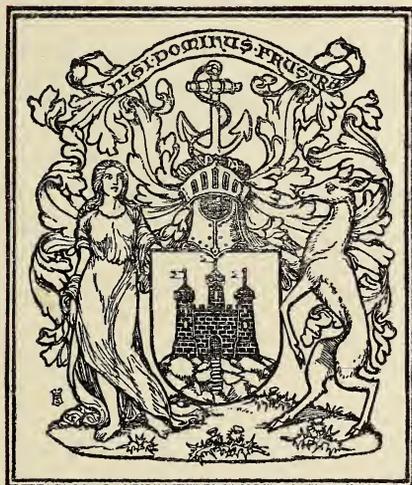
- A Good Speed of the Sciennes.
- B Muirbargh and the Tail of the Butte.
- C The Butte.
- † The Chapel of St John the Baptist.
- D Site of Convent of Siena (2 acres Scots).
- E Remaining portion of the 18 acres Scots belonging to the Convent of Siena.
- F Easter Garden of Convent, part of Burgh Muir.
- G The Priars.
- H 4½ Acres Scots, part of Burgh Muir, Fenced in 1637 to Robert Graham, and forming the Eastern Boundary of the original Grange of St Giles.
- J The Old Grange Fens, otherwise known as Kithlamkit.
- K Small Part (1½ Acres) of the Lands of Blackford.





THE BOOK OF THE
OLD EDINBURGH
CLUB

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1918

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THE
BURGH MUIR OF EDINBURGH

FROM THE RECORDS

BY

WILLIAM MOIR BRYCE, LL.D.

PRESIDENT OF THE CLUB



N O T E

IN presenting this volume on the Burgh Muir of Edinburgh, it is right that I should here express my thanks to my brother, Mr. P. Ross Bryce; to my friend, the Rev. Henry Paton, M.A.; and to my able and willing assistant, Mr. J. Cameron Robbie, for kind assistance received.

Dr. Thomas Ross, our antiquarian architect, has also taken much trouble in compiling the Key Plan of the Muir.

W. MOIR BRYCE.

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ABBREVIATIONS

G. R. H.	General Register House.
Abbrev. of Feu Charters	{ Register of the Abbreviates of Feu Charters of Kirklands, G. R. H.
Acts and Decreeets	{ Register of Acts and Decreeets of the Court of Session, G. R. H.
Acts of Parl.	{ Acts of the Scottish Parliament (printed).
Books of C. and S.	{ Books of the Lords of Council and Session, G. R. H.
Burgh Records	{ Extracts from Records of the Burgh of Edinburgh, 4 volumes, printed.
MS. City Chart.—O.S. } " " " N.S. }	{ MS. City Chartularies in Town Clerk's Office—Old Series and New Series.
Exch. Rolls	Exchequer Rolls of Scotland, G. R. H.
Ext. Adv. Lib.	{ Volume of Extracts from Town Council Minutes in Advocates' Library.
G. R. of S. Edin.	{ General Register of Sasines, Edin- burgh, G. R. H.
Great Seal	{ Register of the Great Seal (<i>Registrum Magni Sigilli</i>), G. R. H.
L. H. T. Accounts	{ Accounts of the Lord High Treasurer, G. R. H.
P. R. of S. Edin.	{ Particular Register of Sasines, Edin- burgh, G. R. H.
Register of Signatures	{ MS. Register of Signatures to the Great Seal, G. R. H.
Retours	{ Register of Retours—Services of Heirs. G. R. H.
MS. T. C. M.	{ MS. Town Council Minutes, Town Clerk's Office.

THE BURGH MUIR OF EDINBURGH

FOR centuries the principal arena of those tragic events that constitute, or, at least, illuminate, the fascinating story of our ancient and picturesque city may be defined as the long line of buildings, beginning with the grim old Castle on the west, and terminating on the east with the Abbey and Palace of Holyrood. But, of course, even outwith the old city walls, there are many localities in the neighbourhood which recall incidents of great historical importance; and of these, perhaps, the most interesting is the Burgh Muir of Edinburgh. It was on this famous adjunct of our old burgh that many of the most stirring and romantic events in the history of our country took place; while, from its situation, it became closely interwoven with the varying fortunes and progress of the city, with which, with the advance of time, it has ultimately been incorporated. The story of the Muir is of perennial interest, but many difficulties occur in the process of investigation. It is always necessary, in historical inquiries, to keep in remembrance the disappearance of our national records and chronicles during the great War of Independence, as well as the loss of most of our municipal muniments on those three disastrous days in the month of May 1544, when Edinburgh was sacked and destroyed by fire by our 'auld enemies of England' under the ruthless Earl of Hertford, better known under his later title of the Lord Protector Somerset. The Muir, it is believed, was gifted to the city by King David I. some time during the first half of the twelfth century; but the royal charter is not now extant, and it is necessary, therefore, to examine minutely the evidence

that still remains at our command. It was not until the year 1508 that James IV. granted permission to the 'Provost, Bailies, Councillors, and Community of the Burgh of Edinburgh' to feu in whole or in part 'their common lands of the common muir of Edinburgh called the Burrowmure,' along with its pertinent 'the marsh called the Common Myre.' This fact surely points to the existence in King David's charter of a restrictive clause, expressed or implied, against subinfeudation, or, at least, against dismemberment of the Muir. Now, in King David's time, Edinburgh was encircled on the south by a dense woodland known as the Forest of Drumselch; and it was the major portion of this forest that he gifted to the city to form the Burgh Muir.

I. THE FOREST OF DRUMSELCH AND THE BURGH MUIR

It is difficult in these days to realise that seven centuries ago the whole of the south side of Edinburgh, with its successive waves of miles of trim villas stretching from the Meadows southward to the Braid and Blackford Hills, formed the site of a dense forest known as the Forest of Drumselch. It extended from the north-east corner of the Easter Craiglockhart Hill on the west, to the lands of Cairntows and the estate of Drum on the east, and was the home of numberless 'hartis, hindis, toddis (foxes) and siclike maner of beastis.' Within its leafy depths, it is alleged, the saintly King David I., who was a 'mighty hunter before the Lord,' often pursued the deer; and it was the scene of the legendary episode regarding the foundation of the Abbey of Holyrood engrossed in the fifteenth century pages of the *Holyrood Ordinale*, and repeated by Bellenden in his *Croniklis of Scotland*. It is there related that on one occasion, on a feast day, King David had been persuaded, contrary to the advice of his confessor, to join a number of his younger barons in a hunting expedition. Amid 'sic noyis and dyn of rachis (hounds) and bugillis (bugles)

that all the beastis war raisit fra their dennys (dens),’ the gallant company rode swiftly through the forest until, on reaching the valley at the northern foot of Salisbury Crags, the King in the ardour of the chase found himself separated from all his companions. Here he was fiercely attacked by the ‘faresit hart that evir was sene . . . with awful and braid tindis (antlers),’ and thrown to the ground. To save himself from injury, the King endeavoured to seize the animal by the antlers, but, instead, he found himself grasping a cross, at the sight of which the stag—the Evil One, no doubt!—fled ‘away with gret violence and euanist (vanished) in the same place quhare now springis the Rude Well.’¹ Unfortunately, no detailed description of the forest has been preserved, although the legend furnishes a fair impression of its appearance as in the days of the saintly David.²

It is evident that the Muir must have formed the leading territorial privilege granted to the town at the time when it was first raised to the dignity of a royal burgh; and that the two events would be conferred in one writ or charter. The earliest royal charter now extant in favour of the burgesses is that granted by the immortal King Robert the Bruce on 28th May 1329.³ It confirmed the burgesses in all the territorial rights ‘which justly pertained to the said Burgh in the time of King Alexander, our predecessor last deceased, of good memory: Paying therefor the said Burgesses and their successors to us and our heirs yearly fifty-two merks sterling.’ It will be noted that Bruce ignores the unfortunate John Balliol, and confirms the burgesses in the territorial

¹ See also *Book of the Old Edinburgh Club*, vol. vii. *Introduction* by Mr. F. C. Eeles, pp. lvii-lviii.

² There may be, as Mr. Eeles thinks, some element of truth in the story of the combat between King David and the unruly stag; but it was the existence of a small chapel belonging to a Celtic saint that influenced David in his selection of a site for his Abbey of Holyrood. The choir of the Abbey was built over this chapel, the foundations of which were recently discovered by Mr. Oldrieve. See *Book of the Old Edinburgh Club*, iv. p. 193.

³ Charters relating to City of Edinburgh, 16, 17.

rights which *justly pertained* to them in the time of Alexander III. From this peculiar phraseology we gather that the charters of confirmation granted by Alexander and his predecessors had, even in the year 1329, disappeared from the city charter room—probably destroyed or carried off by the English invaders. In the great charter known as the Foundation Charter of Holyrood, dated *circa* 1143-7, King David I. gifts a sum of forty shillings from ‘my Burgh of Edinburgh—*de meo Burgo de Edwinesburg.*’ This is the earliest known reference to Edinburgh as a royal burgh, and it is, therefore, possible that it was the ‘Sair Sanct for the Crown’ who, some time during either the fourth or the fifth decade of the twelfth century, constituted Edinburgh a royal burgh, and, under the same charter, conferred on the burghers the substantial gift of the Burgh Muir with its pertinent the Common Myre. Since these days there has been considerable alteration in the configuration of the ancient Muir. Most of it has now been built over; but the incessant process of division and subdivision, particularly during the last fifty years, of the rights both of superiority and of property has become so intricate that, in some cases at least, their identity as parts of the Muir has also become a matter of great difficulty. To add to the labour, the City Chartularies are very incomplete. Generally speaking, the original extent of the Muir when gifted by David I. to the city may be indicated by the following modern boundaries: The western boundary was irregular and began in Leven Street, at the south-west corner of Tarvit Street. It followed the line of the tramways until it reached Colinton Road; but in the vicinity of Viewforth there were three or four small pieces of the Muir now included in the lands of Merchiston, as mentioned *infra*, pp. 204-6. Passing westward along Colinton Road, the boundary deflected southward along the eastern garden walls of Abbotsford Park until it joined Albert Terrace, formerly the Dove or Dow Loan. It then continued westward to Tipperlinn Road, which it followed

southward to the Pow. The Powburn—or the Jordan Burn, as the western portion was termed in the beginning of the eighteenth century—which is now covered over to a large extent by the Suburban Railway, formed the southern boundary as far as the lands of Cameron ; while the eastern side of the Dalkeith Road formed its eastern boundary. Only a small portion of the gushet or lands of Rosehall can be claimed as having formed part of the Muir. On the north it was bounded by the lands of Drumdryan (Tarvit Street), the South Burgh Loch—now drained and represented by the Meadows—and the lands of St. Leonards, and thus included in its area the lands of Valleyfield and what is now known as Wright's Houses. The Common Myre was a piece of marshy ground formed by the confluence of the Braid and the Pow Burn. It consisted of fifty-two acres, and extended eastward from the lands of Cameron to Peffermill, and northward towards Duddingston Loch and the King's Meadows. It remained of little use until the beginning of the sixteenth century.

It has long been the universal belief that the King's gift of the Burgh Muir comprised the whole extent of the large area whose exterior boundaries are above narrated *without any exception whatever*. This, however, is an entire mistake, due, without doubt, to a misunderstanding of the actual facts. There were three large areas situated in the very heart of the Muir that unquestionably were not included in the King's gift, viz., the Grange of St. Giles, the Sergeantry lands of Brounisfield or Bruntisfield, and the Provostry lands of Hogistoun, otherwise known as Whitehouse. The history and feudal holdings of these three properties prove incontrovertably that they never formed part of the Burgh Muir ; and that they must have been granted to their respective owners at some date *prior to the grant of the Muir to the city*. This is a point of considerable importance, and, in support, necessitates some account of the three estates in question.

II. THE GRANGE OF ST. GILES

King David I., who ascended the throne in 1124, proved a capable ruler, and his deep religious feelings inherited from his mother Margaret, the Queen of Malcolm Ceanmore, found active expression in the erection and endowment of religious houses. Indeed, as a builder of churches and monasteries, he was probably without an equal among all other princes, English or Continental; and with increasing years his love, especially for monasteries, became an obsession. 'Perfect life,' as then understood, was only to be found within the precincts of the cloister; and all such institutions he liberally endowed with large tracts of land, etc., belonging to the Crown. He thereby greatly impoverished the royal revenues, and it is not surprising that, four and a half centuries later, the sapient James VI. should have designated him with cynical humour as 'ane sair sanct for the Crown!' Even the paltry endowments bestowed through the piety of the laity on the parish and other existing churches, did not escape the eagle eyes of these aspirants for the perfect life; and it became the practice for the King, at the request of the monks and in virtue of his royal power, to assign both the churches and their trifling possessions to some specified monastery. A monkish vicar in that event supplied the place of the local parson or rector; while the possessions of the church helped to fill the treasury of the monks. Thus, in the great Charter of Holyrood of 1143-7, King David assigned to the canons of Holyrood, *inter alia*, 'the Church of Saint Cuthbert with the parish and all the things that pertain to that church . . . and with the two chapels that pertain to the same Church of Saint Cuthbert, to wit, Crostorfin with two oxgates and six acres of land, and that Chapel of Libertun with two oxgates of land.' This charter is instructive. There is no mention of Edinburgh; but it conveys to the canons of Holyrood the Church of St. Cuthbert with the parish—that is, of St. Cuth-

bert's, which, being a landward parish, covered, as at present, a somewhat extensive area. Then, among 'all the things that pertain' to St. Cuthbert's was the usual right to the tithes, afterwards known in Scotland as the teinds, of the Burgh Muir; a right which was enjoyed by the canons of Holyrood down to the time of the Reformation, and, after them, by the lordship of Holyroodhouse, and then by the Episcopalian bishops of Edinburgh down to the Revolution of 1688. With the re-advent of Presbyterianism the teinds of the Muir became the support of the ministers of St. Cuthbert's. But, although the burgh of Edinburgh in King David's time may have contained only a few thousand inhabitants, still it possessed in the church of St. Egidius or St. Giles the representative of a parish church, and to it there belonged a small homestead or farm. In the year 1150, Henry, Earl of Northumberland, the only surviving and much loved son of King David, founded a Cistercian convent at Holm Cultram, otherwise known as Harehope, in the county of Cumberland, which at that time pertained to Scotland; and shortly thereafter King David gifted our parish church of St. Giles with all its possessions to this monastery. In this way St. Giles' fell into the hands of these monks, and was served on their behalf by a 'perpetual vicar,'¹ whose appointment, as a security to the parishioners, required to be confirmed by the Bishop of St. Andrews, within whose diocese Edinburgh was then situated.² The earliest mention on record of this perpetual vicar appears in a charter of the year 1243.³ Fordun tells us that David I. annexed to the Abbey of Holm Cultram certain lands 'near the King's town of Edinburgh, viz.: Spitaltona and Sanct Gilysis Grange.'⁴ It is beyond question that both the parish church of St. Giles, and the lands afterwards known as the Grange of St. Giles belonging to it, were

¹ In 1251, the portion of the vicar of St. Cuthbert's—the *portio vicarii*—was fixed by David, Bishop of St. Andrews, at 20 merks, paid out of the altar dues.

² Dowden, *Mediæval Church in Scotland*, p. 64.

³ *Charters of Holyrood*, p. 55.

⁴ *Scotichronicon*, Goodall, ii. 161.

conveyed by David to these monks or canons of Holm Cultram, and therefore these lands must have been granted to St. Giles many years anterior to the year 1151. This fact seems to have hitherto escaped notice. The name Grange, originally meaning a granary, was applied in those days to a homestead or farm belonging to a religious house of some kind. St. Giles' was only the parish church in the possession of mere secular priests who were replaced by the appointment of the vicar of the monks, and the name 'Grange' was naturally given to the lands when they fell into the possession of the monks. The name of these lands before the change is unknown; but Spitaltona is the ancient name of the lands afterwards known as Spittletown, situated in the parish of Calder Cleir, now incorporated with that of Kirknewton.¹ We may assume that King David was not the original donor to St. Giles' of Spitaltona and the lands which subsequently became known as the Grange; and it is certainly remarkable that St. Giles' with its two small estates should have escaped the clutches of the canons of Holyrood. We have seen what befell the church of St. Cuthbert—also a parish church; while, on the east of Edinburgh, the canons' burgh of the Canongate only stopped at the actual gate, afterwards known as the Nether Bow Port, of our town. In short, through the complaisance of King David, the ambitious canons of Holyrood secured possession of nearly the whole of the land in the immediate neighbourhood of the city on the east, the north, and the west. But there was evidently some restraining influence in David's mind which prevented him interfering with St. Giles' and its possessions until within a year or two of his death, and then only at the request of his dying son, Earl Henry.²

¹ Charter of Resignation and Confirmation in favour of James, Earl of Lauderdale, 3rd Feb. 1790, Great Seal, vol. 126, No. 3; Sasine in favour of said Earl recorded 14th August 1790, *P. R. of S. Edin.*, vol. 348, f. 170.

² Earl Henry died on 12th June 1152, and was buried at Kelso. His father, David I., died at Carlisle on 24th May 1153, and was buried in the pavement before the high altar in the Church of the Holy Trinity at Dunfermline.

Now, his brother and predecessor, Alexander I., erected, during the latter years of his reign—probably about the year 1120¹—a new church of St. Giles, in the Norman style of architecture, on the site of the older building; and it is more than probable that it was on this occasion that he gifted to our parish church the farm afterwards known as the Grange of St. Giles. It was the fraternal feeling between the two brothers that baulked the desire of the canons of Holyrood. The year 1120 may, therefore, be accepted as the first known date in the story of the Grange of St. Giles, while the conveyance of 1151 to the monks of Holm Cultram marks the second stage.

The lands of the Grange can still be identified. They may be described as bounded on the north by the Sciennes Road; on the east by a line drawn from the back green of No. 1 St. Catherine Place in a south-easterly direction to a point in the Grange Loan, marked by the Penny Well;² on the south by the Grange Loan; and on the west by the back greens of the buildings on the east side of Kilgraston Road to Beaufort Road, and thence northward by the back greens of the houses in Marchmont Crescent to the point where they join Sciennes Road.

Malcolm IV., the grandson and successor of King David, was foolish enough, in 1157, to exchange Cumberland for the English Earldom of Huntingdon, and by the middle of the fourteenth century a complete change in national sentiment had occurred on the part of the monks of Holm Cultram, who, perhaps not unnaturally, had transferred their allegiance to the King of England. During the wars in the reign of David II. a strong feeling arose in our country against the holding by Englishmen of Scottish benefices; and Fordun narrates that

¹ Macgibbon and Ross.

² 'The lands belonging to the said William Dick and the Penny Well on the west, *Excambion*, Sir William Johnston and William Dick, *Books of Council and Session (Dal.)*, 178, 20 Nov. 1740. This seems the earliest mention of the Penny Well.

‘ it was also the reason why King David, the son of the most illustrious King Robert the Bruce, expelled thence all Englishmen who held benefices and lands within the Kingdom, because at one time the monks of Harehope or Holme who were established there by the gift of King David of happy memory, the son of Queen Margaret, to which were annexed certain lands in Lothian, near the royal town of Edinburgh, viz :— Spittleton and St. Gelie Grange, were convicted of seditiously, both the monks and the English laymen dwelling there, engaging in conspiracies to the danger of the whole kingdom. Whereupon that King, having turned them out with disgrace, gave these lands with others not here mentioned, as having been forfeited, to Sir Walter de Wardlaw, the Cardinal Bishop of Glasgow, that he might enjoy the same during the whole of his life, and, after his death, they were given to his kinsman, the Laird of Riccarton ; which lands his sons and heirs have hitherto possessed without question, as they still do.’¹ The portion of Fordun’s statement relating to the conveyance by David II. of these lands to the Wardlaws is to a certain extent incomplete. This king died without issue on 22nd February 1370-1, and was succeeded on the throne by his nephew, Robert, the only son of Walter, the ‘ High Steward of Scotland,’ and of his wife, Marjorie Bruce, the only daughter of the great Bruce. This Robert II. was, therefore, the first king of the House of Stewart, and by charter of 16th June 1376,² he conveyed ‘ to our dearest first-born, John, Earl of Carric, Steward of Scotland, the lands of Prestisfield, the Grange of St. Giles, and Spitelton within the sheriffdom of Edynburgh, falling to us in virtue of the forfeiture of the brethren of Harehope, who were at the faith and peace of the king and the kingdom of England, and against our faith and peace,’ to be held ‘ until the said brethren shall be reconciled to our faith and peace, and that of our kingdom.’ Of

¹ *Scotichronicon*, Goodall, ii. 161. See also *Book of Pluscarden*, ii. 113.

² *Great Seal*, i., new ed., No. 582.



THE SEAL OF KING EDWARD VII. WHEN PRINCE AND STEWARD OF SCOTLAND

He appears in this seal dressed in Highland trews and not in the coat of shining armour in which his predecessors delighted. The Prince is represented as riding in the King's Park, his Highland plaid flying behind him and his claymore by his side, with Arthur's Seat and Holyrood as a background.



course, the monks of Harehope clung to their English allegiance, and they thereby, under this charter, lost their patrimony in Scotland.¹ The deed in question is further of great historical interest, inasmuch as it marks one of the earliest attempts in our country to create a permanent provision for the support of the eldest sons of our sovereigns. Forty years previous to this date it was recognised both in England and in France that the position of the eldest son and heir-apparent of the reigning monarch as the second personage in the kingdom, was one of semi-state, and that a permanent provision for his maintenance, independently of his father's control, should be granted to him out of certain of the Crown lands specially allocated for that purpose. Accordingly in 1336, Edward III. created the Earldom of Cornwall into a duchy in favour of his infant son, Edward, afterwards the celebrated Black Prince, and this principle has been acted upon in England down to the present day. Immediately, therefore, on the accession of his father to the throne, the prince becomes Duke of Cornwall; while the title of Prince of Wales, to which the Earldom of Chester is always joined, is a separate life patent conferred on him by the King, and does not descend to the prince's heirs. In France we find that King Philip de Valois, shortly after his succession in 1328, created his eldest son Duke of Normandy and Earl of Anjou and Maine; but it was Louis XI. that added the province of Dauphiné as the well-known appanage of the eldest sons of France.

In Scotland, after the accession of Robert II. in 1371, the dignity of the High Steward became thenceforth vested in the eldest sons of the King. The royal Senescallus or Steward was the highest officer in this country under the sovereign, his name signifying that he was the *major domus*, the guardian or keeper of the royal house; and, in the fourteenth century, when surnames came into vogue, the name of the office was

¹ The patronage of St. Giles' was transferred in 1393 to the monastery of Scone, and the connection with Holm Cultram brought to an end. *Charters of St. Giles*, p. 29.

adopted as that of the family. In the course of their history, the Stewarts had acquired vast possessions which became known as the Stewartry ; and in 1404 these were assigned by Robert III. in favour of his eldest son David, Duke of Rothesay, but only for his liferent use, *pro toto tempore vite sue*. In 1469, during the reign of James III., the Scottish Parliament, on the forfeiture of the Boyds, passed an Act declaring the Lordship of Bute with the Castle of Rothesay, and various other lands and estates, to belong to the eldest sons of the kings of Scotland—*Principibus primogenitis Regum Scotiae, successorum nostrorum, perpetuis futuris temporibus*. These lands became thenceforth designated the Principality of Scotland. The Charter of 1404 and the Act of 1469 are the only public constitutions of the Principality now extant ; but it is believed that the first date of erection must have been some time previous to the year 1469.¹ The prince succeeds to the fruits of his principality at his birth without the necessity of any grant or charter from his father, the king, who, however, during his minority, acts as his guardian or administrator in law. But, in the course of time, dismemberment of the Principality followed ; and grants—sometimes with consent of the prince—of whole earldoms, lordships, and large tracts of land were obtained by members of our turbulent and ambitious nobility either through the facility or complaisance of our sovereigns, or extorted through their necessities. Then, from an early period, the prince's lands were let to his tenants and vassals either in feu at a fixed yearly rent, or in ward-holding without rent other than the casualties of wardship, marriage, entry, etc. These casualties were gradually taxed at fixed

¹ In olden times, the Principality was a great and truly princely heritage. At the accession of Charles I., Sir James Balfour describes it thus :—'The ancient patrimony of the Principality hath beine the Dutchy of Rothesay wich is the islands of Bute, Comrayes, and Arrane ; the Earldome of Carrick ; the Lordships of Kyle, Cunninghame, and Kilmarnock ; the Baroney of Renfrew, with some other annexit less Barronies as the Barronies of Innerwick, Ratho, Bathcate, Kilbryde ; and the Lordship of Couall in Argyle.'

sums of money, the tenure being changed to what was called taxt-ward. All these rents and taxes came to be affected seriously by the depreciation of our Scots coinage; and in many cases also, the most powerful of the vassals gradually found means to get rid of the remaining pittance of rent by procuring an alteration in their tenure from taxt-ward to blench-holding for a nominal feu-duty of a pair of gloves, a pair of gilt spurs, a red rose, a white rose, a pound of pepper, or some such trifling object, or a penny Scots—'if asked only'—as stated in the charters.¹ The Principality has, in these depressing circumstances, enormously depreciated in value. John, Earl of Carrick, ascended the throne on 19th April 1390, under the title of Robert III., and evidence exists to show that among the 'lost charters'² of his reign there was one in favour of Andrew Wardlaw of the lands of 'Priestisfield and St. Gelie Grange.'³ From the succeeding titles to the Grange, we gather that it must have been granted by the unfortunate David, Duke of Rothesay—generally believed to have been starved to death in Falkland Palace in 1402—in his character of Steward of Scotland; and that the deed was a blench charter for payment to the Prince Stewarts annually, on the feast of St. Giles, of a pair of gloves in the parish church of St. Giles.⁴ This reddendo has, according to their usual practice, been taken by the Chancery officials from the original charter which, at the dates of these writs, was in their possession; and it thereby shows the anxiety to retain the ancient connection of the lands of Grange with the parish church of St. Giles.⁵ The pair of

¹ These trifling feu duties are all now commuted into money sterling—a red rose, 4d.; a pair of gloves, 5s.; a pound of pepper, 2s. 6d.; a pound of cucumber, 2s. 6d.; a pair of gilt spurs, 13s. 4½d., etc.—and are regularly collected by the Crown Receiver of Rents on behalf of the Prince.

² See Robertson's Index, and the new edition by Dr. Maitland Thomson of the first volume of the *Great Seal Register*.

³ *Great Seal*, new ed., i., App. ii., No. 1887.

⁴ *Ibid.*, vii. 651; ix. 628.

⁵ The estate of Priestfield or Prestonfield also pays to the Prince a feu duty of a pair of gloves, now commuted to a sum of 5s. sterling.

gloves is now commuted for a sum of five shillings sterling, which is paid by the proprietors of the Grange Cemetery under their deed of arrangement with their immediate superiors, the Dick Lauders of Grange. It is sad to think that the whole income from the once princely heritage of the Principality paid over for the year 1901 to King Edward VII., when Prince Stewart, did not exceed the sum of £300 sterling. His seal of the Principality is interesting, as it displays the Prince, dressed in tartan trews, on horseback, with Holyrood and Arthur's Seat in the background.

The estate of Grange remained in the hands of the family of the Wardlaws until the year 1506, when it was sold to John Cant, a well-known burghess of Edinburgh, and his wife, Agnes Carkettill.¹ A few years later—the charter is not extant—Cant and his wife feued out to Sir John Craufurd, one of the prebendaries of St. Giles, eighteen acres forming the east and north-east corner of their estate of Grange; and in 1517 Cant, with consent of his wife and of Sir John Craufurd, gifted their respective rights of superiority and of property in these eighteen acres to the sisters of the Nunnery of St. Catherine of Siena.² There is a curious notice relating to one of the Cants or Kants of the Grange in an Act of the Town Council of 11th May 1558, concerning the imposition of 'extentis' or taxes in the burgh. In this Act it is declared that 'Andro Murray of Blakbaronye, Jhoun Carkettill of Fynglen, Thomas Kant of Sanct Gelys Grange, and utheris gentillmen heritouris within this burgh that ussis na marchandice nor exchange within the samyn, be mair gentillie handillit in tymes cuming nor thay have bene of before, and to that effect ordanis thame to be alsua taxt be the said counsale, and nocht be the extentouris for the caus foresaid.'³ Here, Cant, with his relative Carkettill and Murray of Blakbaronye, and others, styling themselves gentlemen heritors who 'ussis na marchandice nor exchange'—that is, are not engaged in trade or com-

¹ *Great Seal*, ii. 2999.

² *Infra*, p. 108.

³ *Burgh Records*, iii. 20.

merce—successfully petition the Council to be more ‘gentillie handillit’—more gently treated—in the matter of taxation than formerly by the Council, and not by the ‘extentouris’ or assessors! The Cants were a fairly prosperous bourgeois family, although none of its members seems to have reached any higher distinction than that of which Thomas Cant so boastfully speaks—of using ‘na marchandice nor exchange.’ The last of the Cants of Sanct Gelie Grange was John Cant, who was infested therein along with his wife, Catherine Creich, on 15th May 1612¹ by King James VI. as acting ‘for himself and as administrator for his son Henry, Prince and Stewart of Scotland.’ The reddendo in this charter provides that Cant is to pay annually ‘a pair of gloves at the feast of Saint Giles in the church of the same in Edinburgh.’ Twenty years later, this John Cant, with consent of his wife Catherine Creich, sold his lands of Sanct Gelie Grange—under exception, of course, of the eighteen acres previously disposed to the Nunnery—to William Dick, the greatest Scottish merchant of his day. He and Elizabeth Morisone, his spouse, were confirmed therein *de novo* by charter dated 2nd August 1631 by Charles I. acting for ‘himself and as administrator for Charles, Prince of Scotland and Wales, Stewart of Scotland.’² The old reddendo is here repeated—‘a pair of gloves at the feast of Saint Giles in the church of the same in Edinburgh.’ Dick the same year acquired the estate of Braid, and in the years 1638 and 1639 filled the office of Provost of Edinburgh. His story is well known. He became a Covenanter, lent the government a large sum of money, and received the honour of knighthood. After the victory at Dunbar, the Cromwellian party subjected him as a royalist or malignant to enormous fines, stripped him of his wealth, and reduced him to a state of indigence. In the hope of obtaining some measure of redress he visited London,

¹ *Great Seal*, vii. 651.

² *Ibid.*, viii. 1843; Sasine in favour of Dick and his wife recorded *P. R. of S. Edin.*, 21st November 1631, vol. xviii. f. 152.

but was thrown into prison, and died at Westminster in 1655. In the meantime his eldest son, designed William Dick, younger, fiar of St. Geillie Grange, and Janet M'Math, his wife, had, on 9th March 1640, purchased from the Napiers the eighteen acres, part of the Grange which had belonged to the sisterhood of the 'Scheins,' and entered with the Crown by charter dated 6th January 1645. A reversion for 2000 twenty-shilling pieces—now increased under an apprising at the instance of John Cant of St. Geillie Grange, dated 27th August 1629, to 18,159 merks, with 907 merks of sheriff's fee—was also extinguished, and the eighteen acres merged into the hands of the Dick family.¹ Under pressure Sir William Dick and his sons found it necessary to resign, *inter alia*, the whole of the Grange of St. Giles into the hands of Sir William's creditors by charter under the Great Seal dated 5th August 1652.² Two years later, another apprising took place at the instance of John Stewart of Kettlestone for payment to him of the sum of 35,000 merks with 1750 merks of sheriff's fee. William Dick the younger had died in the interval, and the action was also taken against his son, William, 'charged to enter heir to his deceased father.' At this juncture, a saviour of the family estates appeared in the person of Janet M'Math, the widow of William Dick the younger, and she received the usual charter under the Great Seal, granted, not by the King or Prince, but by the 'Protector.'³ The lands are now described as consisting of (1) those called the Over Grange, acquired from John Cant; and (2) the eighteen acres of arable land of Scheynes called of old Sanct Geillie Grange with the yards, orchards, and place—that is, the nunnery—of Scheynes. Mrs. Dick's wealth had been derived from her first husband, Thomas Bannatine, who died in 1635, and in whose memory she erected the well-known monument in the Greyfriars Churchyard. She was succeeded in the Grange by her son, William Dick; but,

¹ *Great Seal*, ix. 1578.

² *Ibid.*, x. 13.

³ *Ibid.*, x. 270.

although his legal rights to the whole of the lands were indisputable, the Town Council of Edinburgh retained possession of the site of the nunnery, extending to nearly two acres, as enclosed within the old ruined walls.¹ At last, after a long and expensive litigation at the instance of Andrew Lauder Dick of Grange, the Town Council and their vassals were evicted from the two acres by a decree of the Court of Session granted in 1765.² His mother, Isobel Dick, who was the only child of William Dick, the last laird of Grange, married Sir Andrew Lauder, the fifth baronet of Fountainhall, and their son, the above-mentioned Andrew Lauder Dick, became the sixth baronet. His successor in the baronetcy and the estate of Grange was the genial and accomplished Sir Thomas Dick Lauder, who adopted the name of Dick Lauder. He was infefted in the whole of the original lands of the Grange of St. Giles by sasine, recorded 19th March 1821,³ as heir of taillie and provision to Sir Andrew Lauder Dick, proceeding on a precept from Chancery. Sir Thomas rebuilt and expanded the little old mansion of Grange, with its solitary tower, into the present imposing structure. His son and successor, Sir John Dick Lauder, married a daughter of North, Earl of Stair.

It is perhaps necessary to refer here to the lands lying to the south of the Grange Loan, and described in their titles as Easter and Wester Grange. These lands formed part of the Burgh Muir, and having been acquired in the seventeenth century by the Dicks of Grange, became known under the above names.⁴

III. THE ESTATE OF BRUNTISFIELD

The lands of Bruntisfield, which are situated to the south and east of Bruntisfield Links, and which now form the major

¹ *Infra*, p. 152.

² *Reg. of Decrees*.

³ *P. R. of S. Edin.*, vol. 904, f. 183.

⁴ For their history, see *infra*, p. 223.

portion of the well-known Warrender estate, or, as the proprietors prefer it should be called, the estate of Bruntisfield, extend to about forty-nine acres Imperial. The earliest notice on record of these lands is in a charter granted by Robert II. in favour of Alan de Lawdre on 4th June 1381.¹ From this deed we learn that a man named Richard Broune, in his capacity of King's Sergeant of the Burgh Muir, had resigned his 'lands of Boroumore' into the hands of the King, who had thereupon infefted William de Lawdre² therein, and on his death the said Alan de Lawdre; and that thenceforth these lands of Boroumore were wholly disjoined from the sergeantry. Under a charter of the same date King Robert appointed one Thomas Lambe *and his heirs* to the office of Sergeant 'which Richard Broune of Boroumore formerly had,' with all its fees, rights, etc., 'excepting, however, the lands of Boroumore.'³ This name is simply taken from that of the district. Brown and his predecessors held the lands from the Crown as sergeantry lands; while the city did not acquire the right to feu until the year 1508. The two charters are unusual, and of more than local interest:—

(1) 'Know ye that we have given, granted, and, by this our present Charter, confirmed to our beloved and faithful Alan de Lawdre, the lands of Boroumore with pertinents which were the property of the late Richard Broune of Boroumore (lying) within the sheriffdom of Edinburgh, and which the said Richard Broune resigned and gave up to us, and in which the late William de Lawdre, brother of the said Alan, was infeft by Charter. To hold and have to the foresaid Alan and his heirs and assignees of us and our heirs in fee and heritage by all their just bounds and marches as free and quit from all burden of serjeantry as from all other burdens whatsoever. Rendering therefor annually to us a silver penny at the Boroumore at the feast of St. John the Baptist, if

¹ *Great Seal*, i., new ed., 724.

² *Ibid.*, i., new ed., App. ii., 1878.

³ *Ibid.*, i., new ed., 725.

asked, in name of blench farm for all other services which can be asked or required from the said lands with their pertinents. In witness whereof, etc. At Edynburghe 4th June in the eleventh year of our reign (1381).'

(2) ' Know ye that we have given, granted, and, by this our present Charter, confirmed to our faithful Thomas Lambe the office of Serjeant which Richard Broune of Boroumore formerly had, and which he resigned and gave up to us. To hold and have the said office to the said Thomas *and his heirs* of us and our heirs with all and sundry fees, rights, customs, and just pertinents whatsoever. Excepting, however, the lands of Boroumore with pertinents (lying) within the sheriffdom of Edynburghe in which our faithful Alan de Lawdre was heritably infest by our Charter. In witness whereof, etc. At Edynburghe 4th June in the eleventh year of our reign (1381).'

The duties of the King's Sergeant, like those of the coroner and mair of those days, are now but little understood ; but all three assisted in the collection of the rents of the Crown lands, as well as in summoning the lieges to the King's justice ayres and other tribunals.¹ The King's Sergeants were, therefore, to be found at Liberton, the Braids, Redhall, Merchiston, and at various other parts of the country ; while in 1450 one Thomas Templeman was sergeant for the sheriffdom of Edinburgh.² In lieu of salary or annual fee, a number of these officers were infested in certain lands, which, as Sergeant lands, they were forbidden to alienate.³ In some cases, such as that of Richard Broune, the office was both heritable and hereditary, and hence, after the conveyance to Lauder in 1381, his lands of Boroumore became known down to the present time by the name of Brounisfield or, as it is usually designated, Bruntisfield. It is, perhaps, unnecessary to do more than refer to the romantic, but historically inaccurate, tradition, voiced

¹ Cf. *Exchequer Rolls*, vi, pf. lxx.

² *Ibid.*, iv. 601 ; v. 64, 396.

³ *Ibid.*, i. 23, 26. *Seriancia alienata*.

by Chambers and other writers, that the designation was taken from one Stephen Bruntfield, Captain of Craighouse, who was, it is alleged, brutally murdered on the Links while being conveyed a prisoner to the Castle, at that time in the hands of the gallant Kirkaldy of Grange.¹

William and Alan de Lawdre were the first of the Lauders of Haltoun or Hatton, a family of some distinction, in whose possession the lands of Brounisfield remained almost continuously until the year 1603. During the middle of the fifteenth century the then Sir William Lauder seems to have become involved in the formidable conspiracies of William, Earl of Douglas, and his supporters; and we learn from a charter by the young King James II., recorded in the Great Seal 18th April 1452, that the Haltoun estates, including the lands of Brounisfield, had been forfeited and conferred on James's Queen, Mary of Gueldres.² Twenty years later the Lauders began to recover their lost possessions, but it was not until the year 1490 that Sir Alexander was enabled to complete his title to Brounisfield under a charter granted by James IV. upon the resignation of Henry Cant, burghess of Edinburgh.³ It appears that Sir Alexander had borrowed some money from Adam Cant, burghess of Edinburgh, and, under a letter of reversion, had disposed these lands in security, the term of repayment being Whitsunday 1490. On Cant's death Sir Alexander granted Henry Cant, his son and heir, a five years' lease of Brounisfield; and in the following October he made a demand on this Henry before the Judicial Committee of Parliament to 'resigne and upgif the landis of

¹ The origin of the tradition is to be found in a remark in *Birrel's Diary* that 'The 15 of March (1597) ane singill combat fought in betwixt Adam Bruntfield and James Carmichael. The said Adam Bruntfield challengit James Carmichael for murthering of his brother Stephen Bruntfield, Capitane of Tantallan. The said Adam purchasit ane licence of hes Majesty, and faucht the said James on Barnbogle Links before five thousand gentilmen, and the said Adam, being but ane zoung man and of a mein stature, slew the said James Carmichael, he being as abill a lyke man as wes living.'—*Birrel's Diary*, Dalzell, p. 42.

² *Great Seal*, ii. 544.

³ *Ibid.*, ii. 1988.

Brownisfield with the pertinentis.’¹ The worthy knight was successful in his suit, and Henry was ordained to resign the lands ‘in our souvrane lordis handis,’ while, at the same time, he was secured in his lease. During the years 1500 to 1504, Sir Alexander filled the civic chair as Provost of Edinburgh,² and within a few months after his death—which occurred in 1505—he was succeeded in that office by his third son Alexander, better known to history from the barony which he acquired in 1509, as Sir Alexander Lauder of Blyth. By charter dated 14th August 1497, his father had also conveyed the lands of Brounisfield to him and Joneta Paterson, his spouse, and this grant was confirmed by James IV. in 1506.³ Sir Alexander was the most notable and brilliant of all the Lauders of Haltoun; and he filled the civic chair of Edinburgh with great acceptance to the community from the year 1505 to the day of his death at Flodden. Sir Alexander seems to have had some premonition of personal disaster—alas, only too soon to be fulfilled—and on the 17th August 1513 he obtained the royal confirmation to a Charter of Mortification, dated 11th October 1510, whereby, in return for certain annual rents payable from tenements in the High Street, divine services would be celebrated for the weal of his soul before the altar of the Virgin and St. Gabriel in the Collegiate Church of St. Giles on the anniversary of his death,⁴ his obit day, as it was termed. Sir Alexander was Justice-Depute to Lord Gray, the King’s Justiciar, and, being a man of considerable wealth, he also ordained that on these occasions sixty ‘portions,’ each of the value of ninepence, and consisting of bread, beer, and flesh or fish, according to the season of the year, should be divided among a similar number of the poor. The great disaster at Flodden occurred on the 9th of September 1513, and among the slain were Sir Alexander and his two brothers, Sir George the Laird of Haltoun and James Lauder, as well

¹ *Acta Dominorum Concilii*, p. 146.

² *Burgh Records*, i. 271-3.

³ *Great Seal*, ii. 3019.

⁴ *Great Seal*, ii. 3878; *Charters of St. Giles*, 199.

as the four Edinburgh bailies. In addition to the provostship, Sir Alexander also acted as one of the custumars or collectors for Edinburgh of the royal revenue,¹ and, after his death, his widow, Joneta Paterson, continued to discharge the duties of that office until 20th September 1515. In the Accounts for that year she was allowed credit for the price of two tunics, one of silk and the other of crammosy velvet, purchased for the boy King, James v., by his mother's orders.² Sir Alexander died without issue, and the lands of Brounisfield, along with the general lands of Haltoun, fell into the hands of his nephew, William Lauder.

In 1519 much dissatisfaction was expressed in the Town Council that many of their vassals in the Burgh Muir had failed to fulfil their obligations to erect houses, with 'barnys, killis, cowbillis and servandis, with all necessar things to mak malt with.'³ To enforce their obligations as to buildings and beer, the Town Council summoned all their vassals of the Muir 'till compeir befor the toun' on 8th June 1519; and the burgh records tell us that 'The samyn day, Maister James Foulis in the name and behalf of William Lauder of Haltoun protestit that quhatever war done be the inqueist above written hurt (hurt) him nocht nor his landis of the Borrowmuir as air (heir) till umquhill Sir Alexander Lawder his eme (uncle), and for remeid of law quhane and quhair it efferit.'⁴ By this protest Sir William Lauder emphasised the fact that his lands of Brounisfield were held from the Crown and not from the city fathers, and that any action by them as superiors 'hurt him nocht.' His position as a Crown

¹ *Exchequer Rolls*, xiii.

² *Ibid.*, xiv. 104.

³ *Burgh Records*, i. 187-8. Beer in the early years of the sixteenth century was the favourite drink of the Edinburghers. Whisky, or, as it was then termed, aqua vitæ, was certainly known, as there is mention in the *Exchequer Rolls* under the year 1494-5 of the delivery to Friar John Cor of eight bolls of malt to make aqua vitæ (*Exchequer Rolls*, x., No. 305); while in 1497, the sum of nine shillings was paid to a barber at Dundee who 'brocht aqua vitæ to the King' (*Lord Treasurer's Accounts*, i. 373. Cf. Dr. Dickson's remarks, pp. ccix-xi.).

⁴ *Burgh Records*, i. 188.

vassal was evidently recognised by the magistrates of that period.

The lands of Brounisfield, although not so stated in any of the titles, extend to about forty-nine or fifty acres imperial, and there is mention in the old writs of a manor place. The present mansion house, known as Bruntisfield House, is a composite structure, consisting of the manor erected at some period during the sixteenth century, to which extensive additions have been subsequently made. We may, therefore, conclude that the first manor place had been destroyed during the ruthless incursion of the English under the Earl of Hertford, better known as the Protector Somerset, in May 1544. On this occasion Edinburgh as well as all the buildings in its neighbourhood were destroyed by fire; while the wretched inhabitants, without distinction of age or sex, were put to the sword. This was Henry VIII.'s murderous method of enforcing what the English termed the 'Godly purpose of marriage' between his son Edward and the infant Mary, Queen of Scots. Sir Alexander Lauder, the then proprietor of Brounisfield, was slain at Pinkie Cleuch on the 'Black Saturday' of September 1547, and the second manor place must have been erected during the latter half of that century. The long connection of the Lauders of Haltoun with Brounisfield finally terminated in 1603, when the lands and manor place were sold by Sir Alexander Lauder with the consent of his wife, Anna Bellenden, to John Fairlie, burgess of Edinburgh, in liferent, and William Fairlie, his son, in fee.¹ The rights of Lady Lauder over Brounisfield under her marriage settlement were also transferred by another writ to other lands *in plenariam contentationem*.² Under the Lauders, Brounisfield occupied a subsidiary position to Haltoun and their other landed possessions; and, after its acquisition in 1603, John Fairlie found it necessary to make considerable additions and alterations to the manor house

¹ *Great Seal*, ix. 944.

² *Ibid.*, vii. 137.

so as to convert it into a suitable place of residence. Fairlie's initials, the monogram of himself and Elizabethe Westoun, his wife, and the date 1605, are still to be seen carved over the windows. Here Fairlie and his descendants dwelt, apparently undisturbed by the turmoil of the religious revolutions that convulsed the whole country, until the year 1695, when Bruntisfield passed by purchase into the hands of George Warrender,¹ at that time one of the bailies and afterwards Lord Provost of Edinburgh. The first of our Hanoverian Kings, George I., ascended the throne in 1714, and in the following year George Warrender was created a baronet. He was thus the third laird of Bruntisfield to whom was given the honour of occupying the civic chair of Edinburgh.²

At this point it is perhaps necessary to discuss, or, rather, to dissipate once and for ever an extraordinary delusion that seems to have arisen in Edinburgh during the middle of last century regarding the genesis of Bailie Warrender's title to Bruntisfield. In Grant's *Old and New Edinburgh*, it is asserted that Bruntisfield or Warrender House was 'the ancestral seat of a family which got it as a free gift from the magistrates.'³ He gives no authority for this statement, which was repeated in Parliament a few years ago, coupled with the demand for the restitution of the lands of Bruntisfield to the city.

¹ His title was completed by the following writs all recorded 6th February 1696 in the *P. R. of S. Edin.*, vol. liv., f. 414, 416, 419, and 421 :—

1. Sasine, George Warrender, Bailie of Edinburgh, in the lands of Bruntisfield, manor place, and pertinents. Dated 18th December 1695.
2. Sasine, George Warrender, in the teyndis of the lands of Bruntisfield. Dated 18th December last.
3. Sasine, William Fairlie of Bruntisfield (the seller) of ye lands of Bruntisfield, manor place, and pertinents. Dated 18th December 1695.
4. Resignation *ad rem.*, William Fairlie of Bruntisfield in favour of George Warrender, Bailie of Edinburgh, of the lands of Bruntisfield and hail pertinents. Dated 18th December last.

² 'The Council orders George Warrender present Town Treasurer to pay to Hans Schultz, ane high German, laithly liberat from the Turks, fyve rex dollors to help him in his journey homeward.' *MS. T. C. Minutes*, 12th September 1694, xxxv. 62.

³ Grant's *Old and New Edinburgh*, iii. 45.

The matter has since been the subject of local agitation. It is apparent that the actual history of Bruntisfield, which unquestionably forms the sole portion of the Warrender estate held from the Crown, has hitherto been misunderstood. It may here be mentioned that neither the estate nor the mansion house was ever designated by the name of Warrender.

Now, the titles in favour of Bailie Warrender recorded on 6th February 1696, and quoted above, prove conclusively that the Bailie acquired the lands of Bruntisfield—the 49 acres—by purchase from William Fairlie. It was an ordinary business transaction in which the city had no right or interest directly or indirectly. These lands had been held under the Feu Charter by Robert II. to Alan de Lawdre in 1381, and from that date down to the present time—a period of upwards of five hundred years—have been possessed by the successive families of the Lauders, the Fairlies, and the Warrenders under Crown Charters of Confirmation and Crown Writs of Clare Constat. Even previous to the year 1381 the lands were held from the Crown by the Brouns as the King's Sergeant lands; and it is also to be remembered that it was only under the charter by King James IV. of 6th October 1508¹ that the Provost and magistrates received authority to lease the Muir in feu farm in whole or in part. The protest lodged by Sir William Lauder in 1519 against being included, as the owner of Bruntisfield, in the list of the city vassals of the Muir amply established his position as a vassal of the Crown. It is therefore sufficient to stigmatise Grant's unwarranted assertion that Bruntisfield was a 'free gift' to the first Warrender as untrue and contrary to record evidence. -

The first Sir George Warrender was succeeded by a son of the same name under a Charter of Resignation under the Great Seal on 28th August 1725;² and ultimately, the late

¹ *Great Seal*, ii., No. 3265.

² Sasine recorded *P. R. of S. Edin.*, 27th September 1725, lib. 100, f. 65.

Sir George Warrender succeeded, as heir to his father Sir John Warrender, to the lands of Brounisfield, by Crown Writ of Clare Constat, recorded 12th May 1869.¹ Sir George died in 1901, and the lands are now held by his Trustees under Notarial Instrument recorded 14th October 1902.²

To the lands of Brounisfield or Bruntisfield the Warrenders, in course of time, added five other properties, and these, together with the lands of Bruntisfield, now form what is known as the Warrender or Bruntisfield estate. These additional lands consisted of (1) an acre Scots situated to the west of Bruntisfield House ; (2) the lands of Baglap or Ballop, otherwise known as Rigslan, extending to 14 acres Scots ; (3) part of Bruntisfield Links measuring 1 acre 1 rood 13 falls Scots ; (4) part of Brown's acres latterly described as Viewpark, extending to 1 acre 2 roods 9 poles ; and (5) part of Whitehouse. These properties, with the exception of the last, being parts of the Burgh Muir, were all *feued from the magistrates*, and perhaps it may be considered convenient to insert here a summary of their history.

(1) *The Acre West of Bruntisfield*.—In 1696 Bailie George Warrender, in addition to the lands of Bruntisfield, purchased from William Fairlie, an acre of ground which is described in the confirmation by the magistrates granted in his favour on 21st January of that year as 'piece of waste land of the west common muir of the Burgh of Edinburgh lying contiguous on the west side of the lands of Bruntisfield, extending to an acre of land or thereabouts, surrounded by a stone wall between fixed stones on the south and west ; reserving a path or common passage called the Loaning leading to the remaining lands of the west muir to a breadth of sixteen ells, as also fixed stones and a dike stretching from the barn of the said lands of Brounisfield fourteen and three-quarter ells on the north, the mansion of the late William Fairlie and the west dike of the lands of Brounisfield

¹ *G. R. of S. Edin.*, vol. 24, f. 96.

² *Ibid.*, vol. 4125, f. 127.

on the east.’¹ This acre was feued from the magistrates by Sir William Fairlie by charter dated 24th September 1617,² so as to bring the entrance to Bruntisfield House in line with Whitehouse Loan, at that time known as the Loaning. In the City Chartulary there appears a Precept of Clare Constat in favour of William Fairlie as heir of his father Sir William Fairlie in this acre, dated 28th November 1638.³ No title to this property seems to have been completed by the Warrenders for more than a century.

(2) *Baglap, Ballop or Rigsland*.—On 20th July 1586 the magistrates agreed to feu off certain portions of the Wester Burgh Muir, and on the 2nd of August they feued by public roup certain lands, which with their holding are thus described—

‘Ane pairt callit ye Baglap contenand fourtein acres of ye lairger measure, lyand wtin ye said moore in ye Shrefdom of Edr and liberties of ye sd burgh. Betwix ye common hie way leidand to ye said burgh contenand four fall of breid on the west, the lands of Brownsfeyld and hie passage leading to the Seyns on the north, the lands of Quhytehous and Sanct Jeillie Graynge on the south, and the lands of Sanct Jeillie Graynge on the east pairts ; Sett in feu to Jhone Young, Tailzour and Agnes Sword, his spouse, and their heirs male, qlk failzing to the eldest femall but division, for ye yearlie feu fermes of 20 bollis bear, the entres sylver fyve hundred merks money.’⁴ In 1589 the annual teind duty was fixed at £5 Scots, while that for the preceding year was remitted.⁵ John Young died in 1598, and his wife was infeted in an annual rent furth of

¹ 21 Jan. 1696. Writ of Clare Constat by Magistrates to Wm. Fairlie as heir of Sir Wm. Fairlie his father. *MS. City Chart.*, ii. 338, *N.S.*

² 31 Jan. 1696. Charter of Confir. by Magistrates to Bailie George Warrender. *MS. City Chart.*, ii. 338, *N.S.*

³ 1 Mar. 1696. Sasine, Wm. Fairlie, *P. R. of S. Edin.*, vol. 54, f. 454. Eo. die, Sasine, Bailie George Warrender, *P. R. of S. Edin.*, vol. 54, f. 455.

⁴ *MS. City Chart.*, i. 278, *O.S.*

⁵ *Ibid.*, ii. 45, *O.S.*

⁶ *MS. T. C. M.*, viii. 31.

⁷ *Ibid.*, viii. 222-7.

these lands. His son Nicol completed his title as heir of his father to 'ye Baglap' in 1605, and, immediately afterwards, sold it to Alexander Miller, a tailor in Edinburgh, who afterwards became 'Tailyour to ye King's Majestie.'¹ The Council seem at this time to have been somewhat susceptible to what is now understood as 'back stairs influence'; for, in 1612, we find that the tailor craved a reduction in the amount due to the city as feu duty, not only on account of the infertility of the soil, but because of what he had done for the town, and 'specially through his daily residence and access to his Majestie.' That he had been of some assistance to the city is probable, because, two years previously, the Council had authorised him to build a little house outwith or beyond his boundary wall on account of 'ye guid and thankful service done and to be done to ye guid toun.' Miller died in 1616, and was succeeded by his daughter Sarah, to whom permission was given to erect a monument over her father's tomb in Greyfriars Churchyard, which, however, was demolished in the course of last century to make way for the present Recorder's Office. Sarah and her husband Thomas Fleming sold the 14 acres to Robert Johnston in 1618.² George Smith, merchant and burghess of Edinburgh, was confirmed by the magistrates on 19th March 1628, and was succeeded by his son Robert, afterwards a merchant in Stockholm, and his sister Margaret, on 13th April 1632.³ The name of Baglap gradually became corrupted into Baglop and thence into Ballop. From the Smiths these lands were acquired in 1641 by John Rig, advocate, and Agnes Rig his spouse,⁴ and on 12th January 1700 Thomas Rigg, also an Edinburgh advocate, was confirmed in the lands sometime called Ballop and then Rigsland.⁵ From the latter Rigsland was acquired by George

¹ *MS. T. C. M.*, xi. 176-7.

² *MS. City Chart.*, i. 290, *O.S.*

³ *Ibid.*, ii. 25, 26, *O.S.*; i. 113, *N.S.*

⁴ 9 June 1641, *MS. City Chart.*, i. 296, *N.S.*; *P. R. of S. Edin.*, lib. 29, f. 344.

⁵ *MS. City Chart.*, ii. 382, *N.S.*; *P. R. of S. Edin.*, 26 Feb. 1700, lib. 61, f. 28.

Warrender, the first of his line, who was confirmed therein by the magistrates by charter, dated 9th July 1700,¹ and from him it descended to the late Sir George Warrender, whose trustees are now infeft under the notarial title previously referred to.

(3) *Part of Bruntisfield Links.*—During the middle of the eighteenth century Bruntisfield Links was much disfigured with quarries. To the west of Mr. Swan Watson's photographic studio was what was termed the 'City quarry,' the site of which can still be identified, from which the stones for the buildings of the Charity Workhouse—now the headquarters of the 4th and 5th Royal Scots—were taken in 1740 ;² while to the east was a piece of ground described as almost entirely quarried ground and covered over with whins extending to $1\frac{1}{2}$ acres and 2 falls Scots. In July 1752 a tailor named James Fyfe petitioned the Council for a grant of this broken ground as a site on which to erect a small house for the benefit of his children's health, and as a place of retirement to himself during some part of the summer season! The Council acceded to his request, fixing the annual feu-duty at one boll of barley per acre.³ The successful issue of Fyfe's application was followed by a petition from George Warrender for the plot of ground lying between Fyfe's feu and the barn and barnyard of Bruntisfield, and, after an examination of the ground, the Council agreed that 'the giving of the feu of the same could in no degree be hurtful to the Exercise and Diversion of the Golf or anyway Detrimentall to the pleasure or property of the Good Town, but on the contrary must be ane advantage thereto.'⁴ This plot extended to 1 acre 1 rood 13 falls Scots, and the feu-duty was fixed at 2 bolls of barley for each Scots

¹ *MS. City Chart.*, ii. 389, *N.S.* ; *MS. T. C. M.*, 3 July 1700—'composition of ane Charter upon ane Resignation containing a *Novodamus* in favour of George Warrender for infefting him in the Lands of Rigsland alias Balop holding feu of the good town for payment of £125 scots yearly.'

² *MS. T. C. M.*, lxi. 41.

³ *Ibid.*, lxx. 216, 273.

⁴ *Ibid.*, lxx. 214.

acre, being double the rate imposed upon Fyfe's feu. It was not, however, until ten years later—10th March 1762—that the charter in favour of Warrender was actually expedite.¹ To this property the late Sir George Warrender succeeded under a Writ of Clare Constat and Novodamus by the magistrates, recorded 12th April 1869.² Under the terms of this writ the magistrates, for a payment of £500, discharged and renounced the feu-duty and casualties of superiority, as well as the prohibition against subinfeudation, and declared the lands to be held thereafter in free blench for the sum of one penny Scots yearly. The Trustees of Sir George have also completed their title to this property under the notarial writ previously mentioned.

(4) *Part of Brown's Acres.*—In May 1876 Sir George purchased a portion of the lands then known as Viewpark, from John James Muirhead, Goldsmith and Jeweller, and at one time a bailie of Edinburgh. Viewpark formed the lands mentioned above as having been originally feued in 1752 to James Fyfe the tailor, although the charter itself was not expedite until 11th February 1761, and then in the name of Robert Brown, Deacon of the Tailors in Edinburgh.³ Fyfe was only a dummy acting for Brown, the real purchaser and the deacon of his craft, and his pathetic tale was evidently a subterfuge for the purpose of obtaining a cheap feu. In 1752 an anonymous pamphlet was issued pointing out the encroachments on the Links by Fairholm the feuar of the lands of Greenhill. 'If these take place,' the writer states, 'Mr. Warrander, who, only in self-defence, was with difficulty persuaded to accept of the whinny ground near his gate, that houses might not be built there, will be obliged to inclose his, by which the greatest Part of the Sheep Pasture will be cut off, and the Inhabitants deprived of Ew Whey, which is often

¹ *MS. T. C. M.*, lxxvii. 134.

² *G. R. of S. Edin.*, vol. 18, f. 34.

³ *MS. T. C. M.*, lxxvi. 240.

prescribed and contributes much to their Health, and is easily got, because of the Nearness to the Town; and Tender People will be deprived of these Walks and retired Places which the playing at Golf hath rendered absolutely necessary, and the only Places of Safety to retire to when the Golfing Green is full of Golfers.'

Fyfe's property received the name of Brown's acres; but, on the erection of a larger mansion, the name was altered to Viewpark. In Imperial measure it extended to 2 acres 2 roods and 9 poles, of which Sir George purchased 1 acre 2 roods 9 poles, paying Muirhead therefor the sum of £8000.¹ The acre remaining in the hands of Muirhead was sold by him to a firm of builders for £10,000, and on this acre, along with 19 poles purchased from Sir George Warrender, the James Gillespie Higher Grade School and a photographic studio have been erected. The portion of Viewpark retained by Sir George now forms the site of Warrender Park Crescent; and under two Discharges granted by the magistrates in 1883, it was disburdened of the feu-duty and casualties incident thereto, and declared to be held blench for payment of one penny Scots.²

(5) *Part of Whitehouse.*—In 1834 the Convent of St. Margaret, situated in Whitehouse Loan, was founded by the late Bishop Gillis, and, under an arrangement with the Warrenders, it was mutually agreed to exchange a small portion of the Warrender estate in return for an equal part of the lands of Whitehouse—476 square yards—and of equal value, £50. Accordingly, in 1863 Sir John Warrender granted a formal Disposition to the Convent Trustees of a plot of ground there described as consisting of 476 square yards lying to the north of the Convent, and a small piece of ground, part of the site of the Tower, in order to enable

¹ *G. R. of S. Edin.*, 16 May 1876, vol. 647, f. 95.

² *Ibid.*, 26 March 1883, vol. 1490, f. 159, 163.

the west front of the Tower to be brought to a square, standing at right angles with the line of the Mansion House of Whitehouse, now the Seminary of St. Margaret.¹ In return Sir John received from the Convent Trustees a plot of 476 square yards, forming the eastern portion of the triangular piece of ground marked off on the west by a line drawn at right angles to the north boundary of Strathearn Road. To this part of Whitehouse, which now forms part of the *solum* of the upper portion of Marchmont Road, the late Sir George was infefted by Charter of Resignation and Confirmation by the Grants of Kilgraston, recorded 4th February 1870,² who, in turn, hold the lands of Whitehouse, as part of the Provostry of the Collegiate Church of Crichton, from the Crown.³

The late Sir George Warrender was a man of considerable business tact and foresight, and, on his succession, he at once grasped the feuing potentialities of the Warrender estate. In 1869 he obtained plans from a leading architect. At first the intention was to confine the feuing to rows of 'self-contained' houses, and in that year three houses of that nature were erected in Alvanley Terrace. This scheme was abandoned in 1875 in favour of 'flatted houses.' In the preceding year the Trustees of the adjoining Nunnery of St. Margaret took alarm at the proposed erection of houses of that nature in Thirlestane Road, and, after much negotiation, Sir George disposed to them the whole of the ground situated between the northern boundary of the Convent and the proposed (Thirlestane) Road, and extending from Whitehouse Loan eastwards to the Public Baths. For this strip, which, including one half of the roadway, amounted in measure to $3\frac{362}{1000}$ acres, the Convent Trustees paid the sum of £4034, 8s., with the nominal annual feu-duty of one penny.

According to a Survey or Report drawn up in 1911 in a

¹ *P. R. of S. Edin.*, vol. 2371, f. 66.

² *G. R. of S. Edin.*, vol. 95, f. 186.

³ *Great Seal*, 16 June 1581, v. 218.

Process in the action by the Trustees for St. Margaret's Nunnery against the Warrender Trustees,¹ the whole of the Warrender estate is stated to extend to 71 acres Imperial, comprised as follows :—

1. The area of the portion feued to the Convent Trustees, including the solum of half the width of a fifty-foot street (Thirlestane Road) on the North . . . 3·362 acres.
2. The area of the portion feued to other parties including the streets . . . 58·06 acres.
3. The area of part of said lands attached to Bruntisfield House in the hands of the proprietor 9·570 acres.

In the Report it is claimed that the streets compare favourably with the other streets throughout the city, 'being 63 feet wide between the parapet walls where there are buildings on both sides. There are plots 15 feet in width in front of the houses, so that the width between the houses and the opposite sides of the street is 93 feet.'

It will be noticed, therefore, that the original lands of Bruntisfield, which are held from the Crown, extend to some 49 acres ; while the remaining 22 acres comprise (1) the Scots acre west of Bruntisfield, (2) the lands of Ballop or Rigsland, (3) the parts of Bruntisfield Links extending to 1 acre 1 rood 13 falls, and (4) the portion of Viewpark retained by Sir George Warrender containing 1 acre 1 rood 30 poles. Of these four plots, which are, or were, held of the city, the feu-duties of the last two have been discharged, while those for Ballop continue to be paid by the Warrender Trustees. To the Scots acre situated to the west of Bruntisfield, and in which the first of the Warrenders was confirmed by the city in 1696, no title seems to have been completed for many years. In the *Report on the Common Good*, our former Town Clerk, Sir Thomas

¹ *MS, Joint Report by Messrs. Carfrae and Watherston*, d. 14 Feb. 1911.

Hunter, makes the following cautious remarks:—‘A considerable portion of the Warrender Estate included in the ground feued by the Corporation (and thereby properly forming part of the superiority belonging to them which has not been alienated) is now said by the owner to be held of the Crown under Charters by progress. On that account he claims that he has now extinguished the Corporation’s superiority in these lands. This is a legal question which is not discussed here.’¹

The above brief history and analysis of the titles to the whole heritable property belonging to the Warrenders will, it is hoped, place the dispute on a more accurate basis. The Bruntisfield or Warrender estate, as it is popularly designated, consists of 71 acres Imperial, of which the 49 acres constituting the original lands of Bruntisfield, on which Bruntisfield House is erected, have been held from the Crown back to some period prior to the year 1381. These lands could never have formed part of the Burgh Muir: the tenure forbids such an assumption. The remaining 22 acres did form part of the Muir, and are, or until sold were, held of the city; only the Scots acre at the Whitehouse Loan entrance has lain in non-entry for many years. No portion of the Warrender estate was ever gifted by the Corporation to the first Sir George Warrender or any of his successors.

Lastly there falls to be noticed a Contract of Excambion, dated 19th March 1878,² between the late Sir George Warrender and the magistrates, under which he granted to the city ‘that long strip of ground with the trees thereon at Warrender Park, bounded on the south by the roadway of Warrender Park Terrace and on the north by Bruntisfield Links,’ in return for another strip, measuring 65 feet in width, at the north-east corner of the Links to form a roadway joining Warrender Park Terrace with the Melville Drive.

¹ *Report on Common Good*, 1905, pp. 17-18.

² *G. R. of S. Edin.*, 2 April 1878, vol. 862, p. 137.

It cannot, perhaps, be asserted that these possessions of the Warrenders have ever figured prominently in history; but there are, undoubtedly, certain features in their story that will at all times prove of considerable interest to the citizens of Edinburgh.

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IV. THE LANDS OF WHITEHOUSE

The lands now known by the name of Whitehouse may be described as bounded on the north by the Estate of Bruntisfield (Baglap), on the east by the walls of the back greens of the houses situated on the eastern side of Kilgraston Road, on the south by Whitehouse Terrace, and on the west by Whitehouse Loan. Within this area, therefore, are included the Nunnery of Saint Margaret of Scotland with its grounds, and the roadways of Strathearn Road, Strathfillan Road, Hope Terrace, Blackford Road, and Kilgraston Road (both sides), and the buildings on the north side of Whitehouse Terrace and east side of Whitehouse Loan. The Estate of Whitehouse, although not extensive, consists of three distinct portions, each with different feudal holdings. The largest portion was originally known under the designation of the lands of Hogistoun, or Hogstoun, or Ogstoun from a family of the surname of Hog, who were proprietors in the middle of the fifteenth century. These lands were held from the Crown for some unknown period prior to the year 1444, and at a later date they became known by the name of Whitehouse. They also appear occasionally in the subsequent titles under the designation of 'Whitehouse *alias* Ogstoun.' The *second portion* is described in the titles as 'the two laigh south parks adjacent to and included with the lands of Whitehouse, being part of the Burgh Muir, extending to 5 acres 3 roods and $1\frac{1}{10}$ falls, lying within the parish of St. Cuthberts, and sheriffdom of Edinburgh.' Originally, it formed a portion of twelve acres, part of the Burgh Muir; and the superiority

was finally disposed by the magistrates of Edinburgh in 1816 to Archibald MacKinlay, who was duly infefted by Sasine recorded on 5th August of that year.¹ The prior titles to this portion are somewhat uninteresting; but the progress may be traced from its connection with that of the Estate of Canaan.² The main feature is that the sale of the superiority in 1816 finally severed the connection of the city with these 5 acres 3 roods $1\frac{1}{10}$ falls. The *third portion* of the lands of Whitehouse consists of a small piece of ground extending to $16\frac{1}{2}$ falls, and enclosed within the southmost of the two parks above mentioned. It was sold in 1751 by William Dick of Grange to John Davidson, a former proprietor of the lands of Whitehouse,³ and is held from the Prince and Steward of Scotland.

The earliest notice on record of the lands of Hogistoun appears in a writ by James II., under the Great Seal,⁴ dated 24th July 1444, by which he confirms a charter by one Robert Hog, styling himself 'of Hogistoun' in favour of Sir Alexander Home 'of the lands of Hogistoun in the Burgh Muir of Edinburgh in the Sherifdom of Lothian.' We also learn from this charter that these lands had been previously in the possession of Walter Hog, burgess of Edinburgh. At this point there is a gap in our information; but in 1449 the lands of Hogistoun appear in the charter by William, Lord Crichton, Lord Chancellor of Scotland, under which he converted the parish church of Crichton into a collegiate establishment for a provost, eight prebendaries, and two singing boys, for daily services, out of thankfulness and gratitude to Almighty God for all the manifold deliverances he had vouchsafed to him.⁵ This Lord Crichton is described by Sir Walter Scott as 'a consummate statesman according to the manner of the age,' and 'as destitute of faith, mercy, and conscience as of fear

¹ *P. R. of S. Edin.*, vol. 784, p. 72.

³ Decreet of Sale, *Decree's, Dur.* 481, 1; *infra*, p. 50.

² *Infra*, pp. 182-3.

⁴ *Great Seal*, ii. 271.

⁵ *MS. Acts and Decree's*, clxix.; *Collegiate Churches of Midlothian*, Bann. Club, pp. 305-12.

and folly.' In 1440, when keeper of Edinburgh Castle, he enticed the youthful Earl of Douglas to visit the boy King, James II., at the Castle. On his arrival, accompanied by his brother and his kinsman Fleming of Cumbernauld, all three were arrested by the wily Crichton and, after a mock trial, the two Douglases were executed on the highest point of the rock. Two days later, their friend Fleming shared the same fate. Crichton was one of three commissioners who were sent to France to ratify the ancient league with that country, and to seek out a bride for the young King James. They secured for him the hand of Mary of Gueldres, who had been educated at the court of Philip the Good, of Burgundy. Escorted by the Chancellor and a brilliant retinue of Burgundian knights, the Princess landed at Leith on 18th June 1449, and the marriage was duly solemnized at Holyrood on 3rd July. It was after his return to Scotland that the Chancellor founded the Collegiate Church of Crichton. The existing structure, which is still unfinished, was probably erected by him; but of the foundation and other charters relating to this church, none are now known to be extant. The foundation charter as ratified and confirmed by James, Bishop of St. Andrews, was recorded in the Register of the Bishopric of St. Andrews, a record which has also disappeared. Fortunately, in an action before the Privy Council raised in 1597 by Sir Walter Scott of Branxholm and the parishioners of Crichton, this Register was produced, and a copy of the charter was ordered by the Lords of Council to be engrossed in the pages of the Acts and Decrees.¹ For the support of the college the Lord Chancellor assigned the whole of the revenues of the Churches of Crichton and Locherwart, better known by its present name of Borthwick. Provision was also made for the perpetual vicars who served the two churches; while the patronage of four of the prebends was reserved to

¹ *Vide* Dr. David Laing's preface to the *Charters of the Collegiate Churches of Midlothian*, lviii.

the Bishop of St. Andrews. The prebendary of Hogistoun is the second on the list:—‘*Prebendarius alius vocabitur prebendarius de Hogstoun qui quidem prebendarius habebit sexdecim marcas et dimidiam usualis monete regni scocie . . . annui redditus domus Roberti Michaelis jacentis in dicto burgo de Edinburch ex parte australi Vici Regii inter terram Joannis Fentoun de eodem ex parte orientali ex parte una, et terram . . . de Carkettle ex parte occidentali ex parte altera, et duas marcas annui redditus tenementi Joannis Cuke . . . inter terram Donaldi de Kyllis ex parte orientali ex parte una et terram Egidii Bensoun ex parte occidentali ex parte altera unacum villa de Hogstoun, jacente prope le Burrow Mure de Edinburch.*’¹ The chaplain who served as prebendary of Hogstoun, therefore, received annually from the house of Robert Michael, situated on the south side of the High Street of Edinburgh, the sum of 16½ merks, and 2 merks from John Cuke’s tenement, being altogether 18½ merks—a sum equal to £12, 6s. 8d. Scots—in addition to the proceeds of the lands of Hogstoun. These lands were originally let on agricultural leases, but after the Reformation they were disposed in feu. Then, while in Sir Alexander Home’s title the lands of Hogstoun are designed as forming *part* of the Burgh Muir, they are in the above charter stated to be only situated *near* the Muir. This is surely the correct rendering; but the origin of the title and its connection with the Crown as Superior, still remain unexplained.

Towards the end of the fifteenth century the designation of the lands of Hogistoun or Hogstoun, for some unknown cause, became changed into that of Whitehouse. From an entry in the Acts of the Lords of Council—the *Acta Dominorum*—we learn that in January 1504-5 the then prebendary of Hogstoun otherwise Whitehouse, Master Thomas Grynlaw (Greenlaw) by name, raised an action against Thomas Tod, son and heir of the late Sir Thomas Tod, ‘for the wrangous

¹ *Collegiate Churches of Midlothian*, p. 309.

postponing to enter to the superiority of the *place and lands of Quhitehous*, with the pertinents at the west end of the Common Muir of Edinburgh since his father's decease, and especially since he was required to enter after the tenor of the Act of Parliament made thereupon.' Sir Thomas had duly infested himself and his heirs in these lands to be held of them in blench farm for one penny, if asked; and the anxiety of the prebendary lay in the fear that in the absence of confirmation by young Tod, his legal rights to these lands might be placed in jeopardy.¹ Master Greenlaw—he was a Master of Arts—therefore prayed the Lords of Council to have the said Thomas Tod decerned to have lost the superiority. The Lords accordingly decreed that Thomas Tod had lost his superiority for his time, and ordained letters to be written to the provost and prebendaries of Crichton Collegiate Church, *understood to be immediate superiors of said lands*, charging them to receive Master Thomas as tenant according to the laws; failing them the King will enter Master Thomas, and they will lose their holding for the time, and shall pay to Master Thomas the expense of pursuit of the action.² From the terms of the Acta, we con-

¹ 'That ever-ilk Lord, Barronne, Free-halder quhat-sum-ever, Spiritual or Temporal, sall have power induring the daies of his life, to set all their landes in few fermme, or annual rente, to ony person or persones; Swa that it be not in diminution of their rental, swa that the alienation swa maid of the maist part of all their lands, sall be na cause of fore-faltour, nouthir to the setter, nor to the taker; notwithstanding, ony statute or lawes maid in the contrair.'—*Conveyancing Statutes*, 1503, cap. 91, Craigie; Erskine, ii. pp. 5, 44.

² 29 Jan. 1504-5. 'In the action by Master Thomas Grynlaw (Greenlaw) against Thomas Tod, son and heir of umquhile Sir Thos. Tod, Burgess of Edinburgh, for the wrangous postponing to enter to the superiority of the place and lands of Quhitehous, with the pertinents, at the west end of Common Muir of Edinburgh, since his father's decease, especially since he was required to enter after the tenor of the Act of Parliament made thereupon, of which place and lands Master Thomas is infest heritably to him and his Assignees by Charter and Sasine of said Sir Thomas to be holden of him and his heirs in blench farm for 1d. if asked; Also against said Thomas as heir aforesaid to have himself decerned to have lost his superiority for failing to enter; the Lords decreet that Thomas Tod has lost his superiority for his time, and ordains letters to be written to the *Provost and Prebendaries of Crichton Collegiate Church understood to be*

clude that the lands of Hogstoun or Whitehouse were granted by a predecessor of the above-mentioned Sir Thomas Tod in favour of the provostry of Crichton some time between the years 1444 and 1449. The entry in the register of the Acta also proves that in the year 1505 the lands of Whitehouse were provided with a manor place or mansion—a building, no doubt, of small dimensions. The Grange of St. Giles, and the lands of Brounisfield and of Whitehouse—none of which, we hold, were included in the lands conveyed by David I. to the city to form the Burgh Muir—were each, therefore, provided at this date with a mansion house of some sort. The prebendary of Whitehouse continued thereafter to enjoy the rents of these lands down to the Reformation, and ultimately they seem to have fallen into the hands of the notorious James Hepburn, Earl of Bothwell, and third husband of Mary, Queen of Scots. His estates were forfeited by Parliament on 20th December 1567, and he died on 14th April 1578 a state prisoner at Dragsholm Castle in Zealand. His heiress was his only sister, Jean Hepburn, and the manner in which her son, Francis Stewart, succeeded his uncle in 1581 in both title and lands forms one of the few romantic touches in what, perhaps, was the most sordid period in Scottish history.

Perhaps one of the few happy days allotted to Queen Mary during her brief residence in our country was the 4th of January 1561-2, when she witnessed the marriage at Crichton Castle of her half-brother John Stewart, Prior of Coldingham, to Jean Hepburn, daughter of Patrick, third Earl of Bothwell. In her relations with the illegitimate sons of her father, James V., Mary was always kind; she became godmother to the only son of this brother, whom she named Francis after her first husband, Francis II. of France.¹ This

immediate Superiors of the said lands, charging them to receive Mr. Thomas as tenant according to the laws; failing them the King will enter Master Thomas, and they will lose their holding for the time, and shall pay to Mr. Thomas the expense in pursuit of the action; the Lords assign 15 July next to prove the expense.—MS. *Acta Dominorum*, vol. 16, fol. 41.

¹ Fraser, *The Lennox*, i. p. 421.

Francis Stewart became Commendator of Kelso Abbey, and in April 1581 his mother, at that time the wife of Archibald Douglas,¹ rector of Douglas, who had been outlawed a few months previously, petitioned the King and the Privy Council (1) that she may be assured in the possession of her own property so that it may be duly transmitted to her son, and (2) 'that her said sone, now in his absence (in France), be not hurt nor defraudit of any rowmes, offices, or utheris, quhilkis appertenit of befoir to the Erlis Boithuile, and suld now succeid and appertene to him as Erl thairof, conforme to gude conscience and equitie.'² The lady's supplication was successful in both cases, and on 16th June 1581, Francis Stewart was infested by Charter under the Great Seal in the lordship of Bothwell in favour of himself and his heirs male, of new, to be incorporated *in liberum comitatum*. From this date he is generally styled the Earl of Bothwell. Among the subjects conveyed appear the lands and lordship of Crichton, with the Castle, etc., the advocacion of the provostry of Crichton, and of the prebends and chaplainries of the same (in which were included the prebendary of Whitehouse).³ The execution of the unfortunate Queen Mary at Fotheringay Castle on 8th February 1586-7 naturally aroused considerable indignation in our country, which seems to have penetrated to some extent the pachydermatous hide of her son, James VI. The poor Queen had made her will in her prison house at Sheffield in February 1577-8, and in it she recommends 'her nephew, Francis Stuart, to my son, and ask him to keep him near him and in his service, and to leave him

¹ A man, as the late Andrew Lang observes, 'notorious for his share not only in the Riccio, but in the Darnley murder, and for treachery to Morton, to Mary, to all who trusted him. . . . He was also, though a murderer, forger, traitor, a Judge or Lord of Session, thanks to Morton, whose *spadassin* he was.' (Lang's *History*, ii. p. 238.) Elsewhere, Lang scarified this reverend gentleman in a biography entitled 'A Gentleman of Scotland.' Lady Jean Hepburn was married three times: to Lord Stewart; secondly, to the Master of Caithness; and lastly, to this Archibald Douglas.

² *P. C. R.*, iii. 371-2.

³ *Great Seal*, p. 218.

“le bien” of the Earl of Bothwell, his uncle, in respect that *he is of my blood*, my godson, and was left to me *en tutele* by his father.’¹ King James responded by issuing another Charter under the Great Seal, dated 29th July 1587. In this deed² he ratified that of 1581, and erected the whole lands into a free barony and Earldom of Bothwell: ‘The King, notwithstanding the general revocation, for the love he bears to Francis Stewart, Earl of Bothwell, Lord Creichtoune, Hailles and Liddesdaile, and Great Admiral of Scotland, and in respect of the *propinquity of blood* by which he is joined to the King, and because he is the true heir apparent on the mother’s side to the said Earldom, lands, etc., underwritten, as also for his good services, ratifies,’ etc.

In the meantime, the lands of Whitehouse had been feued, the earliest known vassal being Thomas M’Calzeane of Cliftonhall, who was one of the nine advocates, ‘being persons of gude conscience and understanding,’ who, on 1st March 1549, were selected by the Lords ‘to procure before thame in all actions and causes.’³ On 8th October 1561 he succeeded as Provost of Edinburgh, Archibald Douglas, who was discharged from office by command of Queen Mary for issuing a proclamation ‘charging all monks, freris, preists, nunnys, adulteraris, fornicators, and all sic persounis’ to remove themselves from the burgh within twenty-four hours, under the pain of carting, burning on the cheek, and banishment. Lord Cliftonhall cordially supported the Reformation, and his name appears in the settlement of the judicial affairs of the General Assembly. He was deprived of his office of Lord of Session in 1572; but Richard Bannatyne in his Journal mentions that he was one of the elders who in March 1573 consented to pray for the Queen, and that he had been re-admitted to ‘his place agane

¹ ‘Je recommande mon nepveu Francois Stuart a mon filz, et luy commande le tenir pres de luy et s’en servir, et lui laisser le bien du comte de Boduel son oncle, en respect qu’il est de mon sang, mon filleul, et m’a este laisse en tutele par son pere.’—Labanoff, *Lettres de Marie Stuart, Reine d’Ecosse*, iv. p. 361.

² *Great Seal*, v. 1316.

³ Brunton and Haig, p. 149; Act Sed., 1811, 48.

in the Sessione.' He died on 5th June 1581,¹ and was succeeded in the lands of Whitehouse by his only daughter and heiress, Euphame M'Calzeane. It was this lady, who, as mentioned on page 187, successfully resisted the attempt by the magistrates to take forcible possession of her mansion house of Whitehouse as a place of refuge for the convalescents from the plague of 1585, and who, on a charge of witchcraft, was burnt, 'quick,' at the place of execution on the south bank of the Castlehill on 25th June 1591.² Two years later, the lands of Whitehouse are referred to as in the possession of the heirs of the late Mr. Thomas M'Calzeane; ³ while, in 1601, as narrated at page 189, the mansion house was accidentally destroyed by fire. At this date the M'Calzeanes had been succeeded in the *dominium utile* or right of property in the lands of Whitehouse by Mrs. Katherene Bankis, relict of William Herreis, and her husband, James Weill, in liferent, and her son, Robert Herreis, in fee.⁴

Francis Stewart, Earl of Bothwell, proved himself during his short career one of the most strange and incomprehensible figures that ever flitted across the turbulent stage of Scottish politics. He was appointed Sheriff Principal of Edinburgh ⁵ in 1586, and, in the following year, he announced by proclamation that he intended to hold a 'wawpounschawing of the sherefdome' in the Burgh Muir. This intelligence threw the Town Council into a state of consternation, especially when they understood that Bothwell 'thairby intendis to trubill the new fewit pairts thairof.'⁶ A large portion of the Muir had by this date been feued out and, naturally, presented a barrier to the holding therein of further meetings or weaponshaws. In this emergency the Council appointed a committee to bribe Bothwell with a *propyne* or gift ⁷ 'of halff ane twn (tun) of Burdealx wyne, and half ane twn of Spayngyie wyne

¹ Brunton and Haig, p. 150.

² *Infra*, pp. 188-9.

³ MS. *Reg. of Acts and Decrees*, vol. 145, fol. 229.

⁴ *Reg. of Privy Council*, vi. p. 521.

⁵ *Ibid.*

⁶ *Burgh Records*, iv. p. 496.

⁷ *Ibid.*

for his guid will.' The Council had rightly estimated the weakness of the worthy nobleman, who, in the following year, accepted their gift of Bordeaux and Spanish wine. His further request for a loan of money, however, met with a flat refusal. During the absence of the King in 1589 on his matrimonial expedition to Denmark, he was conjoined with the Duke of Lennox to govern the kingdom, and it is said that, while these two remained at the head of the Government, 'greater peace, tranquillity, and justice were not heard of long before.' The winters of the two following years seem to have been distinguished by an extraordinary wave of what a recent writer calls 'diablerie,' and suspicion of dealings with witchcraft began to attach itself to the person of Francis Stewart. He was arrested on the 15th of April 1591, and placed in ward in Edinburgh Castle; but with the connivance of the Governor he broke ward at two o'clock in the morning of Tuesday, 21st June, and escaped. Four days later he was forefaulted by royal proclamation. As proprietor of the provostry of Crichton he was the superior of the lands of Whitehouse; and it is remarkable that the day on which he was condemned by the Privy Council should also witness the doom of his vassal, the unfortunate Euphame M'Calzeane. Bothwell made no fewer than three attempts to take forcible possession of the King, and it is still a mystery whether his object was revolutionary, or aimed at the death of the monarch. A comical collision between the Royal and the insurgent forces took place on 3rd April 1594, and is known under the name of the Leith Raid. Bothwell with some four hundred horsemen rode in battle array towards Leith, but meeting with some resistance he retired to Restalrig and thence swung round the back of Arthur's Seat towards Niddrie Mains. Meantime, our valorous King James took up his position on the Burgh Muir; but after some skirmishing and little bloodshed, Bothwell withdrew to Dalkeith, and thence to the Borders. For some time he skulked about in great danger; but in April 1595,

not knowing whom to trust, he stole away privately to France, where the King suffered him 'to enjoy the free ayre of his country.' He died in Naples in great misery seven years later.

Before engaging in these treasonable enterprises, Bothwell took the precaution of making over his large estates, including the superiority of the lands of Whitehouse, to his stepson, Sir Walter Scott of Buccleuch, who was infefted therein by Charter under the Great Seal dated 1st October 1594.¹ Sir Walter became known as the 'Bold Buccleuch,' and took part in nearly every Border raid of his time. In the year 1606 he was created Lord Scott of Buccleuch. Francis Bothwell, the eldest son of the deceased Earl, obtained, on the occasion of his marriage with Isobel Seton, daughter of Robert, first Earl of Winton, a rehabilitation under the Great Seal on 30th July 1614.² This was ratified by the Scottish Parliament on 28th June 1633,³ although the honours of the earldom were never restored. According to Scotstarvit this Francis Bothwell received back from Buccleuch, under a Decreet Arbitral by Charles I., the extensive estates of his father. These he afterwards sold to his relative George, third Earl of Winton, whose title appears in the Great Seal on 1st March 1648.⁴ In the following year they were conveyed to Sir Adam Hepburn of Humbie in liferent, and Thomas Hepburn his eldest son in fee, who were confirmed therein by Charter on 14th August 1649.⁵ Sir Adam was appointed an Ordinary Lord of Session by Charles I. on 15th November 1641, and at the same time he received the honour of knighthood. He acted as Commissary General of the Army of the Solemn League and Covenant when it entered England in 1643 in support of the English parliamentary forces, and his accounts of expenses, etc., of the Scottish Army have recently been published by the Scottish History Society. He was an

¹ *Great Seal*, vi. 166.

² *Ibid.*, vii. 1099.

³ *Acts of Parliament*, v. p. 55.

⁴ *Great Seal*, ix. 1941.

⁵ *Ibid.*, ix. 2130.

active and zealous Covenanter, and was a member of the various committees of the Estates. In 1650 he attended Charles II. at Perth, and was one of a committee appointed to superintend the arrangements for his coronation. Along with many other members of the Committee of Estates, he was cleverly captured at Alyth by the Cromwellian forces, and sent a prisoner into England.¹ From Lord Humbie and his family the advocations, donation, and right of patronage of the provostry of Crichton, prebendaries, and chaplainries thereof passed to Sir William Primrose of Carringtoun by Charter, 14th March 1684,² and thence, three years later, to his eldest son, Sir James Primrose,³ who, on 30th November 1703, was created Viscount Primrose, Lord Primrose and Castlefield. He did not, however, long enjoy his honours, as his death occurred on 13th June 1706.⁴ The title endured for only two generations—Viscount James as above mentioned, and Viscounts Archibald and Hugh—each of whom completed titles to the prebendary of Whitehouse.⁵ Viscount Hugh died in 1741, when, owing to the failure of male issue of his father and grandfather, the baronetcy and the family estates devolved upon his cousin and heir male, James, second Earl of Rosebery. Hugh, the last Viscount Primrose, sold the superiority of the lands of Whitehouse in 1725 to Sir James Justice of Crichton, from whom it was conveyed in virtue of the titles undernoted to John Davidson of Whitehouse in 1746.⁶

¹ Brunton and Haig.

² *Great Seal*, lxi. 191.

³ *Retours*.

⁴ *Scots Peerage*, vii. p. 110.

⁵ *Great Seal*, 10th April 1706; *Retours*; *P. R. of S. Edin.*, 30th Nov. 1716.

⁶ Disposition, Viscount Primrose to Sir James Justice, dated 31st July 1725; recorded in *Books of Council and Session*, 3rd August 1725.

Disposition, Sir James Justice to George Livingstone, Depute-Clerk of Session, 8th February 1735; recorded in *Books of Council and Session*, 1st March 1735.

Retour, James Livingstone, Advocate, heir in general to his father, George Livingstone, 29th August 1745.

Disposition, James Livingstone to John Davidson, 7th and 23rd December 1745, and 13th January 1746.

In the royal charter to Davidson of the lands of Whitehouse, the King 'disunites, disannexes and disjoins the fore-said lands of Whitehouse and pertinents (being a part of the said Provostry of Crichton and Prebendary thereof) from the Lordship and Regality of Primrose belonging to the said Hugh, Viscount of Primrose, whereto the said Provostry and Prebendaries were formerly united in terms of said Disposition by said Viscount to said Sir James Justice, and from the Barony of Crichton whereto they were also formerly united. . . . Giving therefor yearly for the lands of Whitehouse, being a part of the said Provostry of Crichton, Prebendaries and Chappels thereof, and the lands of the same, the sum of *one penny Scots money*, yearly in name of blench farm, *if asked only.*'¹

We now turn back to the right of property in the lands of Whitehouse as held from the patron of the prebendary of Crichton. The last vassal mentioned was Robert Herreis,² and the next known was Alexander Clerk of Stenton, sometime Provost of Edinburgh, who completed his title by Sasine recorded 14th July 1627.³ His nephew, James Clerk of Pittencrieff, disposed the estate of Whitehouse in 1663 to James Christie, W.S., who was confirmed therein by Gideon Penman,⁴ described in the charter as the 'Prebendary of Whitehouse.'⁵ He was the minister of the parish church of Crichton, and was apparently accepted as the superior of Whitehouse in ignorance of his own legal position. He had a somewhat unfortunate career as a minister, as he

¹ *Register of Signatures*, 9th Sept. 1746.

² *Infra*, p. 189.

³ 14th July 1627, Sasine, Alexander Clerk. On Confirmation by Gilbert Gourlay of Grange.—*P. R. of S. Edin.*, vol. 8, f. 209.

4th July 1644, Retour, Alexander Clerk, of Pittencrieff, as heir of Sir Alexander Clerk, of the teinds of Whitehouse.—*Retours*, 18, 137.

26th June 1665, Sasine, James Clerk, as heir of Alexander Clerk, his uncle, in the lands of Whitehouse.—*P. R. of S. Edin.*, vol. 8, f. 335.

⁴ 1st Dec. 1663, Sasine, James Christie. On Disposition by James Clerk.—*Ibid.*, vol. 5, f. 358.

⁵ 16th Aug. 1665, Sasine, James Chrystie, W.S.—*Ibid.*, vol. 8, f. 413.

was deposed for immorality and imprisoned for some time on a charge of witchcraft.¹ Christie was succeeded by his son,² who disposed the lands of Whitehouse in *principal*, and lands of Pittencrieff in *warrantice*, to James Aikenheid, Advocate, one of the Commissioners for Edinburgh 'to be holden of me or of my immediate lawful superiors of said lands and teinds, or of both as he shall think convenient.'³ This extraordinary holding points to the state of confusion then existing regarding the *persona* of the correct immediate superior of Whitehouse. The title next passed to Gilbert Robertson of Muir-toune, Merchant in Edinburgh, and Janet Grahame, his spouse,⁴ and thence to his son, John Robertson,⁵ by whom the lands were conveyed to Jean Livingstoun,⁶ who married Alexander Biggar of Gairnshall. In 1708 she completed her title to Whitehouse by Sasine proceeding on Charter of Resignation by the tutors to Archibald, Earl Primrose, who is correctly designed Patron of the Prebend of Whitehouse.⁷ Her son, Captain James Biggar of Colonel Middleton's Regiment,⁸ sold the estate of Whitehouse with the manor place, etc., to the before mentioned John Davidson, in whose hands, therefore, both the immediate superiority and the right of property were now combined.⁹

Now, as previously explained, there was also a plot of

¹ Scott's *Fasti*, i.

² *Retours*, 25th April 1671. Sasine, 15th Feb. 1673, James Chrystie, son and heir of unquhile James Christie. On Precept of Clare Constat by Adam Hepburn of Humble, superior of the lands of Whitehouse, and patron of the prebend of Whitehouse.—*P. R. of S. Edin.*, vol. 21; f. 306.

³ 12th May 1674, Sasine, James Aikenheid. On Disposition by James Christie of Stentoune.—*Ibid.*, vol. 23, f. 197.

⁴ 6th April 1678, Sasine, Gilbert Robertson and Janet Grahame his spouse. On Disposition by George Aikenhead, son and heir of James Aikenhead.—*Ibid.*, vol. 29, f. 57.

⁵ *Retour*, 25th March 1701, recorded 16th Aug. 1735.

⁶ 29th Aug. 1707, *P. R. of S. Edin.*, vol. 73, f. 100.

⁷ 14th Dec. 1708, *Ibid.*, vol. 74, f. 426.

⁸ Infected by Sasine, recorded 20th June 1723.—*Ibid.*, vol. 96, f. 62.

⁹ 20th Aug. 1723.—*Ibid.*, vol. 96, f. 196.

5 acres 3 roods and $1\frac{1}{10}$ falls which undoubtedly did form part of the Burgh Muir, and which is described as adjacent to, and now included within, the lands of Whitehouse. This plot originally formed a portion of 'these twelve acres of arable land and three grass wards on the east thereof, bounded by the high road (*i.e.* Morningside Road) on the west, the Muir commonly called the two parts of the back Muir on the east, the lands now called Canaan upon the south, and the lands commonly called Andrew Stevenson's lands on the north ;¹ as also these twelve acres of land, lying towards St. Gillie Grange, bounded by the foresaid two parts of said back Muir on the west, the lands of Grange upon the east and south-east, the Chapple commonly called St. Rollocks or Simon Rollock's Chaple or Kirk, with the acres thereto belonging upon the south-west, and the lands of Whitehouse upon the north.' These two lots of twelve acres each and the three grass wards were acquired by John Davidson from James Grieve and John Young² in 1734, and, with the exception of the two laigh parks of 5 acres 3 roods and $1\frac{1}{10}$ falls, were sold by Davidson or, after his death, by trustee for his creditors in 1756, and became merged in the Estates of Canaan and Blackford. In the Decreet of Sale John Ross, evidently a surveyor, deponed 'that the foresaid two southmost laigh parks . . . are part of the Burrow Mure purchased by Davidson from James Grieve, that the deponent at Davidson's desire had the overseeing of the enclosing of the Lands of Whitehouse before the foresaid purchase from James Grieve, and, after the said purchase, he remembers well the enclosing of said two parks and adjoining the same to the parks of Whitehouse.' The two southmost parks must have formed part of the easter lot of twelve acres, and the present Grange Loan may, probably, have been altered in 1762 so as to become the southern boundary of the lands of Whitehouse. By licence, dated 22nd September 1630, Alex-

¹ Now by Newbattle Terrace on the north.

² Disposition.—*Books of Council and Session*.

ander Clerk, for some time Provost of Edinburgh, was permitted by the magistrates to enclose that part of the loaning—*i.e.* Whitehouse Loan—which leads to his house and lands of Whitehouse, and upon the west of said lands.¹ Then, in 1738, the Council granted ‘liberty to John Davidson of Whitehouse to build his stone dyke from St. Geill’s Grange to the Loan or Avenue leading betwixt the North and South Burrow Muirs now called Broomsfield Links and Canaan Muirs, and to join the dyke of the Lands of Whitehouse, taking four or five foots of the Loan; Mr. Davidson leaving out part of his ground to widen the entry to the road leading from thence to St. Geill’s Grange’ [*i.e.* Grange Loan].²

Of the portion of the lands of Grange extending to $16\frac{1}{2}$ falls and enclosed with a stone dike within the south park of the lands of Whitehouse, no explanation is necessary. It was sold by William Dick of Grange in 1751 to John Davidson,³ and the Grange has been held for centuries from the Prince and Steward of Scotland.

It will be noticed, therefore, that John Davidson, Principal Clerk of Justiciary, acquired in the course of time the properties which now comprise the lands of Whitehouse, *viz.* :—

1. The *Superiority* of Whitehouse, as transferred from the Crown and representing the Prebendary of Whitehouse, by Crown Charter under the Great Seal, 26th July 1746.
2. The *right of property* to the lands of Whitehouse by Sasine in his favour, recorded 20th August 1723.
3. The *right of property* to the 5 acres 3 roods and $1\frac{1}{10}$ falls, which formed part of the lands of the Back Muir disposed by James Grieve and John Young to John Davidson, Sasine in whose favour is recorded 26th October 1734.

¹ *MS. T. C. M.*, xiv. 174.

² *Ibid.*, lix. 45.

³ Sasine, 18th Sept. 1752.—*P. R. of S. Edin.*, vol. 140, f. 407; Disp. dated 26th April 1751.

4. The *right of property* of the $16\frac{1}{2}$ falls, forming part of the lands of Grange, disposed by William Dick of Grange to John Davidson, Sasine in whose favour is recorded 18th September 1752.

At his death Davidson's financial affairs fell into difficulties, and after prolonged litigation, his creditors in 1756 sold the lands of Whitehouse, with its component parts and rights as above mentioned, to Norman M'Leod of M'Leod,¹ who in turn conveyed them on 7th November 1779 to Alexander Fraser of Strichen, afterwards Senator of the College of Justice, in whose favour Charter of Resignation under the Great Seal was expedite on 6th August 1765. Lord Strichen disposed the property to James Newbigging, writer, Edinburgh, who completed his title by Sasine recorded 12th April 1786.² From Newbigging Whitehouse passed to Richard Woolley, in whose hands the whole of the subjects now forming the lands of Whitehouse merged in virtue of several Sasines in his favour as well as a Resignation *ad remanentiam*, consolidating the rights of superiority and property previously mentioned.³

In 1816 the magistrates sold the superiority of the 5 acres 3 roods $1\frac{1}{10}$ falls to Archibald MacKinlay, whose title was completed by Sasine recorded 5th August 1816;⁴ and it is now vested in Jane Caroline Potter, residing at Marine House, Tyne-

¹ *Decree of Sale*, 1 Dec. 1756.—*Dur. Office, Acts and Decrees*, 481, 1.

² *P. R. of S. Edin.*, vol. 297, f. 1.

³ 14th Sept. 1804. Sasine, Richard Woolley. On Disposition by James Newbigging.

14th Sept. 1804. Sasine, Richard Woolley, in the right of property of 5 acres 3 roods $1\frac{1}{10}$ falls. On Charter of Sale by Magistrates of Edinburgh.

24th July 1813. Sasine, Richard Woolley, in lands of Whitehouse. On Charter of Resignation under the Great Seal.

26th March 1819. Sasine, Richard Woolley, in lands of Whitehouse and manor place. On Charter of Confirmation and Sale by himself.

29th March 1819. Resignation *ad rem.* to himself.

The above five writs are recorded in the *P. R. of S. Edin.*

⁴ *P. R. of S. Edin.*, vol. 784, f. 72.

mouth, widow. Having adjusted his title, Richard Woolley then sold his whole lands of Whitehouse to Mrs. Ann Oliphant or Grant, widow of Francis Grant of Kilgraston, by Disposition dated 16th November 1819;¹ and in 1834 she disposed to the Rev. James Gillis, R.C. Clergyman, for £3000, parts of the lands of Whitehouse marked on plan (dated 1809) as the 'Pleasure Ground No. 7' and 'Farm Yard No. 8,' bounded on the north by the wall separating the lands and Estate of Whitehouse from lands and property of Sir George Warrender commonly called Warrender Park; on the south by a new stone wall $8\frac{1}{2}$ feet high running from east to west, the small house called the tool house being inclosed on the east by the garden wall separating the property sold from that of Sir George Warrender; on the west by the high road from Edinburgh by the Meadows and Wrights House Toll to Canaan, which subjects extend to 2 acres;² with the mansion house of Whitehouse, gardener's house, farm offices, coachhouse, stables, etc., all parts of the lands of Whitehouse. On this piece of ground Mr. Gillis, afterwards designed Bishop Gillis, founded the Convent of St. Margaret. In 1858 Mrs. Grant also feued to Bishop Gillis a triangular piece of ground consisting of 3 acres 2 roods $5\frac{3}{4}$ poles,³ part of the lands of Whitehouse, the superiority of which was acquired in 1903, by the Trustees for the Convent,⁴ who at once consolidated the two rights now in their own hands.⁵ On the death of Mrs. Oliphant or Grant, her Trustees conveyed the whole property by Disposition, recorded 1st November 1867, in favour of Lieutenant-General Sir James Hope Grant, Sir Francis Grant, and Catherine Ann Grant or Speirs. The General was a celebrated cavalry officer who distinguished himself during the Indian Mutiny at the taking of Delhi, and commanded the British Forces

¹ Sasine, 22nd November 1819.—*P. R. of S. Edin.*

² Sasine, 11th June 1834.—*Ibid.*

³ Sasine, 17th Feb. 1858.—*Ibid.*

⁴ Disposition, 18th May 1903.—*G. R. of S. Edin.*

⁵ 27th June 1903.—*Ibid.*

during the Chinese War of 1860. His brother, Sir Francis Grant, a distinguished painter, was appointed President of the Royal Academy in London. The Grants also feued out, in 1869, to the Trustees for the College for Daughters of Ministers of the Church of Scotland and Professors in Scottish Universities, the plot of 2 acres 3 roods 22 poles situated to the east side of Kilgraston Road, between Dick Place on the north and Grange Loan on the south.¹ Of this plot these Trustees have sub-feued two small pieces on which villas have been built facing Dick Place. The triangular piece of ground at the corner of the Loan and Kilgraston Road, measuring $\frac{86}{1000}$ acre, is a part of the lands of Blackford.² On 17th May 1890 the Trustees of the Grants and Dame Ann Oliphant Home Speirs sold the lands of Whitehouse for the sum of £18,500 to Robert Reid, William Crambe Reid, Thomas Guthrie Reid, and John Reid, all of 28 Blacket Place, Edinburgh. The sellers, however, reserved the long strip of ground on the east side of Kilgraston Road, between Beaufort Road on the north and Dick Place on the south, which they sold to the Edinburgh Southern Cemetery Company. The lands of Whitehouse are still vested in the hands of the two surviving brothers, William Crambe Reid and John Reid.

The Order of Ursulines of Jesus, of which the Convent of St. Margaret is an off-shoot or congregation, was founded in 1802, at Chavagnes, in France, by the Venerable Louis Marie Baudouin, a priest of Luçon. The Rule is that of St. Augustine with the Constitution of St. Ignatius, and was expressly chosen by the Bishop from its modern touch as 'the one most likely to suit the requirements of this country.' Like other religious congregations the Sisters of St. Margaret are bound to devote a certain portion of their time to the direct worship and praise of Almighty God; but they also combine the active with the contemplative phase of life. They undertake

¹ Feu charter recorded 10th June 1869.—*G. R. of S. Edin.*, vol. 46, f. 189.

² Disposition recorded *ibid.*, 9th July 1898, vol. 3483, f. 56.

the education of young ladies of the upper and middle classes, and of women of every condition who come to them for instruction, and also visit the sick and poor. Here, also, ladies find every facility for making spiritual retreats. Four hundred years ago—in the early months of the year 1517—the Convent of Siena was built at the east end of the long ridge that overlooks Bruntsfield Links and the South Loch, now represented by the Meadows. This was the last conventual building erected in Scotland in pre-Reformation times; while St. Margaret's, which is situated at the west end, possesses the distinction of being the first convent established in our country subsequent to the Reformation. Both were nunneries, but in the former, the Black Sisters led a cloistered life, shut out from the world. The worthy Bishop also regarded the name 'Whitehouse' as a happy omen, as it is a literal translation of the Latin 'Candida Casa,' the name of the most ancient Christian establishment in Scotland.¹

A few further additions have been made to the conventual grounds. In 1863 the Bishop's Trustees acquired from Sir John Warrender a small piece of 476 square yards, part of which has since formed the site of the tower; and in 1875 the Sisters feued from Sir George Warrender a strip extending to $3\frac{3}{10}\frac{6}{10}\frac{2}{10}$ acres of ground, situated on the south side of Thirlestane Road, for the purpose of preserving the amenity of their grounds. Following the example of Sir George they feued out the present line of flatted tenements forming the north side of Strathearn Road, and, as a prior measure, they disposed to the magistrates two strips of ground, one of 721 feet and the other of 100 feet, along Strathearn Road. Strathfillan Road so far was also feued. In 1909 the Convent also acquired the turreted villa with its grounds of 1 acre 1 rood 2 poles $6\frac{1}{4}$ yards situated to the west of these tenements, and this villa is now utilised as a boarding-house by the Sisters.

¹ Whithorn in Wigtownshire.

V. THE MUIR—DAVID I. TO JAMES IV.

Despite the excepted portions—the Grange of St. Giles, and the lands of Bruntisfield and Whitehouse—the Burgh Muir was sufficiently spacious in extent to give the gift a prominent place in the memory of the burghers of Edinburgh. The earliest detailed description occurs in an action raised by David Preston of that ilk, laird of Craigmillar, against the magistrates regarding the gushet at Cameron, which was decided in their favour on 26th January 1593-4.¹ The magistrates in their counter action define the boundaries thus—

‘Begynnand at the west neuke of the dyke upoun the south syde of Sanct leonards loneing qr the grund of the croce stands, and thairfra passand south and south eist as the said dyke gangis be the heids of the airabill landis of Sanctleonards and Preistisfield respectively until it cum to the end of the dyke forsaid, and to the gait that passes to the Priestisfield, Peppermylne, and Nidrie, and fra the south wast syde of the said gait, as ane oyr dyke passes south and south wast, be the sydes of the airable lands of Camroun qll it cum to the south wast neuk of the said dyke, and thairfra doun as the said dyke passes south south eist to the end of the Grene end of the said Commoun Mure by and contigue to the passage and hie street (*i.e.* the Dalkeith Road) fra the said burgh of Edr. to the brig end betuix the lone dyke of the saids lands of Camroun, and thairfra ascendand the waster lone dyke be the edge of the said commoun mure, and as the said waster lone dyke gannis to the end thairof, quhair it meets wt the croce dyke by and upoun the eist syde of the aikers of the said commoun mure pertening to (blank), and sa linalie be the said dyke qll it cum to the Powburne, and sua up the said Pow burne qll it cum to the loneing that passes to the lands of Newlands pertening to the laird of Braid, and thairfra wastwart as the dyke gangis to the south neuk of the dyke situat upone the eister pt of the lands of Tipperlinn, and sua northwart as the said dyke gangis by the yet of Tipperlinn, and thairfra northwart to the dykes of the corne land heids thairof, passand north

¹ *Reg. of Acts and Decrees*, vol. 145, fol. 229.

as the said dykes gangis to the hie gait that passes by Merchamstoun to the Craighous, and eist be the said gait till it cum to the west dyke of the croft callit the Dow croft, and thairfra sout. to the sout. end of the said dyke and sua nort. eist be the said dyke to the nort. eist nuk thairof, and thairfra nort. wert as the dyk gangis to the nort. west nuk of the same upoun the south syde of the passage that leids fra Edr. by the yett of Merchamstoun, and than begynnand upoun the nort. syd of the said hie passage directlie foiranent the nuk of the said dyke be the new yaird dyk laitlie biggit be the laird of Merchamstoun upoun ane pece of the said commoun mure laitlie disponit be the provest baillies and counsall of ye said burt. for the tyme to him, and sua haldand be the said new dyke and gangand about the samen till it cum to the nort. eist nuk thairof, and thairfra nort. wart and nort. eist be the auld dykes at the heid of the airable lands of Merchimstoun till it cum to the wester gawill of the Coithouses pertenant to the Laird of Wrytishouses.'

The above definition of the boundaries is somewhat difficult to follow ; but it is apparent that the Muir is bounded on the east or north-east by the Dalkeith Road. Although originally only a mere track through the forest of Drumselch, this roadway is certainly one of the oldest in our country. Nearing the town it bifurcated, one portion continuing by the present Crosscauseway, Bristo, and Candlemaker Row to the West Bow, which, for many centuries, formed the principal entrance into Edinburgh ; while the other passed down the Pleasance. The old road from Liberton, now known as Causewayside, became merged in the other roadway at the western end of the Crosscauseway. The present Morningside Road, which is continued by the old Braid Road to Fairmilehead at the pass between the Braid Hills and Pentlands, is also of ancient origin. The *cambus-stane*, and other prehistoric relics now swept away, furnish ample proof of this fact. The Dalkeith and Morningside Roads were connected by the Mayfield Loan—known in the sixteenth and seventeenth centuries as Cant's Loaning—and the present Grange Loan, which, however, in the eighteenth century,

was deflected at the villa grounds of Morelands somewhat to the north of its original course, so as to include the acres taken in to form the lands of Canaan and Blackford. It then continued in a south-westward direction along what is now designated Newbattle Terrace.

The conveyance of the ancient forest of Drumselch to the Parish Church of St. Giles and to the city, naturally destroyed its uses as a place for the royal hunt; and our sovereigns for enjoyment of their sport betook themselves to the lands south-west of the Braid Hills, and, in particular, to the great valley of the Pentlands. This practice of our kings resulted in a grant, probably during the early years of the thirteenth century, of the Barony of Penicuik to the Penicuiks of that Ilk, under the curious reddendo of 'rendering three blasts of the horn on the Common Moor of Edinburgh, formerly called the Forest of Drumselch, at the chief hunting of the King thereon in name of blench farm.' This reddendo appears in a Charter of Confirmation granted by James IV. in 1508, confirming John Pennecke, as the son and apparent heir of Sir John Pennecke, in the lands and barony of Pennecke.¹ It appears that the Penneckes had alienated the major portion of these lands without the consent of the King, and it was claimed that the whole lands—those so alienated, as well as the portion still retained in Sir John's hands—fell under the 'recognition' of the Crown as superior. To rebut this claim, the ancient infeftments were produced, and proved that the barony was held in blench farm. The 'recognition' was accordingly relaxed, and the charter duly expedite. These ancient infeftments, of which none is now on record, in all probability dated back to the thirteenth century, and the reddendo as it appeared in the original grant is undoubtedly repeated in this writ. Among the subsequent titles to the Barony of Penicuik is a Crown Charter, dated 14th February 1613, in which Sir John Prestoun, Junior, of Penicuik, is taken

¹ *Great Seal*, ii., No. 3173, 10th January 1508.

bound to blow three blasts, and *his wife, Elizabeth Turnbull*—who is thereby infested in certain portions of the Barony—*one blast of the horn*, on the Common Muir of Edinburgh,¹ while in another Charter of 14th July 1654, even Oliver Cromwell retains the ancient reddendo—to be held blench of the Protector, giving for the old Barony of Pennycuik and the teinds ‘*thrie blasts of ane horne upon the comon mure of Edinburgh callet of old the forrest of Knoselsche to our hunting upon the said comon mure.*’² During the time of the Commonwealth, the Great Seal and Sasine Registers were written in English, not Latin, thereby showing that Cromwell was far in advance of his time. Tradition has long identified a stone, known as the Buckstane, and lying on the old Braid Road near the entrance to the Mortonhall Golf Course—but, therefore, situated *beyond the limits of the Burgh Muir*—as that on which the ancient lairds of Penicuik were wont to stand and with great solemnity blow the three blasts on the horn as the King rode past to the hunt. The farm situated a little farther south still bears the name of the Buckstane Farm, and the hill overlooking the site, that of the Buckstane Snab. Maitland, in his *History of Edinburgh*, asserts with much greater probability that the Buckstane was ‘so-called, as ’tis said, from the King’s Buck-hounds being unchained and thrown off at it,’ and that it was at the Hare-stane situated ‘almost opposite to the south-eastern corner of the Park-wall of Tipperlin lone’ (now Albert Terrace) that the laird of Penicuik stood and saluted the King with the three blasts on his horn.³ This position, being really on the Burgh Muir, would be more in accordance with the reddendo in the charter. There is a reference in the *Town Council Register* of the year 1586 to ‘ane pece of land bewest the Standand Stane towards Tipperlin,’⁴ and it is evident that this ‘standand stane’ must be identical with that termed by Maitland

¹ *Great Seal*, vii., No. 821.

² *Ibid.*, x., No. 302.

³ *History of Edinburgh*, Maitland, p. 507.

⁴ *Burgh Records*, iv. 466.

the Hare Stone. This stone has been placed upon the west outer wall of Morningside Church, and is now known as the 'Bore Stone.'¹

In the summer of 1298 the warrior-king, Edward I. of England, launched his campaign against Wallace, our great Scottish patriot. He reached Roxburgh, where his army had assembled, on 3rd July, and on the 7th he marched northward by way of Lauder and Dalhousie until, on the 11th, he arrived at the Braid Hills, described in the records as *apud Brade*.² Here he formed a base camp, for which these hills with their defensive contours towards the north-west and west were admirably adapted. A short rest of three days enabled him to complete his arrangements, and on the 15th, with a large and well-equipped army, he marched from the Braids down the ancient roadways now called the Old Braid Road and Morningside Road towards Falkirk, where Wallace with his scratch levies awaited his onslaught. When encamped at Linlithgow, Edward was seriously injured by a kick from his horse, yet, on the following day, the 22nd, he moved out against Wallace, whose army had been reduced by desertions among our Scottish nobility, and inflicted on him, but only after a stout resistance, a crushing defeat. In the meantime three ambassadors—William de Belloforte (Belfort), Johanne de Foresta, and Clement de Saviaco—from King Philip of France had arrived at the English encampment on the Braids, and awaited the return of the English monarch. A treaty of alliance, offensive and defensive, had been drawn up in the royal palace at Paris, between John Balliol and King Philip on 23rd October 1295, and this treaty formed the genesis of the famous Franco-Scottish Alliance which lasted, with, generally speaking, good results to both countries, for the long period of nearly three centuries.

¹ *Infra*, p. 79.

² Stevenson's *Hist. Documents, Scot.*, ii. 287-8; Gough's *Itinerary of King Edward I.*, vol. ii. 167.

Wallace's victory at Stirling and his incursion into the north of England had forced Edward, who was at war with France, to open negotiations with Philip for a treaty of peace. The latter attempted on several occasions to include the Scots as his allies within the scope of the treaty,¹ and on 21st June 1298 Edward declared he required time for consideration. In the meanwhile he pushed on his preparations for the intended campaign against Wallace.

On the evening of 19th August, Edward returned by way of Morningside Road and the Old Braid Road to the royal tent in the English encampment on the Braids, and at once sent for the French ambassadors. Flushed with his victory at Falkirk, there was no longer any dubiety in his decision: he now emphatically declined either to deliver up Balliol, or to recognise the Scots in any other light than as rebel subjects of his own. This was Edward's final answer, although Pope Boniface VIII. had commanded him in a bull to make peace with France, to cease from war with Scotland, and to employ his troops on the recovery of the Holy Land.² But, as the French historian, Martin, remarks, King Philip, relying, or pretending to rely, upon the effect of the pacific exhortations from the Holy See, sent no aid to the Scots, who fell under the English yoke through the treason of their nobility.³ On the following day, Wednesday the 20th August, Edward raised his camp at the Braids, and travelled by the road at Fairmilehead to Glencorse—then known as Glencrosk—and thence on the 21st to Linton⁴ in Peeblesshire, at that time called Lynton Rotheryk.

The warlike Edward III. of England crossed the western marches in support of the claims of Edward Balliol to the Scottish throne, and in the beginning of August 1335 a large

¹ *Inventaire Chron.*, 16, 17, 18; *Bain*, ii. 990, 993.

² *Bain*, ii. 996. The bull is dated 10th July.

³ Henry Martin, *Histoire de France*, iv. p. 418.

⁴ Gough, ii. 168.

body of foreign mercenaries under the command of Guy, Comte de Namur, approached Edinburgh from the south. They were on their way to join the English King, who was then at Perth, and were under the impression that the whole country was in the possession of the English. Following the line of the Dalkeith Road, they crossed the Powburn, and on the Burgh Muir they encountered the Scottish forces under the Earl of Moray, one of the two guardians, and the Earl of March. The foreigners, however, clad in armour and splendidly mounted, made a vigorous resistance; and it was only the opportune appearance of reinforcements from the Pentlands under the Knight of Liddesdale, that enabled the Scots to drive them into the burgh itself by way of the Pleasance. Our ancient chroniclers relate with glee a marvellous incident that occurred in St. Mary's Wynd. Sir David de Annand, a Scot, on being wounded by one of the enemy, turned in wrath on his assailant, and, raising himself in his stirrups, he struck him with his battle-axe such a powerful blow, that the weapon cut clean through both man and horse, and, finally, made a hole in the ground!¹ The mercenaries fled to the Castle, only to find it lying in ruins, and, for want of other means of shelter, they killed all their horses and attempted to build a rampart with their bodies. Next morning they were forced to surrender. Moray and Douglas treated their captives handsomely; the Count with all his knights and soldiers being granted their liberty without ransom, and escorted back to the English borders.

In 1384 a Scottish army assembled, for the first time known to history, on the Burgh Muir of Edinburgh. It consisted, it is alleged, of thirty thousand men mounted on small horses under the command of the Earls of Fife and Douglas, but no details of the gathering have been preserved. Beyond making an inroad into the north of England, this army failed to accomplish anything of importance.² A century later—

¹ Extracta.

² *Caledonia*, Chalmers, iv. 592, new ed.; Pit., ii. 365.

in July 1482—James III. also assembled on the Muir a large army, which, however, had only reached the village of Lauder on the southward march, when its further progress was arrested by an outbreak among his nobility. Headed by Archibald Douglas, Earl of Angus—afterwards known as Archibald Bell the Cat—the confederate lords seized Cochrane, Rogers, and other favourites of the King, and hanged them on Lauder Bridge. They also carried King James to the Castle, where he was kept a prisoner until the 25th September of that year.

The old road through the Easter Burgh Muir, long known as the Dalkeith Road, has been often crossed and re-crossed by our 'auld enemies of England' during their many predatory and savage incursions; but it has been also utilised on several notable occasions in Scottish history, the most important, and, perhaps, the happiest of which was the passage from Dalkeith Castle of the Princess Margaret of England on the 7th of August 1503, when, as the bride of James IV., she made her state entry into Edinburgh. Accompanied by a large retinue under the charge of the grim Earl of Surrey, the youthful Princess—she was barely fourteen years of age, and of small physique—reached the Castle of Dalkeith on Thursday, the 3rd of August, and here she rested for four days. John Younge, the English Somerset Herald, acted as master of ceremonies, and it is from the official report¹ of this officer that we learn the details of what he terms the 'Fyancells of Margaret, eldest Daughter of King Henry VII., to James, King of Scotland.' Being professionally a man of pageantry, he describes with great minuteness the various incidents that occurred, even to the washing of the hands both before and after supper—forks were not then in use in Scotland; and, in particular, the rich garments and jewels with which all, both English and Scots, were adorned.

Within a few hours after her arrival at Dalkeith, the Princess was visited by her royal bridegroom and his younger

¹ Leland's *Collectanea*, iv. p. 258.

brother James, Archbishop of St. Andrews. It seems strange in modern eyes that, although by no means uncommon in those days, both the royal brothers should bear the Christian name of James. The King was dressed in 'a jakette of Cramsyn (crimson) velvet borded with Cloth of Gold, hys lewre behinde hys bake, hys beerde something long.' The 'lewre' was an article of attire worn on the back by sovereigns and persons of the highest rank; while the Herald's remark upon the unusual length of the King's beard is repeated in the course of his story. Ayala, the Spanish Ambassador, wrote five years previously that James 'never cuts his hair or his beard. It becomes him very well.'¹ It seems unnecessary that Younge should chronicle in his report that the King and his bride 'kissed togeder, and in lykwise kissed the ladyes and others also. And he in especiall welcomed the Erle of Surrey varey hertly,' whose fortune it was, ten years later, to command the English army on the fatal field of Flodden. Supper was then served, after which the Princess and Lady Surrey danced together. On the three following days, King James paid similar visits to his bride, and the evenings were passed merrily with dance and song, the King contributing his share by playing on the clavicord and the lute. He was an excellent horseman, and, on leaving for Holyrood, he delighted in displaying his prowess before the admiring eyes of his bride and her ladies by vaulting into his saddle 'without puttinge the Foote within the sterrop.' To ride to Dalkeith on a Sunday was, however, a violation of his usual practice, for Ayala informs us that 'he would not ride on Sundays for any consideration, not even to mass. He says all his prayers.'

The morning of Monday, the 7th of August, was ushered in by brilliant sunshine, and the preparations for the state entry proceeded apace amid a scene of great excitement. At length the procession was formed up to the Herald's satis-

¹ *Spanish Cal.*, i., No. 210.

faction, and started on its historic march towards the city, headed by the lords, spiritual and temporal, the knights and other gentlemen on horseback, and all, as Younge observes, 'varey rychely appoynted, the most Parte in Gownes of cramsyn Velvett.' The Princess's procession came next. In front were the English minstrels, Johannes and his company,¹ and what we would term the 'state trumpeters,' followed by the Somerset Herald with his officers, and his sergeants of arms carrying maces in their hands. Then followed the Princess in her gaily adorned horse litter, surrounded by her footmen. She was dressed in a gown of cloth of gold trimmed with black velvet, and wore a collar of pearls and precious stones. Behind her rode Sir Thomas Worteley, her Master of the Horse, leading her palfrey of honour, and, after him, came her ladies and gentlewomen, all 'varey richely appointed and mounted that it was a fayr syght.' All these ladies rode palfreys. Her *char* or carriage, drawn by six horses with three postillions, came next in order, and in this car were three ladies; while some other ladies of the household, who also rode on palfreys, brought up the rear of the procession. When about a mile distant from Dalkeith, a large tame hart was brought from the King to run a course, but this Surrey forbade until his Majesty's arrival; and shortly afterwards, when half-way towards Edinburgh, the king was descried galloping swiftly towards them on a bay horse as if chasing the hare—'rennyng as he wold renne after the Hayre'! He was accompanied by a cavalcade of lords and gentlemen to the number of two hundred, including in their ranks the Archbishop of Glasgow, the Bishop of Moray, and the Earl of Bothwell. After kissing the little lady as she sat in her litter, the King again mounted his horse, and, as the procession restarted on its march, he took up his position with his escort of nobles behind the Princess, preceded by a gentleman usher carrying

¹ Probably a band of musicians accustomed, like our modern brass bands, to play in the open air.

the sword of state, which bore the words *God my defende* on its purple scabbard as well as on the pommel and the cross.¹ Farther along the road a gentleman waited in charge of a horse, on which it was intended that the King with the Princess seated behind him should make their triumphal progress through the city. The trappings were of cloth of gold, and of crimson velvet interlaced with white and red. The horse, however, after a trial by the King with a page instead of the lady seated behind him, proved somewhat restive and was discarded. The palfrey of honour was thereupon brought forward, on which King James mounted with the Princess seated *en pillion* behind him, his Master of the Horse with five young gentlemen taking the place of the Princess's English footmen; so that, as Younge narrates, 'it might be seen that shee was well accompanied and richly.' Riding slowly towards the town, they passed a meadow in which, for their amusement, a sham contest between two knights for the rescue of a lady was in course of progress in presence of a large crowd of people. After ascending the hill to the present Preston Street Board School, and turning thence along East and West Preston Streets, the procession passed along the eastern side of the South or Burgh Loch (now represented by the Meadows) until it reached a spot now covered by Buccleuch Street. Here the tame hart was unloosed and a hound slipped in pursuit, with the satisfactory result that, although hotly pursued, the hart reached its kennel in the town in safety. On reaching the Candlemaker Row, the Earl of Bothwell took up his post in front of the King as the bearer of the sword of state, and at the 'foot' of this street, which Younge identifies as the entrance to the town, 'wer many honest People of the Town and of the Countre aboute, honestly arayd, all on horsbak,' patiently waiting the appearance of the royal couple. The minstrels, Johannes and his company along with the English trumpeters, distributed themselves so as to line both sides

¹ This sword disappeared during the troubles of the sixteenth century.

of the street, and, as the King with his bride rode past, the trumpeters sounded a joyous fanfare.

The worthy Herald then narrates with glee the enthusiastic reception accorded by the citizens to the King and the Princess in their progress through the city until their arrival at Holyrood: 'The Towne of Edenborough was in many places haunged with tappisery, the howsis and wyndoes war full of Lordes, Ladyes, Gentywomen, and Gentylnen, and in the Streytts war soe grett Multitude of People without Nombere, that it was a fayr Thyng to se. The wich People war varey glad of the commyng of the sayd Qwene; And in the Churches of the sayd Towne, Bells range for Myrthe.' There was, indeed great rejoicing among the Edinburghers because of the general belief that the ghastly wars with England, by which our country had been devastated for a period of over two centuries, would now, by means of this union, cease for ever. The marriage was celebrated with great magnificence on the following day in the Abbey Church; but the King had been a Benedict for only one day when he had to submit to the curtailment of his beard at the hands of the Countess of Surrey and her daughter, Lady Gray. It appears that its unusual length had been the subject of unfavourable comment by the English ladies as well as by the Somerset Herald, and we learn from the prosaic Accounts of the Lord Treasurer that the two ladies received from the King cloth of gold to the value of £510 Scots on the 'ix day of August after the marriage' when she—the Countess—and her daughter 'clippit the Kingis berd':¹ surely, says a recent historian, the largest barber's account on record!²

VI. THE KING'S CHARTER OF 1508

Towards the end of the fifteenth century considerable agitation arose in the city regarding the tenure under which

¹ Sir James Balfour Paul, *L. H. T. Accounts*, ii. 314.

² *Ibid.*, ii. lxix.

the Burgh Muir was held, and the want of magisterial jurisdiction to suppress evil-doers. A petition signed by the leading burgesses was presented to the Council, and from a note in the Records we learn that on 25th June 1490— 'After the catalogue of *twenty-seven* names of sum honest persounis of the town berand office, and of *twelve* deikens, it is said that and in lykewyse all the haill counsale, deikynis, and community consentit to the assedatioun of the space of the burrowmuir.'¹ Ultimately, an appeal was made to the King, and, by royal charter dated 6th October 1508, the magistrates received licence to feu the Burgh Muir and the Common Myre in whole or in part, and also to exercise full jurisdiction over the dwellers therein. The following is a translation of this charter:—

'Know ye that, for the special favour which we bear towards our beloved the Provost, Bailies, Councillors, and Community of our Burgh of Edinburgh, and for the common good and profit of the same, we have given and granted, and by this our present charter give and grant for us and our successors, to the said Provost, Bailies, Councillors, and Community of our Burgh aforesaid, and to their successors, our special consent, free licence, privilege and full power, now and in all time coming to lease their common lands of the Common Muir of Edinburgh called the Burrowmure and the common marsh thereof called the Common Myre, with their pertinents, in whole or in part, in feu-farm heritably by charters and sasines to any person or persons, as to them shall seem most expedient, for feu-duties to be paid therefrom yearly to our said Burgh in augmentation of the common good thereof: To be held of us and our successors in fee and heritage and free burgage for ever under the following restrictions, viz. :— We will and ordain that the persons to whom the foresaid lands shall be leased in feu-farm as aforesaid, and their heirs and all dwellers on the same lands be subject to the jurisdiction of our foresaid Burgh, the Provost and Bailies and Officers thereof, present and to come, and that they repair every week with their victuals and other goods to the market of our said Burgh, and observe the statutes of the

¹ *Burgh Records*, i. 58.

same, and come and appear before its tribunals or head courts in the same manner, in all and by all, as the burgesses and inhabitants thereof do ; Also we will and grant for us and our successors that the leases which may be made as aforesaid in feu-farm by the said Provost, Bailies, and Councillors of our said Burgh, present and to come, of their common lands as aforesaid, in whole or in part, agreeably to our consent which we grant to them for buildings and policies to be erected thereon, shall be no cause of recognition or forfeiture thereof, nor any damage or prejudice to our said Burgh nor to the burgesses thereof, concerning their liberties and their common lands in any way for the time to come ; and for their greater security, we approve, ratify, and for us and our successors now as then, and then as now, for ever confirm all leases in feu-farm, charters, infeftments, sasines, and alienations which shall be made, as is premised, by the said Provost, Bailies, Councillors, and Community of our Burgh aforesaid, present and to come, of their aforesaid common lands, in whole or in part, to any person or persons in augmentation of their common good, in all and by all according to the tenor and effect of their said charters and infeftments ; and we will that the said leases, charters and infeftments, with this our confirmation shall be of as great force, effect, and worth, in all and by all, as if they had been inserted and specially expressed word for word in this our charter of confirmation without any obstacle, impediment, revocation, or contradiction of us or our successors whomsoever, to be made thereupon in any way in time to come.¹

It may be assumed that prior to this date parts of the Muir had been set in lease for the benefit of the city ; but, by the beginning of the sixteenth century, a strong feeling had arisen throughout the whole country in favour of a more permanent form of tenure. Feuing, no doubt, had existed in Scotland for many centuries ; and at last the Acts of 1503 of the Scottish Parliament² made it lawful not only to the Sovereign but also to every man ' baith spiritual and temporal ' to set their lands in feu. Then the condition of the Muir, as the haunt of rogues and vagabonds of all sorts, demanded some sort of supervision

¹ *Great Seal*, ii. 3265 ; *Charters, City of Edinburgh*, 193.

² *Scott. Acts of Parl.*, Thomson.

on the part of the Magistrates, and thenceforth it became incorporated within the 'Liberties of the Royal Burgh of Edinburgh.' The feuars and dwellers also were given the right of market within the Burgh, although the burgesses themselves formed a close corporation to which the right of buying and selling was strictly confined. The restrictions in trade against what were called 'unfreemen' were severe. 'If then,' says a recent authority, 'we take a survey of Scotland in the middle of the fifteenth century, we find that the country was divided into a number of districts, in each of which the burgesses of some royal burgh had the monopoly of trading, and could prevent the opening of a village shop. But as wealth grew and civilisation and trade increased, these monopolies were found increasingly vexatious. The villagers complained that they had to go twenty miles to buy a pair of shoes; travellers complained that they could not get refreshment or supplies between one royal burgh and another.'¹

Maitland, our first local historian, also tells us that 'the Citizens were no sooner in possession of this grant, than they set about clearing the ground by cutting down a vast number of large trees, whereby the quantity of wood in their hands on that occasion was so very great that they could not dispose of it: Wherefore, to encourage the inhabitants to purchase the said wood, the Town Council enacted that whoever should buy a quantity thereof sufficient to new front the tenement he, she, or they dwelt in, should be allowed to extend the said new front the space of seven feet into the street; whereby the High Street was reduced fourteen feet in its breadth; and the buildings which before had stonern fronts were now converted into wood, and the Burgh into a wooden city.'² The enactment of Council to which Maitland makes reference is not, however, to be found in the City

¹ Adolphus Ballard, *Scott. Hist. Rev.*, vol. xiii. p. 20.

² Maitland's *History of Edin.*, quoting *MS. T. C. M.*, i. 26.

Records as now extant; and it is thought that the folio on which it was engrossed must have fallen aside since his day. The first book of the Register is evidently a collection of loose sheets, which at some period have been bound together to form a thin volume. The most picturesque of these 'stonern' tenements with timber fronts which remained intact down to recent times stood at the corner of the West Bow and the Lawnmarket, and was wantonly demolished by the Improvement Commissioners in 1878. The erection of these timber frontages brought in its train further encroachments on the streets in the shape of fore-stairs, many of which were built of wood. In 1674 the Council forbade the erection of these wooden fore-stairs; ¹ and in 1727 an Act was passed prohibiting entirely the building of stairs in front of houses upon the streets of Edinburgh. ² It is perhaps necessary to explain that in the early years of the sixteenth century there were no side walks or *pavements*, as they are now colloquially termed, in the steets. Flagstones or *paymenting* were used in St. Giles' and as bridges over syvers or open drains or sewers; but the side walk or pavement was a device of the seventeenth century, and it was only in 1688 that the magistrates were empowered to make statutes ordaining all proprietors to form and maintain walks of hewn stone in front of their tenements, and to exact from the burgesses the expense thereof. ³ Under the same deed the magistrates were also permitted to erect lanthorns to furnish light by night in the city 'and its suburbs and

¹ *MS. City Arch., M'Leod's Inv.*, xi. 52. It is evident that the Town Councillors themselves ignored their own enactments against the erection of encroachments on the streets, for, from the *Minutes* of 17th March 1682, vol. xxx., f. 114, we learn that power was granted to William Heartly, merchant in Edinburgh, 'to erect and caus build ane timber house of fourty foot in lenth and twenty foot of breadth upon the High Street below the Blackfrier Wynd head for showing a motion called the Indian or German walk; and this to continew during the Counsell's pleaseor.' This 'motion' called the Indian or German Walk must have been some form of dance.

² *MS. City Arch., Moses' Inv.*, 173.

³ Charter under the Great Seal, dated 25th September 1688; *MS. Inv. of City Charters*, ii. 105.

towns dependent thereon,' and to levy the expense from the citizens.

The city muniments have suffered irreparable damage at the hands of our 'auld enemies of England,' particularly during Hertford's invasion of May 1544, and little is known of the early arrangements made by the Town Council for the feuing out of the Burgh Muir. The first notice is an enactment, dated 30th April 1510, binding the citizens to whom certain portions of the Muir were set in feu 'to build upon the said acres dwelling houses, malt-barns, and cowbills, and to have servants for the making of malt betwixt and Michaelmas 1512; and failing their doing so, to pay £40 to the common works of the town, and also to pay £5 for every acre of three acres of the Common Muir set to them.'¹ This strange obligation for the manufacture of beer continued to be enforced against all the feuars of the Muir for a period of over a hundred years. On 24th April 1511, the bailies gave sasine to sixteen feuars each in half an acre 'towards' the Burgh Loch, and 'two acres and the half of an acre arable land lying with the larger measure, because that piece is in part barren, and not so fruitful as the other lands lying thereabout. For every tenandry in the said Muir should contain in whole three acres of land only to be built and cultivated, unless there be a reasonable cause of barrenness and unfruitfulness.'² The names of the sixteen feuars were Sir Alexander Lauder of Blyth, the Provost, Adam Carkettel, Mr. Walter Laing, Walter Young, one of the bailies, John Adamson, John Watson, William Hoppar, William Rynd, George Towris, Patrick Rechartson, Richard Scott, John Rowat, Walter Thomson, William Forsyth, Thomas Hathway, and John Levington. These sixteen were the forerunners of a long line of successors who have covered the Muir during the past four centuries with substantial evidences of their prosperity. In the volume of *Extracts from the Town Council*

¹ *Burgh Records*, i. 129.

² *Ibid.*, i. 131-2.

Minutes, preserved in the Advocates' Library, notice of the following Sasines appear :—¹

- 27 April 1511. Sasine in favour of Walter Chepman, Clerk, in piece of waste land beside the Burgh Loch containing $\frac{1}{2}$ acre for house to be biggit thereon ; also another piece of arable land annexed thereto on South containing $2\frac{1}{2}$ acres.
- 2 June 1511. Sasine to Andro Bog ; on resignation by Walter Thomson, in his half acre beside the Burgh Loch, and his $2\frac{1}{2}$ acres to the south.
- 13 July 1512. Sasine, John Naper, in $\frac{1}{2}$ acre beside the Burgh Loch, and $2\frac{1}{2}$ acres to the south thereof.
- 13 July 1512. Sasine, John Watson and spouse ; on his resignation, in $\frac{1}{2}$ acre beside the Burgh Loch, with other $2\frac{1}{2}$ acres.
- 13 July 1512. Sasine, John Rowatt and spouse ; on his resignation, in his $\frac{1}{2}$ acre at the Burgh Loch, and also his $2\frac{1}{2}$ acres.
- 13 July 1512. Sasine, John Levington and spouse ; on his resignation, in his half acre of biggit land at the Burgh Loch, also $2\frac{1}{2}$ acres.
- 10 December 1512. Sasine, Sir John Crawford in name of the Chaplain of St. John's Chapel in the Muir, in 1 acre and $\frac{1}{4}$ of a rood.

Alexander Levington, evidently son of the above-mentioned John Levington, was tried in 1514 before an assize—for the 'crewall slauchter of vmquhill Walter Jak vpoun the Borrowmuir of this burgh of Edinburgh in this last month of September bypast,' but was acquitted 'becaus thai cleirlye knew it was in his pure defence. Jhone Levington *petiit instrumentis.*'² Two years later the Council was much excited because certain of their feuars had 'nocht fulfillit the biggings, completit the samyn with barnys, killis, cowbillis and servandis' ; and the Provost, David Mailvill—who was one of the delinquents—took occasion to renounce in favour of the city his biggings and 'sicylke

¹ *Vol. of Extracts* arranged under heads in a hand of the 16th century. The dates of the excerpts run from 1442 to 1579. *Compiled by Alexander Guthrie, Senior*, 31. 4. 9.

² *Burgh Records*, i. 152.

of his arable acris and land lyand thairto.' He also ordained that the 'stuf of the biggit land'—the stones of his build-ings—should be utilised for the erection of the Flodden Wall.¹ The dispute reached a crisis in 1519, when, on 7th June, seven of the feuars of portions of the Muir formally renounced all their rights to their 'biggings' and 'thair arable aikerris and land,' viz. ex-provost David Mailvill, George Henderson, son and heir of vmquhill James Henderson, Adam Hopper, for himself and Margaret Baty his spouse, the relict of vmquhill Patrick Heriot, William Mele for himself and his spouse, the heir of vmquhill William Scheirsmyth, and Edward Thomesoun, the son and heir of Walter Thomesoun. At the same meeting of Council, Edward Litill, one of the bailies, protested in name and behalf of the 'haill communitie' that the lands and acres of those who had failed to fulfil the conditions laid down in their titles should 'returne agane to the toune, and the panys raisit contenit in the said act.'² On the following day, after hearing declarations by Walter Chepman that he had fulfilled the conditions in the Act, and by others, the whole matter was placed in the hands of Mr. Adam Otterburne, who summoned all having interest in the Muir to appear. The court thereupon declared that all who had failed in their obligations had 'tint the rychts thair of for ever.'³ At this point the printed record fails us; but we gather from the Volume of Extracts that in the year 1530 a complete rearrangement of the whole of the feus had been made. The division of the feus into half-acre lots for building, and two and a half for farming purposes was also withdrawn, and the South Muir, extending to eighty-one acres, was selected for division into twenty-seven parts or lots of three acres each among the various applicants. It is indeed from this date that the actual feuing out of the Muir—other than the four and a half acres for St. John

¹ *Burgh Records*, i. 159, 160.

² *Ibid.*, i. 187, 188.

³ *Ibid.*, i. 189, 190.

the Baptist's Chapel¹—may be said to have commenced. The parts or lots, which were all numbered, stretched along the banks of the Pow and south of the Grange Loan from the lands of Cameron on the east to the steading adjacent to St. Roque's Chapel on the west. In the division of the ground disputes naturally arose among the applicants, and, in consequence, the magistrates divided the feuing lots by ballot. On 26th November 1530, twenty-five out of the twenty-seven vassals were infefted by sasine, and, for long afterwards, the number of the lot or the name of the first vassal furnishes the only means of identification. These, however, are in many cases wanting. The following appear in the *Extracts* as having been infefted:—

Sasine, Patrick Fleming, of 3 acres, having the lands of Cameron on the east, David Heriot, Lytster (dyer), on west, Muir on north, and Powburn on south. [This formed the 1st part.]

Siclike, David Heriot got Sasine of the 2nd part.

Like wise, William Elphinston got sasine of the 6th part.

Item, Adam Otterburn of the 7th part containing 3 acres.

Sasine, Francis Bothwell, of the 8th part.

George Cant, of the 9th part.

William Loch, of the 10th part.

William Adamson, of the 11th part.

Edward Kincaid, of the 12th part.

Alexander Young, of the 13th part.

Mawreis Copland, of the 14th part.

Robert Watson, of the 15th part.

Patrick Fleming for George Fleming his son, of the 16th part.

Robert Glen, of the 17th part.

Francis Aikman, of the 18th part.

John Watt, of the 19th part.

Mr. David Ireland, of the 20th part.

James Johnston for the Baxteris, of the 22nd part.

James M'Gill, of the 23rd part.

Alexander Wilkison, of the 24th part.

David Dronar, of the 25th part.

¹ *Infra*, p. 97.

William Rowat, of the 26th part.

Thomas Bartraham, of the 27th part.

James Henderson, of the 5th part.

James Gilbert, for his father Michael Gilbert, of the 4th part.

The third part, not noted above, was in the possession of the widow of Walter Chepman, who two years later was succeeded by Mr. John Chepman, who was infetted by Sasine dated 15th February 1532-3, 'in the lands of the deceased Walter Chepman in the Common Muir on the north side of the Kirk of the Seynis, containing the aucht part of an acre, with the kiln, barn, houses biggit and to be biggit, etc., having the Common Muir on the east, south, and west, and the Burgh Loch on the north, and, sicklike, of the three acres annexed thereto betwixt the Powburn on the south, the Muir on the north, and the arable lands of said Muir on the east and west.'¹ Chepman's name may, therefore, be added to the list of the 'fathers of the Burgh Muir.' The 'aucht part of an acre' is evidently the small piece of ground which was excepted in Robert Grahame's feu charter of the sixteen acres of the lands of Sheens²—'exceptand the houses and yairds within the said bounds as are presently possessed by Mr. John Chepman and Helen Smith his spouse.'³ This site is now occupied by the factory recently erected by Messrs. Bertram in Sciennes Road, and is of considerable interest, as it marks the residence of Walter Chepman, who introduced the art of printing into our country. John Chepman was succeeded in both subjects by Robert Chepman, whose Sasine is dated 15th February 1552-3,⁴ while Mawsey Chepman, brother and heir of Robert, completed his title to the same subjects by sasine dated 7th July 1558.⁵ From one of the brothers Chepman, the 'one aucht of an acre' must have been gifted to the Black Friars or to the Convent of Siena.

¹ Ext. Adv. Lib., 125.

² See *infra*, pp. 144, 163.

³ Ext. Adv. Lib., 125.

⁴ *Ibid.*, 128.

⁵ *Ibid.*, 129.

In feuing out the Muir, the Town Council confined their first efforts to the twenty-seven lots of three acres each—in all to eighty-one acres, being parts of what became known as the South Muir; but in a few years several of the feuars renounced their rights, and thereby have created some difficulty in identification. Ultimately, all these twenty-seven lots, some under different mensurations, fell into the hands of the Dicks of Grange.¹

VII. THE FLODDEN CAMPAIGN

The greatest event in our national history, with which the Burgh Muir of Edinburgh is indelibly associated, is the disastrous Flodden campaign. In the middle of the summer of the year 1513, our infatuated monarch, King James IV., at the instigation of France, declared war against England, and on the 11th of August the declaration was personally presented to Henry VIII. at Terrouenne in France by the Lyon King. The answer of the English King was equally defiant in tone—‘As you do to us and our Realm, so it shall be remembered and acquitted by the help of our Lord and our Patron, St. George.’ By royal proclamation King James had already summoned all his feudal levies—‘all sic fensabill personis habill for weir’—between the ages of sixteen and sixty, to assemble on the Burgh Muir ‘in their best aray, bodin for weir’ under ‘tynsal of lyfe, land, and guid.’ The day of rendezvous was, it is believed, the 19th of August; and, accordingly, there assembled on the Muir in the month of August of that year the largest army that had ever responded to the call of a Scottish sovereign. Some chroniclers estimate its numbers at 100,000 men; but that is certainly an exaggeration. In those days the population of our country was small. Then, the Borderers would join the army only when on its march southward, and we may, perhaps,

¹ *Infra*, p. 223.

accept 50,000 as the number of men who encamped on the Muir, and 60,000 as the number who actually crossed the Border. Drummond of Hawthornden, writing long after the event, describes the Muir as 'a field then specious and delightful by the shades of many stately and aged oaks,' and this description may be held to be fairly accurate. But it is doubtful if accommodation for so large a host with their followers could have been found within the limits of the Burgh Muir; and it is probable that the great encampment, with its forest of tents and bivouacs of all kinds, crossed the southern limit of the Powburn and, pivoting round the Blackford Hill, swung for a few miles to the south-west and the south-east. During the reign of James IV. there was no standing army—not even a royal bodyguard—and the army that assembled on the Muir consisted entirely of untrained levies grouped under their feudal or burghal superiors—the provosts or bailies of the royal burghs, for example—each man being bound to provide himself with proper equipments as well as provisions for the campaign. The artillery, however, was under the sole control of the King, and was not represented on the Muir. The keeping of big guns, owing to the heavy expenditure and organisation which they entailed, had gradually converged into the hands of the King, whose influence and power as against the nobility was thereby considerably enhanced, and herein lay, no doubt, the reason for King James's increased activities in the purchase abroad of cannon and munitions of every kind then in use. In the year 1511 he established a foundry for the casting of big guns at the Hawkhill in Edinburgh Castle—the first to be erected in Great Britain—under the superintendence of Robert or Robeyne Borthwick, the 'Master Meltar.' It is to be feared that the possession of these weapons, and of his warships, had also the effect of inflaming James's mind with at least the feeling, if not the actual lust, for war, and thereby unwittingly prepared the way for the calamitous disaster at Flodden.

The Accounts of the Lord Treasurer furnish in detail the expenses incurred in providing ropes, buckram, coloured thread and canvas for the repair of the royal paulyonis (pavilions) or tents, and for the making, by special command of the King, of a tent for the heralds, and of another for Robeyne Borthick (Robert Borthwick), the 'Master Meltar' of King James's guns. It is evident that the royal pavilions were simply small military tents from the fact that only four carts were provided for their transport into England; while John Formane with forty men formed the attendants 'to the upsetting and the dounsetting of the paulyonis' at a cost of £36 Scots when in Scotland, and £22 when in England. Walter Logan, carter, was also employed with two carts 'to pas with the Kingis cofferis' or military treasury chests.

The succeeding entries in the Treasurer's Accounts relate to the furnishing of the royal banners and standards, and in their preparation serious delay must have occurred. We learn that two banners were made of blue taffety, each two ells in length,¹ for the two Scottish saints, St. Andrew and St. Margaret of Scotland, and a third banner for the King of red taffety four ells long; while the King's standard was also made of taffety, but only three ells in length. According to the old writers, a royal standard was usually nine yards in length.² All the banners as well as the standard were heavily fringed, and for their protection from the weather they were enclosed, like our modern regimental colours, in cases or covers made of 'basand skinnis,' that is, of sheepskin dressed in imitation of Spanish leather. The sum of four shillings is also entered as paid 'for the maiking of thaim *in haist*'; but, before the work could be properly completed, James, with characteristic impatience, rode off to the front to look after his beloved guns, leaving a man behind 'to byde on the stan-

¹ An ell Scots was equal to $37\frac{2}{10}$ inches *Imperial*.

² See Sir J. Balfour Paul's remarks as editor of the *L. H. T. Accounts*, vol. iv, pf. lxxv-lxxx.

dartis to bring thaim with him in haist that nycht that the Kingis grace departit furth of Edinburgh.'¹ We may, therefore, conclude that the royal standard of King James IV. was not flown on this occasion on the Burgh Muir of Edinburgh. The following are the entries as they appear in the Accounts of the Lord Treasurer:—

Item, to four ellis of blew taffetis to mak Sanct Androis and Sanct Margrettis baneris, price of the elne xx s. ; summa	iiij ^l
Item, for four ellis rede taffateis to be the kingis baner, price of the elln xx s. ; summa	iiij ^l
Item, for xiiii unce of sewing silk to be frenzeis to the baneris and standartis, price of unce v s. ; summa	iiij ^l x ^s
Item, iij ellis taffateis to be the kingis standart, price of the ell xx s. ; summa	iiij ^l
Item, to ane woman that maid the frenyeis to the baner and standartis	xl ^s
Item, for four basand skinnis to be casis to kepe the baner and standartis in, price	xiiiij ^s
Item, for the making of them in haist	iiij ^s
Item, for x hankis of gold gevin to the capitane of the castellis wyf for the kingis coit armour, price of the hank v s.	l ^s
Item, to ane man to byde on the standartis to bring thaim with him in haist that nycht that the kingis grace departit furth of Edinburgh	x ^s
Item, the xix day of August, for ane stand of harnes to the kingis grace bocht fra schir David Guthre, for the quhilk he has my obligatioun of	xl ^l

The prosaic entries in the Lord Treasurer's Accounts also, we fear, remorselessly dissipate the romantic tradition—and romance is the soul of tradition—attached to the stone formerly known as the Hare Stone and later as the Bore Stone, which has been erected on the wall in front of Morning-side Parish Church. It is alleged that it was on this stone

¹ *L. H. T. Accounts*, iv. 521.

the royal standard was erected—a tradition voiced by Scott in beautiful, resounding verse. In his notes to Canto Fourth, Scott explains that at the muster of the Flodden army and ‘similar occasions, the royal standard is traditionally said to have been displayed from the Hare Stane, a high stone now built into the wall on the left hand of the highway leading towards Braid, not far from the head of Bruntsfield Links. The Hare Stane probably derives its name from the British word *har*, signifying an army.’ In the *Burgh Records* there is mention, under the year 1586,¹ of ‘the Standand Stane toward Typperlin, betuix the lands of Merchinstoun and the burne’—*i.e.* Jordan Burn. On the other hand, Maitland, the historian, writing in 1753, tells us that the Hare Stane stood on the eastern side of the road to the Braids, ‘almost opposite to the south-eastern corner of the Park-wall of Tipperlin Lone,’ and that it was on it that ‘the Laird of Pennycuik stood and saluted the King with three blasts of a horn at his arrival in these parts.’² This statement is certainly in full agreement with the obligations in the royal charters under which the lairds of Penicuik held their lands; but whichever view be taken, there can be no question that to the stone built on the wall in front of Morningside Parish Church considerable historic significance must have been attached.

The first movement towards the Borders began on the 17th of August, when five cannon from the Castle were ‘put on gait’ and drawn by men down the High Street, so as to avoid the dangerous gradient of the West Bow, to the Nether Bow in St. Mary’s Wynd, where they remained all night under a guard of twelve men. Next morning they were dragged by oxen along the Pleasance to the Dalkeith Road. The route thence was probably over the Soutra Hill to Coldstream, a distance of forty-eight miles.³ The remaining guns in the

¹ *Burgh Records*, iv. 466-7.

² *Maitland*, 507.

³ See Sir J. Balfour Paul’s account of the guns, etc., *L. H. T. Accounts*, iv., pf. lxxvi.

Castle got under weigh on the 19th August. The extant records are incomplete, and they make mention only of seventeen guns in all ; but they furnish an interesting account of their equipment—of the squads of men attached to each gun provided with spades, shovels and picks to level the road and assist the oxen to overcome the difficulties of the way ; of the carts to carry powder and iron bullets ; of the ‘gun stanis’—stone bullets—which were carried in creels or baskets on the backs of horses, although some were taken in carts ; and all the other impedimenta of artillery usual at this early period. Some hitch must have occurred with the guns in their passage southward, and, on the evening of either the 18th or the 19th, the impetuous King James, who up to this point had resided at Holyrood, and not, as is commonly believed, with his army on the Muir, suddenly ‘departit furth of Edinburgh.’ It is unfortunate that no contemporary account has been preserved of the movements of the great army when encamped on the Muir. From the *Burgh Records* we learn that on the morning of Thursday, the 19th, the Town Council—‘for the commoun weill and profeit of the toun, and guid reull thairintill to be had *after thair passage to the Kingis armye*’—installed George Towris, a scion of a well-known Edinburgh family, as president of the Council, and four others—Robert Brus, William Lokhart, William Adamesoun, and William Clerk—to act temporarily during the absence of the Provost, Sir Alexander Lauder of Blyth, and his four bailies.¹ To these five, all men over sixty years of age, full jurisdiction was given to carry out justice, make the necessary statutes, and punish transgressors. Having placed the civil government of the city in security, the gallant Provost and his four bailies ranged themselves at the head of their contingent of burghers and craftsmen, and marched out by the West Bow to the Burgh Muir to join the ‘Kingis armye.’ According to tradition, the craftsmen carried with them their famous flag,

¹ *Burgh Records*, i. 141.

the Blue Blanket, which is now preserved in the Trades Maiden Hospital in the Grange Loan. It is probable that the arrival on the Muir of the Provost and his contingent on the morning of Thursday, 19th August, was so timed that they at once joined the vanguard of the army as it started on its ill-fated march southwards. Considerable delay must have ensued before the last of the rearguard quitted the ground; but on the 22nd the army finally crossed the Borders. Two days later King James, at a Parliament convened at Twesilhauch in Northumberland, solemnly renounced his claim to what may be termed the feudal death duties of ward, relief, and marriage to be exacted from the heirs of the unfortunates who should be slain or should die during the progress of the campaign:—‘Gif ony man beis slane or hurt to deid in the Kingis army and ost (host) be Inglissmenn, or deis in his army enduring the tyme of his ost, his aiers (heirs) sall have his ward, Reliefe, and mariage of the King free, dispendand wt. his aige, quhat zeild yat euer he be of; and direct the Kings lettrez to be direct heirapon.’¹ The great disaster took place on Thursday, the 9th of September, and among the slain were Sir Alexander Lauder of Blyth, the Provost of Edinburgh, and his four bailies. The pennon of the Earl Marshal, which was carried at Flodden by his standard-bearer, *black* John Skirving of Plewland Hill, near Edinburgh, is now preserved in the Advocates’ Library. Skirving fell into the hands of the English, but managed to conceal the flag round his person.

But, hitherto, the most important relics of Flodden have been the sword and dagger which, it is alleged, belonged to King James, and were taken from his person on the field of battle. These are now preserved in the College of Heralds in London, to which they were gifted in 1681 by Henry, 6th Duke of Norfolk, the Earl Marshal of England. The two weapons have recently been examined by Major Charles

¹ *Acts of Parl.*, James IV., vol. ii. 278.

foulkes, B.Litt. [Oxon.], Curator of the Armouries in the Tower of London and of the new Imperial War Museum ; and his verdict is that they both belong to a later date in the sixteenth century than the year 1513 when the battle was fought. Major foulkes is the leading authority on all questions relating to arms and armour, and his decision, adverse to the authenticity of both sword and dagger as relics of the Flodden period, may be accepted with confidence. He writes :—

‘THE ARMOURIES, TOWER OF LONDON,
‘22nd November 1917.

‘The following are my notes on the Herald’s College sword and dagger—

‘Presented by Henry, 6th Duke of Norfolk, Earl Marshal, in 1681, and said to have been used by James IV. at Flodden, 9th Sept. 1513.

‘The hilt is late sixteenth century—*circa* 1570-1600. The blade about 1550-60, engraved MAESTRO DOMINGO [a Spanish swordsmith, *circa* 1560], also ESPOIR CONFORTE LE GOEVAL [? GENERAL].

‘I thought the blade was earlier, but I see my notes made on the spot put it at mid sixteenth century.’

VIII. THE MAGISTRATES AND THEIR JURISDICTION

As a visible sign of their newly acquired powers of jurisdiction, the magistrates lost no time in erecting the then usual gibbet ; and a site for this deterrent to evil-doers was found on the western side of the old Dalkeith Road, near the entrance to the Newington Cemetery. The Town Council Minutes of 9th October 1566 draw, unconsciously, a dreadful picture of the condition into which this gibbet, with its chained occupants of decaying humanity, had fallen. It is there stated that—

‘Ye provest, baillies, and counsall ordaine Jhone Westoun, Theasurer, to caus mak ane dure to ye galloss of ye burrow

mure, and to caus mend and heicht ye dykis yrof, sua yt doggis sal not be abill to cary ye cariounis furth of ye samyn as thai had done in tymes past.¹

Twenty years later the Council feued out certain portions of the Easter Burgh Muir, including the ground on which the gibbet was erected, and on 24th August 1586 the magistrates selected a new site 'narrer the toune' for their gruesome instrument of human justice. The Town Council Minutes of that date tell us that—

'In respect yat ye awld gallowis in ye Burrow mure is foulet and decayand, bayth in the timmer wark and ye wallis, and yat ye samen stands upoun the grund *qllk is now sett in few* ; thairfore ordainis the sam to be removet and tayne downe, and ane new gallowis of pillers of stayne wt. wallis to be biggit and raysit narrer ye toune in ye place devysit thairfore and pottet be my lord provest, and als consents to contract with ane masoun for doing thairof for the sowme of twa hundreth mark, and the masoun to furneis all necessars of stayne, lyme and warkmanschip, and the said sowme to be payet furth of the entres syluer of the said mwre.'²

On 3rd February of the following year, the sum of £4, 10s. was paid by the City Treasurer for cleaning up the site of the old gibbet—'given to the Lockman (hangman) and his marrowis quha tuik up the cariouns bureit at the auld gallowis, and red the grun thairof';³ while from the Treasurer's Accounts we learn that the sum of four shillings was paid on 29th July 1555 for 'cords to hang and bind uthir vj (six) Englishmen, peratts (pirates) on the gallows of the Borrow Mure.'⁴ The records now extant also disclose the name of one man, Lyell Hall, described in the indictment as a horse-stealer and 'commone gyde (guide) to Inglis Thevis' into Scotland, who suffered at the old gibbet—sentenced on

¹ *Burgh Records*, iii. 221.

² *Ibid.*, iv. 471-2.

³ *Ibid.*, iv. 484.

⁴ *City Treas. Accounts*, p. 137. Pirates were usually hanged on Leith sands.

30th June 1563 to be 'hangit on ye Burrow Muir of Edinburgh quhill (until) he wer deid.'¹

The site 'devyset thairfore and pottet' by the Lord Provost for the new gibbet was the north-eastern corner of East Preston Street on which, within recent years, Preston Street Board School has been erected. This gibbet was therefore placed on the highest point of the hill, and was intended to face southwards down the Dalkeith Road, which in those days was the principal highway to the city. The important position of this road was then recognised, and, to prevent encroachment by the feuars, its width was fixed by Act of Council, dated 9th August 1586, at 24 ells *Scots*,² *i.e.* 74 feet 5 inches *Imperial*; and it has subsequently retained its character as a wide and spacious entrance to the city. The parallel highway from Liberton *via* the Causewayside was also fixed at 18 ells; while the cross-roads Mayfield Loan and East and West Preston Streets were each fixed at 9 ells. The roadway of both East and West Preston Streets was in olden times known under the name of Mounthooly Loan, or road to the Holy Mount, on which a small chapel formerly stood. Its site is now covered by Nelson's Works, but nothing is known of its history. The erection of the gibbet changed the name to the Gibbet Loan, which, in its turn, was altered last century to East and West Preston Streets. The toll-bar across the Dalkeith Road was also dubbed the Gibbet Toll long after the gibbet had been swept away from this spot. The Act of the Town Council of 9th August 1586 probably marks the earliest attempt in Scotland at the regulation by municipal authority of our public streets. From the description in the Council Minutes of 1586, we learn that the new gallows consisted of two or more stone pillars built up to a certain height and connected on the top by cross-beams of wood; and that round the whole structure stone walls

¹ Pitcairn's *Crim. Trials*, i. pt. i. 432.

² *Burgh Records*, iv. 470.

were erected sufficiently high to prevent the entrance of stray dogs. To the north of the new gibbet was a piece of vacant ground extending to 5 acres 26 falls,¹ and known as the Gallowgreen, which, with strange incongruity, the magistrates handed over as a playground for the students attending their newly established University. In 1592, and again in 1606, orders were issued for the repair of this playfield.² It is impossible to believe that the dreadful scenes inseparably connected at this period with the gibbet could conduce in any way to either the moral or the intellectual well-being of these young men. The gibbet erected at this spot in 1586 was for nearly a century the only *permanent* structure of its kind within the limits of the Burgh Muir—it was the Tyburn of Edinburgh—and here great numbers of unfortunates, often in batches of from two to nine, perished at the hands of the common executioner. The place itself was considered infamous, and hence, with the intention of casting additional odium on certain of those who were executed at the Mercat Cross, their bodies were brought thither and were either hung in chains or buried underneath this gibbet. On the 30th November 1601 one of the wild Border clan of the Armstrongs, named Thomas Armstrong, son of Ringanis Thom—*i.e.* Ringane, or Ninian, the father of Thom—was convicted of having taken part in the murder of Sir Johne Carmichell, the King's Warden of the West Marches, and sentenced to be taken to the Mercat Cross 'and thair his rycht hand to be stricken fra his arme, and thaireftir to be hanget uponne ane gibbett quhill he be deid; and thaireftir to be tane to the Gallows on the Burrowmure, and thair his body to be hangit up in irne cheinis.'³ It appears that this man had for-gathered with a number of these broken men of the Borders on a Sunday in June of the preceding year at a football match

¹ Sasine, David Grant, merchant, *P. R. of S. Edin.*, vol. 80, f. 337.

² *MS. T. C. Min.*, ix. 140; xi. 198.

³ *Pitcairn*, ii. 363-4; see also 505.

—‘att ane meitting at the fute-ball’—a favourite method of diversion even in those days, particularly on Sundays. Learning that it was Sir John’s intention to hold a court on the following day at Lochmaben, a band of twenty of these vagabonds proceeded to that burgh and murdered the Warden ‘as he was in sobir and quyet maner passand by to the said Court.’ Pitcairn erroneously refers to the above as probably the earliest notice on record of the hanging of the body of a criminal in chains; but, of course, the condition of the first gibbet in the Muir, as disclosed in the Council Minutes of 1566 and 1586, proves that the practice prevailed there from a much earlier period.¹

On 7th February 1603 the clan Macgregor, under their chief Alexander Macgregor of Glenstrae, made a dreadful onslaught on the Colquhouns of Luss at Glenfruin, or the *Glen of Sorrows*, situated between the Gareloch and Loch Lomond; and it is believed that the long continued acts of oppression and persecution under which the Macgregors suffered date from this ‘Raid of Glenfruin.’ The prime instigator, however, was the powerful and treacherous Earl of Argyll, who, under his commission as the King’s Lieutenant of the West Highlands, had charge of this unfortunate clan. Even before this date the Macgregors had been the cause of serious trouble and bore an evil reputation; but Argyll utilised them to carry out acts of aggression against his own personal enemies, including among them Alexander Colquhoun of Luss. This raid, naturally, was the cause of much indignation, and many of the Macgregors were brought to Edinburgh and hanged in batches at the Mercat Cross as well as at the fatal corner at Dalkeith Road. The Chief, Macgregor of Glenstrae, delivered himself up to Argyll on his sworn oath of safety to be taken to England to enable him to plead for the royal

¹ Pitcairn himself notices the case of a pirate who was sentenced to be hung in chains on Leith sands on 6 May 1551. Cf. ‘The Old Tolbooth,’ John A. Fairley, *Book of the Old Edinburgh Club*, vol. iv.

clemency for himself and his clan ; and, on his arrival at Edinburgh, he was handed over to the new King's guard formed under Sir David Murray to protect the highways leading to Edinburgh. As Birrel the Diarist, however, relates, he ' wes convoyit to Berwick be the Gaird conforme to the Earl's promese : for he promesit to put him out of Scottis grund. *Swa he keipit ane Hieland-manis promes ;* in respect he sent the Gaird to convoy him out of Scottish grund : But thai wer not directit to pairt with him, but to fetch him bak agane ! The 18 of Januar, at evine, he come agane to Edinburgh ; and upone the 20 day he wes hangit at the Croce, and xj (eleven) of his freindis and name, upone ane gallous : Himself being Chieff, he wes hangit his awin hicht aboune the rest of hes freindis.' ¹ It will probably be sufficient merely to furnish the number of the Macgregors and their friends who suffered the last penalty of the law at Dalkeith Road, coupled with the respective dates when sentenced :— ²

Four,	sentenced on	28th	April	1603.
One,	„	„	30th	June 1603.
Two,	„	„	12th	August 1603.
Five,	„	„	1st	March 1604.
Five,	„	„	2nd	March 1611.
Nine,	„	„	28th	July 1612.
Three,	„	„	3rd	August 1613.
Nine,	„	„	17th	July 1624.

Surely the outrages perpetrated by the Macgregors at the Glen of Sorrows was amply repaid by more than a century of the fiercest oppression : treated individually as outlaws, and as a clan rendered ' landless ' and ' nameless by day '—

' The moon 's on the lake, and the mist 's on the brae,
And the clan has a name that is nameless by day.'

All mention of ordinary malefactors being omitted, the list of

¹ Birrel's *Diary*.

² *Pitcairn*.

the sufferers at the 'gibbet on the Burrow Muir' was also swelled by victims taken from the ranks of the once powerful tribe of wandering vagabonds known to us as Gypsies. Four hundred years have now elapsed since they made their first appearance in this country, and it has long been surmised that our European Gypsies came originally from India, where there are numerous so-called 'Gypsy' tribes which wander over that vast continent as thieves, pedlars, and the like. The language or rather jargon of these tribes has for many years been the subject of minute investigation by the *Linguistic Survey of India*, and the result of the labours of the Commission is recorded in vol. xi.—still unpublished. It is now stated definitely that the 'terminology of the volume does not indicate that there is any connection between these wandering tribes and the Gypsies of Europe.' Their place of origin is therefore still unknown; ¹ but as they pretended, in the early stages at least, that they were Christian pilgrims driven out of Egypt on account of their religion, they naturally were understood to be natives of that country, and became universally described as Egyptians. Their leaders even assumed the titles of kings, dukes, or earls of 'Little Egypt.' From their picturesque and uncouth appearance, and their quaint gifts of music and dancing, they seem to have attracted the attention of King James IV,² and of his Bohemian son James V.³ The latter also granted a letter under the Privy Seal in favour of 'Johnne Faw, Lord and Erle of Little Egypt';⁴ and under a Precept⁵ recorded in 1540, he gave power to Faw's son and successor to hang and punish all Egyptians within the kingdom of Scotland. But this deed forms the high-water mark of their prosperity in our country,

¹ The district known as the 'near East' is the home of the present race of Gypsies.

² 1505. 'Item the xxii. day of Aprile to the Egiptianis be the Kings command, x France crounis.—*L. H. T. Accounts*, iii. 136.

³ 1529. 'Item, the xxv. day of Maii, to the Egiptianis that dansit before the King in Halyrudhous, xl s.'—*Ibid.*, v. 379.

⁴ *Pitcairn*, iii. 592, 15 February 1540.

⁵ *Ibid.*, iii. 594, 26 May 1540.

On the 6th of June of the following year, the Lords of Council issued an order for their expulsion from this country on account of 'the gret thiftis and scaithis done be the saidis Egiptianis upon our soverance lordis liegis quhairever thai cum or resortis,'¹ and in terms of this drastic edict, the magistrates of Edinburgh forbade their residence within the limits of their jurisdiction,² which it may be remembered covered the whole of the Burgh Muir. Now, the brook known at the present time as the Jordan Burn formed the southern boundary of the Wester Burgh Muir, and it is probable that it was at this period that a party of these restless knaves crossed this little stream and squatted down in a field belonging to the Braid Estate situated immediately westward of the Blackford Hill. This plot of ground, which is now occupied by the network of superior villas forming Cluny Gardens and Cluny Drive, etc., became thenceforth known as 'Little Egypt.' Several Acts of the Privy Council as well as of the Scottish Parliament were passed between the years 1573 and 1579, with the intention of inducing the Egyptians to settle down in fixed places of residence to some useful form of handicraft; but all attempts to interfere with their itinerant habits or style of living failed. Their numbers largely increased and thereby became a menace to the safety of the commonwealth. At last, on 24th June 1609, instructions were issued by Parliament³ that all 'Vagabundis, soirneris,⁴ and Cowmone Thevis cowmonlie called Egyptianis should depairt furth of ye Kingdome' before the succeeding first day of August. Power was also granted to *any* of his Majesty's good subjects to 'caus tak, apprehend, imprissone, and execute all maner of Egyptianis, alsweill men as women, as cowmoun, notorious, and condampned Thevis.' In terms of this drastic order four Gypsies, all of the surname of Faa, were sentenced on 31st

¹ *Pitcairn*, iii. 594.

² *Burgh Records*, ii. 99.

³ *Acts of Parl.*, Thomson, iv. 440.

⁴ Squatters, men who forcibly take free quarters.

July 1611, on the charge that they '*hes presumit to remane in this Kingdome, to be tane to the Burrow-mure of Edinburgh, and thair to be hangit quhill thai be deid.*'¹ Five years later, four others—one a woman, the wife of one of the accused—were similarly condemned; but on application to the King in London, he ordered delay in carrying out the sentence, seeing that, beyond outstaying their welcome in our country, 'no other cryme was layed to thair charge.' It is to be hoped that in this instance the unfortunate prisoners escaped making that dreadful journey to the Dalkeith Road.² The climax, however, was reached in the month of January 1624, when a 'companie of the counterfute thevis and lymmaris callit Egyptianis to the number of twentie persons or thairabout, men and women besydis bairns,' were arrested in East Lothian and brought into Edinburgh. Of these, eight men, including their captain, John Faa, were brought to trial on the 23rd, and on the 24th were sentenced to be hanged on the Burgh Muir. They were all charged with having 'Proudly repairit to this Kingdome, remanit and abiddin within the samyn, and nawayis depairtit nor past furth thairof.'³ On the 27th the Privy Council issued a warrant for the execution of these eight men, and for the trial of eleven of their women, but only by a plurality of votes, showing thereby that there did exist a lingering desire for mercy among at least some of the members.⁴ The eight men were accordingly brought out on the morning of the 28th to the gibbet at the Dalkeith Road, round which an immense crowd had assembled; but before the preparations for their execution could be completed, an express arrived from the Privy Council postponing the carrying out of the sentence for a few days. Immediately this became known a violent attempt at rescue was made by the crowd of on-lookers, and one, Gavin Trotter, escaped—'at the presenting of the quhilk warrand thair arraise suche a shouting and

¹ *Pitcairn*, iii. 202.

² *Ibid.*, iii. 397.

³ *Ibid.*, iii. 560.

⁴ *Privy Council Register*, vol. xiii. pp. 408, 415.

cryeing amangs the confused multitude who come to be beholdoris of the execution, and the confusioun and disordour wes so grite amangs thame, that one of the lymmaris, callit Gaivin Trotter, wes cunninglie and craftelie convoyed away and the cordis whairwith he wes bunded were cuttit, and the rest of the lymmaris with verie grite difficultie wer preserved from the confused multitude.’¹ In the circumstances the Privy Council exonerated the Magistrates from all responsibility on account of the unexpected escape of Gavin Trotter. The riot, however, seems to have sealed the fate of these unfortunate Gypsies, who were probably executed on the morning of the 29th, for, in the afternoon, the eleven women were sentenced to be taken to some unmentioned place of execution and drowned. Among their number were the *widows* of *umquhile* (or late) Captain John Faa, and of two of his men. The case of the women had aroused the sympathies of some of the members of the Privy Council, who despatched a letter to the King seeking his decision. In his answer, dated 15th March, the King intimated his approval of the execution of the eight men—poor Gavin Trotter must surely have been re-arrested—and ordered the women to be expelled the country. The eleven women, along with three young sons of *umquhile* Captain John Faa and one of *umquhile* Robert Brown, were all accordingly arraigned before the Court on the 22nd of March, and were ordered to leave the country within a month under the pain of death. Father Hay, in his *Genealogie of the Saintclaires of Rosslyn*, tells us that Sir William Sinclair, who was appointed Lord Justice-General in 1559, ‘delivered once ane Egyptian from the gibbet in the Burrow Moore, ready to be strangled, returning from Edinburgh to Roslin, upon which account the whole body of Gypsies were, of old, accustomed to gather in the stanks of Roslin every year, where they acted severall plays during the moneth of May and June. There are two towers which were allowed

¹ *Privy Council Register*, xiii. 410.

them for their residence, the one called Robin Hood, the other Little John.'

It is probable that the execution of the eight men above mentioned had the effect of arresting the tide of immigration into this country of these irrepressible *Egyptianis*, although in 1636 orders were issued by the Privy Council for the execution at Haddington—not Edinburgh—of any found within the Constabulary of East Lothian.¹ It is certainly surprising to find mention in the records of the Court of Justiciary that, so late as 9th August 1770, certain thieves were sentenced to be hanged at Linlithgow Bridge under a libel founded on the Act of 1609 against the Egyptians. In all the cases above referred to, the sentences were pronounced by an officer of the Court designated the Dempster; but by an Act of Adjournal, dated 16th March 1773, the duties of this official were abolished, and the doom or sentence of death was thenceforth ordained to be pronounced by the presiding judge at all courts held either in Edinburgh or on circuit.²

In 1633, in view of the approaching visit to Edinburgh of King Charles I., this gallows and a 'malefactor hanged thereon' were ordered by the Privy Council to be removed as possible objects of offence to the eyes and nose of the royal visitor. The Barony of Braid and 'remnant of the south side of St. Cuthbert's Parish'—comprising Braid, Merchinstoun, St. Geilligrange, Craighouse, Wrightshouses, and lands of Burrowmure—were also stented by the Council to provide thirty horses for the transport of the King's baggage³ to the city.

It was also underneath this gibbet at the Dalkeith Road that the dismembered body of the great Marquis of Montrose was buried on 21st May 1650. 'It was cassen into ane lytill schoirt kist and takin to the Burrow Mure of Edinburgh, and bureyed thair among malefactouris.'⁴ Two days after burial,

¹ *Privy Council Reg.*

³ *Privy Coun. Reg.*, 2nd S. iv. 83.

² *MS. Justiciary Court Records.*

⁴ *Nicoll's Diary*, p. 13.

at the instigation of his devoted niece, Lady Napier, 'the heart was surreptitiously abstracted from the rude coffin, and embalmed in the most costly manner by that skilful chirurgion and apothecary, Mr. James Callendar, then put in a rich box of gold, and sent by the same noble lady to the now Lord Marquis who was then in Flanders.' It was here, also, that the body of Colonel Sir William Hay of Dalgety in Aberdeenshire—the prototype of Dugald Dalgety—a scion of the House of Errol and a faithful adherent of Montrose, was buried immediately after his execution by the 'Maiden' at the Cross of Edinburgh on 7th June 1650.¹ Ten years later came the Restoration, and Nicoll tells us that, upon 7th January 1661, a guard of honour of four captains with their companies, all of them in 'thair airmes and displayit cullouris, quha eftir a lang space marching up and down the streitis, went out thaireftir to the Burrow mure quhair his corps wer bureyit, and quhair sundry nobles and gentrie his freindis and favorites, both hors and fute wer thair attending ; and thair, in presence of sundry nobles, earls, lordis, barones and otheris convenit for the tyme, his graif (grave) was raisit, his body and bones taken out and wrappit up in curious clothes and put in a coffin, quhilke, under a canopy of riche velwet, wer careyit from the Burrow-mure to the Toun of Edinburgh ; the nobles barones and gentrie on hors, the Toun of Edinburgh and many thousandis besyde, convoyit these corporis all along, the callouris fleying, drums towking, trumpettis sounding, muskets cracking and cannones from the Castell roring ; all of thame walking on till thai come to the Tolbuith of Edinburgh, frae the quhilke his heid wes very honorablie and with all dew respectis taken doun and put within the coffin under the cannopie with great acclamation and joy ; all this tyme the trumpettis, the drumes, cannounss, gunes, the displayit cullouris geving honor to these deid corps.

¹ See article by J. Cameron Robbie on the 'Embalming of Montrose,' *Book of the Old Edinburgh Club*, i. 31-4.

From thence all of thame, both hors and fute, convoyit these deid corps to the Abay Kirk of Halyrudhous quhair he is left inclosit in ane yll till forder ordour be by his Majestie and Estaites of Parliament for the solempnitie of his Buriall.’¹ It is apparent, therefore, that the procession escorting the remains of Montrose and those of Sir William Hay—which were exhumed at the same time—had marched down Mounthooly Loan—now East and West Preston Streets—then turning northwards along Causewayside, the Candlemaker Row, and the West Bow, passed down the Lawnmarket and the High Street to the Tolbooth, where Montrose’s head was reverently placed in the coffin, and thence onwards to Holyrood.

Ultimately in 1668 the Gallowgreen was leased to one Thomas Sandilands, a wright and burges of Edinburgh, and in the tack the magistrates specially reserve and except from the ground situated at the corner of the Dalkeith Road and Mounthooly Loan, called the Gallowgreen, ‘the loanings (roads) upon the east and south, and the bounds of the gallows encompassed with the stone dikes for the toun’s use and service as formerly.’² Seven years later, on 20th August 1675, the Council in a case in which a man was condemned to be hanged at the Gallowlee at Shrubhill, Leith Walk, for murder, appointed the Baron Bailie of the Canongate to have the execution carried out ‘at the Meaddow at Neils Craigs near to the end of the Caltoune. And in all tyme comeing apoynts the place of executione to be yr.’³ Despite this statement in the Council Record, the gibbet at the Gallowlee continued until well on in the eighteenth century to be the principal place where criminals were hung in chains.⁴

¹ *Nicoll’s Diary*, Bannatyne Club, p. 316.

² *Book of Old Edin. Club*, i. 34.

³ *MS. T. C. M.*, xxviii. 90, Rubric: ‘*The medow at Neils Craigs apoyntat for the place of execution of malefactors.*’

⁴ The Gallowlee ground consisted of three acres (*P. R. of S. Edin.*, 30 Apl. 1804, lib. 519, f. 100); and Shrub Place, the Tramway Station, etc., at Shrubhill, are built on part of the site. It was here that the notorious Major Weir of the West Bow was executed in 1670, and at the above date (1675) four women on a charge of witchcraft were strangled

The Gallowgreen at the Dalkeith Road, therefore, lost its unsavoury characteristic of the gibbet in the year 1675, and the ground continued to be cultivated by Thomas Sandilands until 23rd June 1699, when it was feued out by the city to John Davie, Brewer in the Pleasance.¹ Davie's successor was one David Grant, Merchant, Edinburgh, and in his title, recorded 27th November 1712, the subjects are described as 'piece of arable land of the Easter Burrow Muir besyde the Gibbet on the north side thereof called the Gallowgreen, now Greenbank, being five aikers twenty sex falls of land.'² The designation of the Gallowgreen was afterwards altered to Spittalfield, by which these lands are still known. Notwithstanding its transference to the north side of the town, the stain of the gibbet adhered to its old site and the neighbourhood for many long years; and its position was duly noted in all the maps and plans of the district from the year 1680 to 1823.

IX. THE CONVENT OF SAINT CATHERINE OF SIENA

The passing through the King's Chancery of the great Charter of 6th October 1508 was the means of revealing to

and their bodies burned to ashes at this place. (*Book of Adjournal*.) In 1751, certain merchants and others petitioned the Council against the continuance of the gibbet at the Gallowlee. At one time, the petitioners declare, the site was, as appears from the Charters, a common muir, but it is now 'thought that nothing but the neighbourhood of the gibbet hinders the locality from being distinguished by a frequency of country houses.' (*MS. City Archives, M'Leod's Inventory*, v. 45.) Another petition presented on 24 July 1765, for the removal of the gibbet 'to some other place of the City's ground; To Witt at the east end of the Links of Leith,' seems to have been more successful. The consent to the change of site by the magistrates was confirmed on 7 August by the Court of Justiciary, and thereby induced the inhabitants of Leith to lodge a vigorous protest, in which they pointed out that the place where the gibbet then stood was 'the most publick high road in Scotland and where it has been fixt for a century.' The Lords of Justiciary were apparently impressed by this petition from Leith, for on the 14th August they sisted the execution of the Act of the Magistrates until the following November. It appears also from these records that the right of publication of the 'dying speeches and confessions' of malefactors was a perquisite of the under-keepers of the prison. (*MS. T. C. M.*, lxxxi. 144, 161-2; *MS. Books of Adjournal, Records of Justiciary*.)

¹ *P. R. of S. Edin.*, vol. 60, f. 86.

² *P. R. of S. Edin.*, vol. 80, f. 337.

the burghers of Edinburgh the neglected condition of the Burgh Muir. Like other burghal commonities, a certain portion of the Muir was utilised for pasturage, while the surface in other parts was much broken by quarries in the search by the burghers for sandstone for building purposes. There were, it is alleged, numerous oak-trees to be found growing within its bounds; but these only helped to provide shelter to an army of vagrants and vagabonds of every description over whose actions the magistrates, heretofore, could exercise no control whatever. Even the softening voice of religion was unheard, save at the lonely little chapel of St. Roque, where the sound of the appeals to heaven by the priest was often drowned amid the piteous wailing of the crowds of the plague stricken, whom the near approach of death had excited into a frenzy of despair. It was in these circumstances that Sir John Craufurd, one of the prebendaries of the parish church of St. Giles, resolved to erect in the wilderness of the Muir a small chapel or hermitage in honour of St. John the Baptist, the particular saint at whose altar the wandering rogue never failed to pay his devotions. Filled with this devout intention, the pious canon fixed upon a piece of ground extending to four and a half acres, situated near the west side of Causewayside, as a site for his chapel. Of this plot the canon, in 1511-12, successively feued three acres and a half acre from the city fathers, who, as a mark of sympathy with his objects, charitably gifted to him—*mihi caritative donatum*—the remaining acre and a quarter of a particate.¹ Sir John Craufurd was, therefore, among the earliest of the vassals of the Burgh Muir. The four and a half acres on which Sir John erected his chapel can still be identified as an irregular L-shaped piece of ground situated on the west side of Causewayside. From the south-east corner of the present

¹ A particate was a fourth of an acre, and the correct mensuration should have been $3\frac{1}{2} + 1\frac{1}{4} = 4\frac{3}{4}$ acres, but $4\frac{1}{2}$ acres is that given in the titles.

Braid Place it extended northwards to the north side of the little lane now known as Sciennes Place, and westwards to where it joined the messuage of the Grange of St. Giles. In those days Sciennes Place was non-existent, and in Sir John's foundation charter, the northern boundary is described as the farmsteading or hamlet 'of Mureburgh, newly built.' This steading is now represented by the triangular piece of ground formed by Sciennes Place, the Sciennes, and Lord John Russell Place, which in 1592 was called from its shape the 'tail of the butts.' But, in addition to the four and a half acres, Sir John had also, some time between the years 1506 and 1513, acquired in feu farm from John Cant, eighteen acres of the north-eastern corner of the Grange of St. Giles which adjoined the south-western portion of the four and a half acres on the east. The whole ground comprised in Sir John's mortification, therefore, extended to twenty-two and a half acres Scots:—

'All and sundry those my eighteen acres of the said lands and messuage with all pertinents, also that particle of the said muir given to me in alms gift by the provost bailies councillors and community of the said burgh containing one acre of land and the fourth part of one particate of land or thereby, and All and whole those my three acres of land and the half of one acre of land of the foresaid muir, belonging to me by my conquest from the provost bailies councillors and community being for the present of the said burgh, in feufarm, lying contiguous together at the east side of the said common muir, lying between the land of John Cant on the west, the said common muir of the said burgh on the south and east and the newly built town of Mureburgh on the north as the marches and stones are placed between the said lands of the foresaid dedicated church and the lands of the foresaid John Cant are bounded, containing in all twenty-two and a half acres of land, with pertinents, lying within the sheriffdom of Edinburgh.'¹

By the month of February 1512-13 the work of building the little chapel was completed, and on the 15th Sir John

¹ *Great Seal*, ii. 3818.

executed a formal charter granting and confirming 'to the Almighty God, to the most glorious Virgin Mary His Mother undefiled, to S. John the Baptist and S. John the Evangelist, and all the Saints of Paradise, for a chaplain celebrating the divine mysteries, and for his successors who shall for the time being celebrate them in the church dedicated and founded by me, and built in honour of the said John the Baptist and of John the Evangelist.'¹ For the support of the chaplain he also conveyed the whole of the twenty-two and a half acres above described; and, in defining the duties of the chaplain, he declared that he 'shall be a secular chaplain and priest, bound by no religious vow, of laudable report, and honest conversation; and he shall be held bound every day, when he shall be ready at the high altar, to celebrate Mass in the said church and in this manner, viz.: every Monday a Mass of Requiem, and every Friday, of the Five Wounds of our Lord, Jesus Christ, unless he shall be hindered lawfully by some greater double feast.' He was also bound to continual residence, and to celebrate Mass daily in the said church at the high altar, etc. :—

'I will also and grant and ordain that the appointment of the chaplain of the said church and service thereof as often as it shall happen to be vacant, shall, setting aside all other ordinary collation or donation, belong entirely to me for the whole term of my life, and after my death it shall belong and pertain to the provost, bailies, councillors and community of the said burgh, so that a competent qualified and suitable chaplain of my own name or kindred, if conveniently he may be had, may be by them elected and admitted within three days of the post falling vacant, in which if they shall be remiss or negligent I will and ordain that so often as this shall occur the gift of this said chaplain and of the service of the said church shall pertain and belong to the provost and prebendaries of the Collegiate Church of St. Giles of the said burgh so that they within the said

¹ *Great Seal*, ii. 3818; *Liber Conventus S. Katharine Senensis, Prope Edinburgum* (Abbotsford Club); *Religious Antiquities of Edinburgh*, James A. Stothert, Last Series, 58.

three days may elect a competent chaplain of my kindred or name, as above ; and the said chaplain who shall be for the time shall be bound to make continual residence and there in the said church at the high altar thereof to celebrate mass from day to day when he shall be settled, with *placebo* and *dirige* once in the week, that is to say on Friday, and that personally and not by any substitute, for the souls above mentioned, and at the first washing-place of such mass he shall exhort the people who are present to say one paternoster with the angelical salutation Ave Maria for the souls of his founders, the patrons and all the faithful departed. And if the chaplain of this chaplainry who for the time shall be elected and admitted by the provost bailies and community of the burgh of Edinburgh shall procure ordinary collation to be made to him upon the same, in that case I will and ordain that such chaplainry shall *ipso facto* vacate and be given to another competent chaplain by the provost and chapter of the foresaid Collegiate Church, and on the other hand, if the chaplain elected by the foresaid provost and chapter procure ordinary collation to be made to him thereupon, in that case I will and ordain that the said chaplainry shall forthwith vacate and be given to another chaplain by the provost bailies and councillors of the said burgh. Further I will and ordain that if the chaplain of the said chaplainry who shall be for the time shall be promoted to another, richer benefice, the said chaplainry shall forthwith become vacant ; and if the said chaplain who has obtained the benefice has absented himself from the celebration of divine service for fifteen consecutive days without leave of the patrons or legitimate cause, the said chaplainry shall, *ipso facto* vacate ; nor shall it be lawful for the said chaplain to have or keep a loose woman or concubine in his chamber or house, nor to play cards, nor be a common gamester or engage in similar games of chance whereby he shall be absent from the said service, and these being found out or any of them another suitable chaplain shall be appointed in his place.’

It is, however, in the appointment of a hermit to his chapel, that Sir John adds a picturesque touch to his mortification :—

‘ Moreover it is appointed and I ordain that a man of advanced age, of good life and sound constitution shall always live at the said church and shall *always wear a white robe, having on his breast the*

picture of the head of St. John the Baptist, and he shall be called his hermit, and be bound to continual residence, and to say daily and devoutly the following prayers for his founder and the souls aforesaid, that is to say, in the morning before the ninth hour the psalter of the blessed Virgin Mary, and in the time of Masses fifteen Paternosters, as many Ave Marias, and one Credo before the image of the Crucifix.'

'Which hermit shall clean and purify the said church from dirt, and shall serve the priest who is celebrating with water, fire, and salt, and shall attend on the celebration of Masses, and shall be presented and elected by the aforesaid patrons; and for his support he shall have an acre of land with a house and ground lying close to the same, towards the south.'

Tradition, in this instance with every probability of accuracy, has identified the site of the chapel as that on which a house known as Sciennes Hill House, otherwise Sciennes Hall,¹ was erected in 1741. The house was partially taken down

¹ It was in Sciennes Hill House—at that time the residence of Dr. Adam Fergusson, Professor of Moral Philosophy in the University of Edinburgh—that Sir Walter Scott met Robert Burns during his visit to Edinburgh in the winter of 1786-7. The story is well known. Scott was then only a youth of fifteen, but, in a letter written many years afterwards to Lockhart, he describes the incident—'As it was, I saw him one day at the late venerable Professor Fergusson's, where there were several gentlemen of literary reputation, among whom I remember the celebrated Dr. Dugald Stewart. Of course we youngsters sat silent, looked and listened. The only thing I remember which was remarkable in Burns's manner was the effect produced upon him by a print of Bunbury's representing a soldier lying dead on the snow, his dog sitting in misery on the one side, on the other his widow with a child in her arms. These lines were written beneath:

"Cold on Canadian hills or Minden's plain,
Perhaps that parent wept her soldier slain;
Bent o'er her babe, her eye dissolved in dew;
The big drops, mingling with the milk he drew,
Gave the sad presage of his future years,
The child of misery, baptized in tears."

'Burns seemed much affected by the print, or rather the ideas which it suggested to his mind. He actually shed tears. He asked whose lines they were, and it chanced that nobody but myself remembered that they occur in a half-forgotten poem of Langhorne's called by the unpromising title of "The Justice of the Peace." I whispered my information to a friend present, who mentioned it to Burns, who rewarded me with a look and a word which, though of mere civility, I then received and still recollect with very great pleasure.'

and altered about fifty years ago to form the tenement of working-men's houses at No. 7 Braid Place. The chapel would probably be oriented, with its main access from a gate in the Causewayside by a pathway leading to a door on the northern wall. On the south side of the chapel there must have been, according to the terms of the charter, sufficient ground to provide a house and garden as well as an acre of ground for the hermit; and it is impossible to avoid the conclusion that the *solum* of Braid Place must, therefore, have been included in the hermit's acre. After the Reformation the chapel remained in a ruined condition for many years, and the whole of Sir John's four and a half acres were feued off by the city in the year 1592 only after a long litigation between the Town Council and Henry Kincaid.¹ It must have been during this long, neglected period that at least a pathway was formed along the southern edge of Braid Place leading into Robert Graham's feu and the estate of Grange. The quaint charter, whose contents have been narrated above, has since those days been lost; but, fortunately, a copy has been embodied in the Charter of Confirmation by James IV., dated and recorded in the useful register of the Great Seal, 2nd March 1512-13.² In the preamble of the Confirmation the King takes the unusual course of imposing on the eighteen acres of the Grange of St. Giles the payment of an annual rent of ten merks—a sum equal to £6, 13s. 4d. Scots—'to the altar and chaplain of the Cathedral Church of Glasgow, formerly mortified to the same.' In a later deed the altar is identified as that of St. Stephen.³ It is to be remembered that King James IV. was an honorary canon of the great cathedral of the west; but it is probable that the Chancery took this mode of correcting what evidently had been an omission in the original charter.

Sir John Craufurd completed the foundation of his chapel or hermitage of St. John the Baptist by presenting to it a

¹ *Infra*, p. 144.

² *Great Seal*, ii. 3818.

³ *Ibid.*, iii. 170.

printed copy of a Breviary according to Sarum use—*Breviarium ad usum Sarum*. It was a time when printed Breviaries began to supersede those in manuscript. This relic of Sir John and his chapel was presented to the University of Edinburgh at its foundation in 1580 by the well-known Master Clement Little, and is still preserved in the University Library. On the top of the title-page is written in a late hand ‘*Liber Bibliothecae Edinburgenae, ex Dono R. D. Clementis Little.*’ Then follows a large woodcut of the Royal Arms of England and St. George, underneath which in a hand of c. 1500—*i.e.* that of Sir John himself—there is written ‘*Liber domini Johannis Craufurd.*’ Clement Little’s stamp with the inscription: ‘I am gevin to Edinburgh and Kirk of | God be Maister Clement Little | Thair to Remain, 1580.’ is below the block of St. George and also near the foot of the page. His second or armorial stamp, with shield and letters ‘MCL’ within a circle, is at the foot of the page.

Sir John acted as his own chaplain; but the little hermitage had fulfilled its useful destiny only for the short period of four years when a drastic change was effected on the whole terms and purposes of his mortification. During the winter of 1516-17 an intense desire was evinced among a certain circle of dames of high rank for the establishment near Edinburgh of a religious house for ladies—a nunnery in other words—in connection with the Dominican Order, otherwise known as the Order of Preaching Friars. In this country these friars were colloquially designated black friars from the colour of their robes. Ultimately, the worthy canon of St. Giles agreed to hand over to these ladies his chapel of St. John the Baptist with all its lands extending to twenty-two and a half acres. It was also arranged to erect the nunnery on the north-east angle of the lands of the Grange, so that it would adjoin the four and a half acres on the west, and have the present Sciennes Road on the north; while the little chapel or hermitage would be converted into the conventual chapel. This change also por-

tended the closing to the public of the access to the chapel from Causewayside. Of the Order of Friars Preachers an account has been written in the third volume of the Book of the Club.¹ Here, it is sufficient to state that their founder, St. Dominic, one of the great personages of the thirteenth century, sought to counteract the heresies of the Cathari, the Patarini, and other wild sectaries of southern Europe, by equipping and training a special body of public evangelists who, by their preaching in the streets and squares of the cities and villages, and even in the field, would not only educate the people in the tenets of the orthodox religion, but render them immune against the insidious attacks of heresy. Public preaching, therefore, formed the main purpose of his order, but, to command success, Dominic foresaw that study and knowledge were necessary corollaries. He resolved to convert his friars into an order of learned men; and, however much we may differ from the religious beliefs of those days, it must not be forgotten that it is to his foresight and the action of the great Order he instituted, that the first introduction into Scotland of a systematic course of education is to be attributed. Briefly stated, the Black Friars divided their scholastic system into three well-defined sections—an arrangement which has been followed down to the present day in this and all other countries where a national system of education prevails. There were, first of all, the Conventual Schools, in which the novices and young friars were trained. Then came the Provincial or Secondary Schools, known as the *Studia Solemnia*, and, lastly, the International University Colleges, or *Studia Generalia*.² Each priory was, therefore, the principal arena of the intellectual life of the Dominican, and it was there that the fountain of knowledge took its rise.

¹ *The Black Friars of Edinburgh*, by W. Moir Bryce, *Book of Old Edin. Club*, vol. iii. p. 13.

² *The Black Friars and Scottish Universities*, by W. Moir Bryce, *Scottish Historical Review*, 1911, vol. ix. p. 1.

Preaching and education formed the two most important functions of the Order.

It is somewhat remarkable that the first religious house established by St. Dominic was that at Prouille, *for women*, in December 1206; while it was only nine years later that he was enabled to found, at Toulouse, his first convent for friars. The constitutions of the female houses differed materially from those that regulated the lives of the friars. The latter, with their systems of public preaching and of education, led an active and interesting life; but the ladies of their Order, the Black Sisters as they were termed, were enclosed within high walls, outside of which they dared not pass. Here their life, although voluntary, was severe. Debarred from all participation in the active pursuits of the world, the duties of the sisters consisted in the proper conduct of the services of the Church, and in spiritual meditation. Life, in such circumstances, implied 'a spiritual absorption of the Divine,' and demanded for its success a special vocation on the part of the individual. Within the walls the awful rule—for women—of silence prevailed, and as they professed the Dominican rule of poverty, each nun, before entrance into the Order, formally renounced all right to her private possessions. For food they depended largely upon the produce of their own vegetable gardens, flesh meat being permitted only to the sick; and the fast days were numerous. 'Since idleness is the enemy of the soul and the mother and nurse of vices,'¹ the sisters were urged by their Constitutions to employ themselves, during their short periods of leisure, with the work of their hands for the common advantage; but it is believed that they also undertook the work of educating young ladies of the middle and upper classes. The ladies who promoted the erection of this religious refuge of the sisterhood arranged to dedicate it in honour of Saint Catherine of Siena. This lady was the greatest female saint

¹ *Lib. Conv.*

in the Dominican calendar, and, although only a member of the Third or Order of Penitents, she was held in the highest veneration for her great piety and charity as well as her extraordinary skill in allaying political dissensions.

We find from a notice in the Burgh Records¹ that, on the morning of 5th January 1516-17, Sir John Craufurd, accompanied by Friar John Spens, the Provincial Master of the Blackfriars and some of the sisters of the proposed convent, proceeded to the Town Charter House in the Old Tolbooth ; and there, in their presence, Sir John, designing himself the founder, patron, and chaplain of St. John's Kirk of the Burgh Muir of Edinburgh, solemnly translated and annulled the foundation of his Chapel of St. John the Baptist :—

‘ That is to say, that the said Schir Johne Craufurd gaif the said kirk, kirkyard, with housis biggit and to be biggit, yard, and all his land and akris lyand thairto, contenit in his said first fundation and mortification, to Josina Henrison and to the laif of the Sisteris of that Ordour of Saint Katerine de Senis, thai garrand sing thare hie mes and antiphone of our Lady dalie, and vthir suffrage for hys and thare saulis, contenit in his first fundation and mortification maid tharupon, lyke as salbe contenit in this his new fundation ; Reseruand all way to him for all the dayis of his lyf the franktenement of the said land and akeris, and als all the offerandis of the kirk, becaus he may nocht sustene himself without reseruatioun as said is for greit eild that he is drawin to ; And als with this claus that *gif the ordour of the holy ladiis that is begwn at the said kirk failyeis and proceidis nocht efter the forme of this new fundation and erection, etc., that the said kirk, kirkyard, and houssis biggit and for to big, yard, land, akeris and offerandis returne agane to the said Schir Johnis fundation, erection and mortification, and it to haif the samyn strenth force and effect that it had befor his secund fundation and erection.* And this the said Schir Johne did efter the forme of his fundation to be maid to the said Sisteris tharapon.’

The first intention was to draw up the deed in favour of ‘ Marion Johnesoun and Jacinta ’ as representing the sisters, but, with the fickleness of their sex, these names were replaced,

¹ *Burgh Records*, vol. i. 164-5.

at the request of the ladies, by that of Josina Henrison, who, undoubtedly, was the first prioress of the new Convent of Siena. The printed record furnishes only the notarial memorandum of the proceedings, but the fact that Mariota and Jacinta crave instruments shows that Josina Henrison was a later appointment. She was undoubtedly a Dominican Sister of Scottish extraction, brought to Edinburgh, probably, from some foreign convent. It will also be noticed that, in the above deed, Sir John reserves his liferent in the land and acres and offerings of his chapel 'because he may not sustene himself without reseruation as said is for the great eild (advanced age) that he is drawin to'; but he makes the further provision that the failure of 'the ordour of holy ladiis' to carry out their pious intentions would necessarily revive the terms of Sir John's first foundation. It will be remembered that in his charter of February 1512-13, the Town Council were appointed, after Sir John's death, to be the patrons of that foundation; and it is amusing to find that the Council, in view of such a possibility, took an effective step to enforce their due succession to the office of patron. In the volume of Extracts in the Advocates' Library, the following notarial memorandum appears:—

'4 January 1516-7. Sir John Craufurd, Founder, and Patron and Chaplain of St. John's Kirk of the Burgh Muir, translates his first foundation of the Seynis that gif the ordour of Seynis ceis, it return to his first foundation. In his first foundation he made the town patrons.'¹

In the spring of the year 1517, John Cant, proprietor of the Grange of St. Giles and, therefore, immediate superior of the eighteen acres on which the proposed Convent or Nunnery was to be erected, was conjoined with Craufurd in carrying out his pious intentions; and on the 25th of April of that year, with the consent of Agnes Carkettill, 'my dearest spouse,' and of the venerable Sir John, he executed

¹ *Extracts, Adv. Lib., p. 124.*

a charter by which the sisters were infefted in the Chapel of St. John the Baptist with all its heritable possessions. The charter is somewhat lengthy, and the following excerpts are probably sufficient to understand its purport :—

‘ To all who shall see or hear this charter, John Cant, burgess of our burgh of Edinburgh and overlord of the lands underwritten with their pertinents, Greeting in the Lord everlasting. Know ye that I, filled with the zeal of devotion and charity, with consent of Agnes Carkettill, my dearest spouse, and also with consent of the venerable man Sir John Craufurd, chaplain, to whom the foresaid lands underwritten heritably belong, held by him of me in chief, have given, granted and by this my present charter have confirmed, likeas I do give and grant and by this my present charter do confirm to God Omnipotent and to the religious woman Josina Henrysoun, and the others her fellow Sisters, the religious women of the Order of St. Dominic, commonly called of St. Katharine of Senis, serving God in their place at the church of St. John the Baptist upon the foresaid lands belonging to the said Sir John, now founded and begun, and their successors, the religious women of the said Order who shall serve in the said place in time coming, in pure and perpetual almsgift, All and whole those eighteen acres of arable land, built and waste of the messuage of St. Giles with their pertinents lying between my other lands of the said messuage of St. Giles commonly called Sanct Gelis Grange on the west and south, and the foresaid lands of the Common Muir of Edinburgh on the east and north, within the sheriffdom of Edinburgh, together with the right of patronage, privilege, emolument profit and utility of the said Church of St. John the Baptist founded and built by the said Sir John Craufurde upon the lands foresaid ; Which eighteen acres of land with their pertinents, together with the right of patronage, privilege, emolument, and utility of the before named church formerly belonged heritably to the foresaid Sir John Craufurd, and which the said Sir John Craufurd, led neither by force nor violence, neither through error or being deceived, but of his own free pure and spontaneous will and his devoted zeal, personally overgave and purely and simply resigned in my hands as overlord of the same, by staff and baton, at the said church of St. John the Baptist, with all right and claim property and possession which he had or could have by any manner of way in or to the foresaid lands with the right of patronage of the

said Church, renouncing utterly the same for himself and his heirs for ever : To be had and held all and sundry the foresaid eighteen acres of arable land, built and waste, with all their pertinents, together with the right of patronage, privilege, emolument profit and utility of the foresaid church of St. John the Baptist, to God Omnipotent, and Josina Henrysoun and her fellow Sisters and their successors, religious women of the said Order serving God, and who shall serve Him in time to come in their said place at the said church, in fee and heritage for ever and in pure and perpetual almsgift. . . .

‘Paying thence yearly by the foresaid religious women and their successors an annual rent of ten merks of the usual money of the Kingdom of Scotland at the two customary terms in the year, viz., at Pentecost and St. Martin’s in winter, by equal portions, to the chaplain serving for the time at the altar of the Blessed Stephen situated in the Metropolitan Church of Glasgow.’

Then follow instructions for the holding of High Mass and other services in honour of their benefactor, Sir John Craufurd, and his parents, of the chanting of the Exequies of the Dead, etc., on his obit day or anniversary of his death, and for the maintenance, out of the offerings, of a lamp in the church. The deed thus concludes :—

‘And I the foresaid John Cant and my heirs and assignees shall warrand, acquit and for ever defend all and whole the foresaid eighteen acres of arable land, built and waste, together with the right of patronage, privilege emolument and utility of the foresaid church with all the proceeds and pertinents to God Omnipotent, and the said Josina Henrysoun, and her fellow Sisters and their successors of the said order, religious women serving God and who shall serve Him in time coming in their place at the said church, as freely and quietly, in all and by all, in form likewise and effect as is aforesaid against all deadly. Reserving, however, the liferent of all and sundry the foresaid eighteen acres of land, built and waste, together with the right of patronage, privilege emolument profit and utility of the above-mentioned church of St. John the Baptist, with all their proceeds and pertinents, to the foresaid Sir John Craufurd for all the time of his life.’

Among the witnesses to the charter appear the names of Friar John Adamson, Provincial of the Scottish Black Friars,

and Friar Quintin Spence, as well as a number of other ecclesiastics and chaplains who were Sir John's fellow prebendaries at St. Giles. Friar Adamson is universally spoken of by contemporary writers as a man of great erudition and piety. It was to his care in the Priory at Aberdeen that the Abbot of Kinloss committed his young friars to be instructed in theology.¹ The charter was confirmed by the boy King James v., with the advice, authority, and consent of John, Duke of Albany, the 'Protector and Governor of our Kingdom,' on 25th May 1517.² Six months later, one of the Edinburgh bailies visited the four and a half acres which Craufurd held from the burgh, and formally infetted Josina Henrison on behalf of the sisters in certain portions:—

' 5 December 1517. Sasine given be the toun, be Resig. of Sir John Craufurd, to the Sisters of the Seynis of ane acre with four ruid or thereby of land in the Muir, betwixt the lands pertaning to the Kirk of St. John the Baptist lyand in the south, the said Kirk and yard thereof on the west, and the Muir on the north and east; also, the Bailie, be command of the Toun, gave Sasing to the said Sisters of ane particle or piece waste land containing half an acre lyand on the north of said Kirk and having the Muir on the east, west, and north.'

Attached to this notarial note is the following excerpt from the Sasine itself, which shows that the hope of succession still lingered in the minds of the city fathers:—

' In this Sasing this claus is contenit " Gif it sall happin the said Sisteris and place to fale (fail) and nocht to persevere, the acris and land to cum again to the toun siclyk as it now is, bot gif the said Sir John mak them patrons till his kirk as he did on his first foundation." Josina Henrison takes Sasine.'³

The long string of deeds narrated above represents only the strictly legal aspect of the conveyance of Sir John

¹ *The Black Friars and the Scottish Universities: Scottish Historical Review*, 1911, vol. ix. p. 8.

² *Great Seal*, iii. 170.

³ *Extracts, Adv. Lib.*, p. 124.

Craufurd's second foundation to the ladies of Siena. A religious foundation was considered, in those days, a matter of prime importance, and there still remains to mention the ecclesiastical side of this foundation. Although Scotland was represented at the Chapter General of the Black Friars in 1516 by the Provincial, Friar John Muir, and Friar John Spence, there is no mention in the extant records of the approval by the Chapter of its institution. But on the fourth of the Kalends of February 1517—*i.e.* 29 January 1517-18—a Bull was issued from the Papal Chancery conveying the approval of the famous Pope Leo x. to the foundation of the Convent. From it we obtain a glimpse of the names of the ladies who promoted its institution, and at whose expense the buildings were erected. In this document¹ his Holiness, who, according to the usual form, designs himself humbly as 'Leo, Bishop, servant of the servants of God,' declares that:—

'Whereas a petition having been lately presented to us on behalf of our beloved daughters in Christ, the present noble ladies of Seton, Glenbervie, and the Bass, in the diocese of St. Andrews, setting forth that they and several other upright and devoted women of those parts, desiring by a happy commerce to exchange earthly things for heavenly and transitory for eternal for the great and devout affection which they bear to the Order of the Friars Preachers have caused to be built and erected structures and buildings of most costly workmanship, not without great expenditure of the goods conferred by God upon them in a certain convenient place called the Church of St. John in the Muir near the town of Edinburgh in the said diocese for the use and habitation of the Nuns of the Order of St. Augustine living under the charge and habit and conform to the Rule of the Order of Friars Preachers—of whom the kingdom of Scotland is known to be entirely destitute—and desiring that they might erect and institute, in place of the structures and edifices foresaid, a Convent of Nuns of the Order of St. Augustine under the charge of the foresaid Friars which may accommodate thirty nuns, and that license may be granted to our beloved son the present provincial of the said Order

¹ The original Bull is preserved in the General Register House, No. 44.

of Friars Preachers being for the time in the foresaid kingdom of Scotland to introduce nuns up to the number foresaid into the said Convent so erected, and the nuns being so introduced to receive the structures and buildings foresaid and therein dwelling in perpetuity, and that by so doing we should gratify not only the pious wishes of the ladies and other women foresaid but the whole people of the said kingdom of Scotland, and at the same time in no small degree increase Divine worship; Wherefore we, being thus humbly besought on behalf of these ladies that in place of the structures and buildings foresaid there may be a convent of nuns of the order of St. Augustine erected and instituted under the charge of the Friars Preachers thereof, for the introduction of thirty nuns, and that license and faculty should be granted to the present Provincial of the Order of Preachers foresaid being for the time in the said kingdom of Scotland to introduce the foresaid nuns to the number stated into the Convent so erected, and the nuns being so introduced to receive the foresaid structures and buildings and therein perpetually to abide, and otherwise as in the premisses, do opportunely deign to provide of the Apostolic benevolence. WE, THEREFORE, who exceedingly, with supreme affection, desire the consolation of every one of the faithful in Christ, and the increase of Divine worship most of all in our own days, absolving the foresaid ladies and each of them from whatsoever sentences of excommunication, suspension and interdict and other ecclesiastical censures and penalties inflicted by the law or by man for whatsoever occasion or cause, if any such exist by any manner of way undischarged, so far as these may affect these presents only, declaring them absolved therefrom, and, our minds being inclined to the supplications foresaid, DO by the tenor hereof by Apostolic authority, without prejudice to any one ERECT and INSTITUTE a CONVENT of NUNS of the Order of St. Augustine under the charge of the Friars Preachers thereof, for thirty nuns to be introduced therein in place of the structures and edifices foresaid, and grant licence and faculty to the present and for the time being Provincial of the foresaid Order of Preachers in the kingdom of Scotland to introduce the said nuns to the number foresaid into the convent thus erected, and these nuns being so introduced, to receive the structures and edifices foresaid and therein perpetually abide.'

Armed also with a petition from John, Duke of Albany, Governor of Scotland, Friar John Adamson, the then Pro-

vincial, obtained from his Holiness Leo x. a special Letter of Indulgence,¹ dated 5th June 1518, in favour of all who should devoutly visit any of the churches and oratories of the Order, and the newly founded Nunnery of St. Catherine of Siena at Edinburgh. It was the only convent of the Dominican sisterhood ever erected in our country, and, according to the usual Rule, it was placed under the supervision of the Provincial Master of the Black Friars.²

The situation on which the convent was erected is fairly well known. It stood on the south side of the east end of the Sciennes Road, and comprised within its walls the ground now occupied by the buildings on both sides of the northern portion of St. Catherine's Place. In those days the Sciennes Road was much narrower than it is now, and the walls of the convent extended along a portion of the road. A sworn measurement was taken of the ruined walls on 24th May 1734, and from it we learn that the dikes of the nunnery 'included 1 acre 3 roods 2 ells; the piece without the walls in a line with the easter wall, 17 falls 2½ ells.' The whole extent of the ground on which the monastery was erected amounted exactly to 1 acre 3 roods 17 falls 4½ ells, including the walls. It therefore occupied nearly two acres in extent, or, as described in a litigation in the eighteenth century, 'a *scrimp* two acres.'³ According to the Constitutions, the buildings were, like those of the Friars, ordered to be humble in design, with no pretentious ornament, and above all that the surrounding walls were to be high and

¹ *Denmyln MSS.*, Adv. Lib.; *Book of Old Edin. Club*, iii. App. p. 78.

² The Chapter General held in the same year recorded its approval of the Agreement entered into between the Dean of Dunkeld and the Reverend the Provincial of the Province of Scotland, relative to the foundation for five or six students in the Convent of the University of St. Andrews—*Approbamus pactum ininitum inter dominum decanum Duncludensem et reverendum provinciale provincie Scocie super fundationem quinque vel sex studentium in conventu universitatis sancti Andree.* (*Acta Cap. Gen.*, iv. 173.) This, strange to say, is the only reference to a Scottish university to be found in the *Acta*.

³ *Information, Johnston against Lauder Dick of Grange and others*, p. 28.

strong. Now, the walls themselves were pulled down in 1735 by Mr. Bayne, Advocate, and Professor of Scots Law; and, from the statement then made, they were four ells in height—*i.e.* nearly thirteen feet high—and of great thickness. There was only one gateway—*i.e.* that on the east side leading through the east garden to the church, and this was provided with two locks requiring keys of different sizes. Within this area there was a stream of water partially covered over which served for sanitary and drainage purposes; while there was a well of clear water, which was cleaned out by the magistrates in 1602. The ground covered by the villas at the east end of Sciennes Road and of Sciennes Gardens formed originally the eastern garden of the nuns. The pathway from the eastern gateway of the nunnery passed through this garden across the road known as the Sciennes to the chapel of St. John the Baptist, which stood immediately behind the tenement No. 7 Braid Place.

From the Bull we learn the names of the three ladies who promoted the institution of the nunnery, and at whose expense it was erected. The first was Lady Jane Hepburne, daughter of Sir Patrick Hepburne of Dunsyre, first Earl of Bothwell, who married George, the third Earl of Seton. Her husband was an intimate friend of King James IV. and fell at Flodden with the flower of our Scottish chivalry. He was ‘brocht hame furth of the said feild, and erdit in the queir of Seytoun [church] besyd his fader.’¹ ‘Efter quhais deceiss,’ says the Chronicle of Seytoun, ‘his ladye remanit wedo continualie xlv yeiris. Sche was ane nobill and wyse ladye. Sche gydit hir sonnys leving quhill (until) he was cumit to age; and thair-after sche passit and remanit in the place of Senis, on the Burrow mure, besyd Edinburgh, the rest of hir lyvetyme. Quhilk place sche *helpit to fund and big as maist principale*. Sche did mony gude actis.’

The chronicle enumerates her laudable deeds in providing

¹ *Chronicle of the Hous of Seytoun*, p. 38.

suitable marriages for her daughter and her son's children, and the dowries which she gave them, and adds that: 'She liffit to gud age; and deit in the yeir of God 1558 years, in the said place of the Senis; and was transportit honourable be her oy [grandson] George, Lord Seytoun, the fyft of that name, and was bureit in the queir of Seytoun, besyd her husband. The caus that I set forth the speciall actis and deidis of this Ladie is to gif occasioun till all ladyis in tyme to cum that happinnis to be in the said hous, or ony uther hous, to follow the said Ladie in honest conversatioun and chastite; and in kyndness and liberalite to the hous quhamto they are allyat and quhamof they have thair leving.' Lady Seton also induced her sister-in-law, Katherine Seton, second daughter of George, second Lord Seton, to become an inmate of this newly founded convent of Siena. She was then a woman of thirty-six years of age, and died at the convent after a long sisterhood of forty-two years. She was buried in the cemetery of the nunnery at the chapel of St. John the Baptist. In the *Cronicle of the Seytouns* it is stated that she 'wald never marie, howbeit sche micht have had mony gud maryageis, bot vowit chaistite, and enterit and was ane sister of the ordour of Sanct Katherine of the Senis; and enterit in religioun in the place besyd Edinburgh of the Senis, of xxxvj yeiris, and remanit thair the space of xlij yeiris, and deit of the age of lxxviiij yeiris, in the said place, quhair sche wes bureit.'¹

The second lady whose name appears in the Bull was Elizabeth Auchinleck, daughter of James Auchinleck, son and heir of Sir John Auchinleck of that ilk. This lady married Sir William Douglas of Braidwood, son of the fifth Earl of Angus [Bell-the-Cat], who was slain at the battle of Flodden. She also took the veil at the Sciennes, but, as the proprietrix of the estate of Glenbervie, she secured to the nunnery, before her profession, an annuity of £20. Her son at this time was a minor, and there is a contract between the celebrated Gavin

¹ *Cronicle of the Hous of Seytoun*, p. 36.

Douglas, Bishop of Dunkeld, acting on his behalf, and Lady Douglas, dated 5th November 1520, at the chapel of St. John the Baptist, in which she provides that 'the said Elizabetht sall now, in her vedowheid, and befor hir professioun into the said chapell and hous of Sanct Johnne,' infest her son Archibald in the lands of Glenbervie and others, 'payand to the priores and convent of the said Chapell and thair successouris twenty pundis of annuell, quhilk the said Elizabetht has gevin to thaim heretabillie of the foirsaid lands and baronyis of Glenbervy and Barras, be Chartir and sesing of befor; and that the said priores and convent of the said place sall, with the consent and assent of the provinciall of the freris predicatouris of Edinburgh, gif ane sufficient lettir of reverseoun to the said Archibald Douglas, that quhat tyme he, or his airis, infestis the said priores and convent or thair successouris, into alsmeikill annuall of feild land, liand into als gud and competent place as ar the landis that thai haif the said annuell of, of the said twenty pundis, eftir the said infestment be maid to thaim renunce resigne and surfit to said Archibald Douglas the said annuell rent of £20 and shall deliver to him the Charter sesing and infestment maid and gevin be the said Eliz. Auchinleck to thaim thairupone. And if said Archibald does the contrair or makes the same vexatioun or distrublans—he sall pay the convent £40 yearly as long as the vexatioun lasts.' To this deed Friar Adamsoun, the Provincial of the Black Friars, attested his signature.¹

Of the personality of the third lady mentioned in the Bull—the Lady of the Bass—but little is known. It is possible to identify her as the Agnes Fairlaw of Fallow Hall in Cheshire, wife of Sir Robert Lawder of the Bass, whose mortification to the parish church of North Berwick was confirmed by James iv. in the year 1491.²

The buildings of the nunnery were completed by the beginning of the year 1518, and occupied by the sisters under

¹ *The Douglas Book*, Fraser, vol. iii. p. 218.

² *Great Seal*, ii. 2068.

their first prioress, Josina Henryson ; and it became known under the name of Siena, the birthplace of their patron saint. From the French, Scienne, this name was converted into Sciennes, and is to be seen in our records under various spellings ;¹ but, during the last three hundred years, if not longer, the name has been corrupted colloquially into *Sheens*, as applied to the convent and the district in which it stood. Sir John Craufurd was an old man, and does not seem to have long survived the erection of the nunnery of which he and Lady Seton were the main founders. Under the Bull of Leo x., the number of the sisters *sub clausura* was restricted to thirty ; but, owing to the want of financial support of a permanent nature, it is doubtful whether the sisters actually resident at any time ever reached that number. Most of these 'brides of heaven' provided, to some extent, their own individual 'tocher,' often of a permanent nature ; but there were the non-professed sisters, and the *sorores conversae*, who performed the more menial offices, for whom provision had largely to be made. Once immured within the walls, the sisters attracted less public attention than the friars who, with consent of the prior, could carry their mission abroad ; and, being mendicants—professors of holy poverty—they, the sisters, suffered by comparison in donations from their sympathising friends. Indeed, after taking the veil, the sisters may be said to have lived only in the memories of their more immediate friends and relatives. In 1565, six years after the destruction of their convent, the surviving sisters numbered only eighteen.²

Among the treasures in the library of the University of Edinburgh is a manuscript volume of the constitutions of the Sisters of the Friar Preachers, which belonged to the sisterhood of the Sciennes. On the first page is inscribed, *Liber Academicæ Edinburgenæ qui cum aliis repositus est pro*

¹ *I.e.* Cenis, Seynis, Senis, Siens, Scheynis, Schenes, Shiens, Senys. The official name of the district is Sciennes.

² *Infra*, p. 136.

Bellarmino, dat. Academicæ 1593.' It is printed in the Abbotsford Club volume relating to the Convent,¹ and in the preface the editor, Mr. Maidment, states that these constitutions were probably copied from those adopted in the convent of the Black Nuns at Siena. This is a mistake; there was no such convent at Siena. Besides, the framing of constitutions or rules affecting any branch of the Dominican Order was the sole prerogative of the Chapters General, which were composed of friar representatives of the different provinces into which the Dominican world was divided. The Order had three distinct branches or 'Orders,' as they were termed: the first consisted of the friars; the second, of women who dwelt *sub clausura*; and the third—the Tertiaries or Penitents as they were called—of members of both sexes, who, as a rule, lived an active life 'in the world.' For their guidance, separate constitutions or rules were framed for each of these 'Orders.' Saint Catherine was born at Siena in 1347, of humble parentage, her father being a dyer of Fontebianda. The future saint was one of a family of twenty-five; and, when still a child, she became greatly attached to the huge church of San Dominico, which towered on the hill above her lowly home. In one of her many visions, she thought she saw St. Dominic holding in his hand a white lily, and offering her the habit or dress of a Sister of Penitence. She ultimately joined the ranks of the Tertiaries, and became a noted personage in her day.² In 1504 the

¹ From a transcription, perhaps not altogether satisfactory, by Kirkpatrick Sharpe, the friend of Scott.

² Putting aside the emotional or hysterical side of her character, the late Mr. J. A. Symonds declares that 'Catherine's work was a woman's work—to make peace, to succour the afflicted, to strengthen the Church, to purify the hearts of those around her, not to rule or organise. When she died she left behind her a memory of love more than power, the fragrance of an unselfish and gentle life, the echo of sweet and earnest words. Her place is in the heart of the humble; children belong to her sisterhood, and the poor crowd her shrine on festivals.'

There was an altar to St. Catherine of Siena in the Black Friary of Edinburgh.—*Book of the Old Edinburgh Club*, vol. iii. p. 13.

constitutions applicable to the whole of the second Dominican Order—to which the sisterhood of the Sciennes belonged—were printed, and we may assume that it was from this printed version that the written volume in the University Library was taken. From these constitutions we obtain an authentic account of the mode of life which the ladies of the Sciennes endured in the effort to attain the perfect life eternal. Ignoring the instructions regarding the religious services and the attendant gestures—the bowings, kneelings, and prostrations—the following may be added in supplement of what has been already narrated. The convent was governed by a prioress, who was elected to the office by the suffrages of the professed sisters, as well as by a sub-prioress whom she selected to assist her in carrying out her duties. The prioress also appointed two prudent and zealous sisters to silently watch over the manners and conduct of all; and these have been unkindly regarded by some in the light of spies on their fellow sisters. In their dress the sisters wore woollen garments of a cheap kind, while they were forbidden to use linen next their bodies. They were bound to wear their scapulars or short tunics at all times, and to wear socks, long loose robes, head coverings and veils, but not gloves. They slept on straw mattresses with woollen blankets and sheets: ‘Let them sleep with a tunic, a veil, a covering for the head, and a girdle, and also with their shoes in countries’—such as Scotland—‘where women are in the habit of wearing shoes.’ The sisters were solemnly abjured against leaving the enclosure under pain of anathema; while the right of entrance was extended only to the king and queen, the Church dignitaries, and the Dominican provincial master, and then only when accompanied by suitable attendants, and waited upon by three of the oldest sisters. No letter—that sweet solace of parted human affection and love—could be either received or sent by any of the inmates, and the severance of all human ties with the outside world was complete. In

the matter of food the sisters were allowed two dishes of cooked vegetables—pulmenta—daily, although the prioress could add more if she considered necessary. On the approach of the hour set apart for dinner or supper, the sacristan rang a few warning notes on the church bell, and when the food was ready, the sisters assembled in the cloister to the sound of the refectory bell—the cimbalum. Then, after their hands had been duly washed—a particularly necessary rite in those days when forks and spoons were almost unknown—the prioress entered the refectory and took her seat at the table. When satisfied with the arrangements, she struck a little bell—the nola—and the sisters marched in and took their places in silence. Dinner was then served, beginning with the juniors up to the prioress, and during the meal the reader read excerpts from the lives of the saints and other similar works.

Sister Josina Henryson was still acting as prioress when, in the autumn of 1520, Agnes Sandilands, daughter of Sir James Sandilands of Calder, became an unprofessed sister, and the nunnery received as her tocher an annual rent of twenty merks—£13, 6s. 8d. By deed dated 20th October 1520, Sir James, with consent of Mariot Forrester, his spouse, granted to Josina and her sisterhood an annual payment of ten merks from the lands of Over Cirlzeamston, and a similar amount from the lands of Bradshaw in the Barony of Calder during his daughter's lifetime. This sum of £13, 6s. 8d. is noted in the Books of Assumption as forming part of the rental of the nunnery at the Reformation.¹ The first royal donation to the Sisters of St. Catherine of which any record has been kept, consisted of a barrel of salmon, valued at a cost of £3, granted in the year 1523. It originally formed an annual gift founded by James IV. in favour of certain ladies at Campvere in Flanders, and the genesis of this useful gift is thus described :—

It is of interest to note that the Observantine Grey Friars

¹ *Books of Assumption*, General Register House.

of Aberdeen 'were instrumental in attracting the attention of James IV. to the services rendered by the Dutch Grey Sisters of the Third Order to Scotsmen at Campvere. In this port, which was the great entrepôt of trade between Scotland and the Low Countries during the fifteenth and sixteenth centuries, these ladies had established a hospital where they nursed and tended the sick of all nations and both sexes, unhampered by the vow of perpetual cloister taken by the Sisters of St. Clare. King James was quick to recognise their services, and from 1501 sent them a barrel of salted salmon annually through the 'Friars Minor of Observance of Aberdeen.' The gift varied at that time in value from forty to fifty-five shillings, and was continued until the year 1523, when it was diverted by the Lords of Exchequer to 'the Dominican Sisters of St. Catherine of Siena at the Sciennes, Edinburgh.'¹ There is no entry in the Exchequer Rolls after the death of James V. of a continued payment of this gift; but as it appears in the return made by the sisters after the Reformation, and is duly entered in the *Books of Assumption*, it may be assumed with certainty that the barrel of salmon was regularly paid over to the sisters down to the year 1559, when the nunnery was destroyed. Assistance was also granted by the Crown during the winter of 1526-7, in the shape of £10 for the repair and building of their place,² and of £4 for providing an ell of crimson satin for a coat to the 'bawby Jhesus of the Senyis.'³ The baby Jesus was the little wooden figure of Christ, placed in the stall erected in the church of St. John the Baptist, for the purposes of worship on Christmas Eve. This practice was first established by St. Francis of Assisi in the thirteenth century, and has continued in the Roman service down to

¹ W. Moir Bryce, *The Scottish Grey Friars*, i. p. 320-1. In the Exchequer Rolls these regular Tertiaries of Campvere are indiscriminately described as the Sisters of St. Clare and Sisters of St. Martha. The latter description is correct: *vide* Relation of their Rule to that of the Claresses at p. 389 of *Scottish Grey Friars*.

² *L. H. T. Accounts*.

³ *Ibid.*

the present time. In addition to the above there was a substantial contribution of the annual sum of £24 from the royal funds to the ladies of the Sciennes, the first mention of which appears in the Rolls for the year 1531.¹

In the following year the Hospital of Saint Laurence, situated on the west side of the royal burgh of Haddington, was formally annexed to the Nunnery of the Sciennes, as it was now termed. This hospital was founded by Richard Guthrie, Abbot of the Monastery of St. Thomas the Martyr at Arbroath,² and out of the revenues a chalder of grain was contributed annually to the Burgh Leper House at Haddington. Transcriptions of three of the deeds in connection with the annexation have been preserved.³ The first is a notarial Deed of Consent⁴ in which it is stated that on the 29th August 1532 Sir John Gourlay, Preceptor of the Hospital of Saint Laurence, near the Burgh of Haddington, compeared in presence of James (Beaton), Archbishop of St. Andrews, Primate of all Scotland and *legatus natus* at his residence—in Hospitio residentie—in the Cowgate of Edinburgh, and of a notary public, and there gave his express consent to the annexation and incorporation of the Hospital of Saint Laurence, with its fruits and rents to that monastery or religious place of the nuns of the Order of St. Katherine of Sciennes. The worthy preceptor, however, stipulated for the retention of the hospital during his lifetime, or, at least, until he should obtain possession of another benefice equally good! He also appointed certain parties to act as his procurators before the Court of Rome, 'and in these parts'—*i.e.* Scotland—'in presence of King James v. the true and undoubted Patron of the said Hospital, to whom the simple gift of the said Hospital by right of foundation and gift is known to pertain.' Sir John died

¹ *L. H. T. Accounts, passim.*

³ *Hutton MSS., Adv. Lib.*

⁴ Termed by Maidment by mistake the 'Instrument of Annexation and Incorporation of the Hospital,' p. 41.

² Maidment.

in the course of the following year, and Archbishop Beaton granted under his seal and that of the chapter of his cathedral church, what are termed Letters of Provision, Union, and Annexation of the Hospital, in favour of the Prioress and Convent of St. Katherine. This deed is not known to be now extant, but it was certainly produced by Friar John Smyt of the Order of Friar Preachers on 16th August 1533, when, as procurator for the nunnery, he was *seised* in the hospital and all its fruits by Sir John Lawson, chaplain. This ceremony took place in the chapel of the hospital. No attempt seems to have been made to obtain papal confirmation of the annexation, and the sisterhood became doubtful of the legality of their title to the hospital. Ten years later, the sisters made a successful appeal to Marcus Grimanus, Patriarch of Aquilegia, who came to our country with powers from his Holiness, Pope Paul III. as legate *a latere*; and on 5th March 1543 he executed a formal deed approving of the annexation in every detail. In the preamble he mentions that the nuns had none, or at least very few reliable rents, and that on account of their smallness—at least of the slenderness of such as were of a permanent nature—the number of devout nuns therein appointed for the service of God in the convent—*ad Dei servitium sub clausura constitutarum*—could not be conveniently sustained. He further adds that King James V. had given his express and willing consent to the annexation, and that the sisters affirm that the annual value of the revenues of the Hospital of St. Laurence does not exceed the sum of £9 sterling. Although, through this annexation, the hospital was placed under the control of the Dominican Order, the Grey Friars of Haddington—in the absence within that burgh of any Dominican friary—would appear to have been its spiritual directors, doubtless subject to the visitation of the Dominican visitor; and under the seal and on behalf of the hospital, the Franciscan wardens also granted the annual receipts for twenty shillings paid to it by the

bailies of Haddington out of the royal fermes. This practice is somewhat remarkable, considering that the hospital was administered by its own master; but even after it had been formally annexed to the nunnery, the receipts continued to be granted by the Franciscans.¹ At this time there existed a strong friendly feeling between the Black and the Grey Friars. None of the deeds above referred to furnish any description of the lands belonging to the Hospital of St. Laurence, but at a later period they are described as extending to eighty-two acres. It is also probable that the lands described as the Spittelrig or the rig of the hospital, which fell about the year 1532-3 into the hands of the Convent of the Sciennes, had some connection with this hospital, because in the rental furnished after the Reformation by the prioress, the two subjects are mentioned together as 'St. Laurence house with ye Spittalrig.'

By charter dated 15th November 1533, the convent received from James Learmonth, son and heir of the late Agnes Livingstoun, an annual rent of ten merks from his third of the lands of Livingstoun and others, on behalf of Margaret Livingstoun, who had become a sister of the Sciennes. She was evidently a sister of the above Agnes Livingstoun, who is here spoken of, according to the old Scottish fashion, by her maiden name. This charter was confirmed by James v. on 31st December 1533.² That the sisters found it occasionally necessary to call in judicial aid in the collection of their small rentals is disclosed by an entry in the Burgh Records of 27th January 1536-7,³ from which we learn that they obtained a decreet at the Bailie Court for the sum of 10 merks 2s. and 11d. due by Elizabeth Forbes and Henry Spittale, her second husband, from their two tenements 'lyand at the est end of Sanct Gelis Kirk and at the Nether Bow.' Among the ladies who took the veil at the foundation of the nunnery

¹ *The Scottish Grey Friars*, i. p. 181.

² *Great Seal*, iii. 1332.

³ *Burgh Records*, ii. 81.

in 1517, was one Beatrix Blakater, for whose 'sustentatioune' her father, a burghess of Edinburgh, provided an annual of 8 bolls of wheat and 6 bolls of bear from an arable croft situated 'within the wallis of the toun be eist the Greyfreir Port.'¹ This croft is now represented by the square lying to the west of the Scottish Museum and known as 'The Society,' Brown Square, and Lindsay Place. It would appear that for some reason now unknown, the magistrates desired possession of this croft, and on 10th April 1537 the Council and Deacons of the Crafts conjoined in *consenting* that a certain piece of ground situated 'betwixt the Seynis and the Borrowloch per-tening to the fredome of this towne' should be set in feu to the nuns, 'conform to the appunctuament *to be maid* with thame thairupoun for the utility and proffeit of the towne.' The nuns, however, refused to accept this proposal, and there is no evidence that they ever possessed a piece of ground between the Burgh Loch and their nunnery. The magistrates adhered to their proposal and, on 8th November 1541, they agreed to take over the arable land be-east the Greyfriar Port, pay the 14 bolls of victual ordained by Blakater and, in addition, to 'gyf to the said systers the pece grene of thair Commoun Mure, now founded about with dike as the samyn is ellis limitat.'² Here the record of the transaction ceases; but, from Queen Mary's letter of 1563,³ we learn that the sisters had up to this date been in regular receipt of the 14 bolls as provided for in Blakater's Notification.

The political situation after the death of James v. in 1542 was complicated by the rival claims of Henry VIII. of England and the King of France regarding the disposal in marriage of the infant Mary, Queen of Scots. Henry's proposals were finally rejected in December 1543, and on the 3rd May 1544 an English fleet arrived in the Firth of Forth, containing an army under the notorious Earl of Hertford, better

¹ *Burgh Records*, ii. 109.

² *Ibid.*, ii. 110.

³ *Infra*, p. 133.

known by his later designation as the Protector Somerset. In view of this invasion the weak governor, the Earl of Arran, issued a proclamation, dated 1st May, 'chargeing all maner of man betuyx sexte and sextene to meit my lord governour upon the Borow Mure of Edinburcht, the fyft day of Maii, to pas upoun the Inglische men, under the painis contenit in the lettres past before, upoun xxiiij houris warnyng.'¹ The English disembarked east of Granton on the 4th of May, and marched thence to Leith, which they occupied, although a Scottish force, estimated by Hertford at 6000, awaited him in order of battle on what he calls a brook between Edinburgh and Leith—probably the Water of Leith. Henry's instructions to Hertford were concise: 'Do what ye can out of hande, and without long taryng, to beate down and over throwe the castle, sack Holyrod house, and as many townes and villages about Edinborough, as ye may conveniently; sack Lythe, and burne and subverte it and all the rest, putting man, woman, and childe to fyre and sworde without exception, where any resistence shalbe made agaynst you.'² Henry found in Hertford a willing tool in carrying out his brutal vengeance on the Scots. Edinburgh was burned, and the Nunnery of the Sciennes, along with the mansion houses of Grange, Whitehouse, and Bruntisfield, all suffered in the general ruin. Notwithstanding the silence of our records, there can be no question that the nunnery buildings were re-erected, and once more became the habitation of the sisters. On the 20th June 1555, the prioress and her sisterhood were infeft in an annual rent of eight merks granted by Alexander Murray of Erlisorchard in their favour, and secured over the steading of Glenpoit lying in the lordship of Ettrick Forest in the sheriffdom of Selkirk.³ A month later—31st July 1555—the convent lent Sir James Hamilton of Crawford-John the large sum of 1000 merks, secured over his lands of Manerstoun

¹ *L. H. T. Accounts*, viii. 294.

² *Hamilton Papers*, ii. 326.

³ Maidment, p. 50.

in the sheriffdom of Linlithgow.¹ In return the sisters granted a letter of reversion in which they bound themselves to renounce and resign the lands on repayment on the high altar of their church 'in gold and silver efter following, that is to say, twenty sevin score gude crounis of the Sone of gold, price of the pece twenty foure schillingis, nynetene gude unicornis of gold, price of the pece twenty thre schillingis, ane rydare of gold, price thereof thretty schillingis, ane crosat ducate of gold, ane abbay croun, price of it twenty-thre schillingis, and the rest of the said soume in gude and usuale money of Scotland haifand cours of payment for the tyme.' The following are the sisters whose signatures appear upon this document, written either by themselves or by the aid of a notary—Sister Christian Ballenden, prioress, Sister Elizabeth Napier, sub-prioress, Sister Katherine Seton, Sister Elizabeth Herries, Sister Margaret Napier, Sister Agnes Napier, Sister Marion Crauford, Sister Isabel Cant, Sister Agnes Maxwell, Sister Jean Douglas, Sister Elizabeth Napier, Sister Katherine Nisbet. In the Advocates' Library there is preserved a copy of the *Psalterium Davidicum cum aliquod canticis ecclesiasticis. Litanie. Hymni ecclesiastici*, printed in Paris in 1554, which belonged to Marion Crauford, one of the sisters who appended her signature to the letter of reversion. It bears this inscription—'This buk ptenis to sister marione crafurde, in the place of the Senis besyde edinburgh.' It is in excellent condition, and bears evident marks, as Maidment observes, 'of the attentive perusal of the owner, as there occur throughout numerous marginal addenda in her very neat handwriting.'² Then, on the 11th August of the same year (1555), there is an entry in the City Treasurer's accounts—'For cords to bind the man that was heidit for the murder of the Senis man, 3d.' The murdered man was probably an old gardener who tended the easter

¹ *Hist. MSS. Com.*, Duke of Hamilton's MSS., p. 224, No. 167.

² *Lib. Conv. St. Katherine Senensis*, p. lxxxix. n.

gardens of the sisters, particularly in the raising of vegetables, which formed their staple food. His assailant was beheaded with a sword, according to the usual custom.

From the Register of Abbreviates of Feu Charters of Kirklands granted prior to the Act of Annexation of 1587,¹ we learn that the lands of the Spittalrig at Haddington were feued by Dame Christian Bellenden, the prioress, and her sisterhood on 20th May 1558 to Sir Richard Maitland of Lethington and Dame Marioun Cranstoun his spouse, and that they were duly infeft therein by sasine, dated 25th May 1561. The amount of the feu duty is not stated, but the composition payable to the Lord Treasurer is entered in his accounts at the sum of £3, 6s. 8d.²

The day big with the fate of the ancient Church of Rome in Scotland—the 29th June 1559—at length arrived; and the ‘rascal multitude,’ leaving behind them the smoking ruins of the convents of the Black and the Grey Friars, rushed out in their thousands along the Cowgate, the Candlemaker Row and the other southern outlets of the city to the Sciennes, where, without opposition of any kind, they completed their vengeful work of destruction. No details of the day’s proceedings have been preserved; but we learn from a pathetic letter by Queen Mary, that the nuns were eighteen in number and mostly aged and decrepit—‘being aughtene in noumer, the maist parte thairof aigit and decrepit.’³ The unfortunate ladies, having been warned in time, no doubt fled on the approach of the fierce iconoclasts, and sought shelter among their numerous friends and relatives in the city. Now, the period between the foundation and the destruction of the friary—1517 to 1559—was the most critical in the history of the Church, as it then existed. All accounts, Roman Catholic as well as Protestant, agree as to the debased condi-

¹ Preserved in the Register House.

² *Abbrev. of Feu Charters*, p. 169; *L. H. T. Accounts*, xi. 317.

³ *Infra*, p. 133.

tion of the clergy in morals as well as religion, and Sir David Lindesay, the poet and iconoclast of the time, writes that—

‘ War nocht the precheing of the begging freris,
Tynt war the faith among the seculeris.’

In this remark he refers to the efforts of the Black and the Grey Friars to bolster up what was, undoubtedly, a decaying Church. In *The Complaynt of the Papingo*, Lindesay also tells us that when scared by the sensuality of ‘The sillie nunnis’

‘ Chaistitie thare na langer wald abyde :
Sa for refuge, fast to the freiris scho fled,
Quhilkis said, they wald of ladyis take na cure :
Quhare bene scho now, than said the gredie Gled ?
Nocht amang yow, said scho, I yow assure :
I traist scho bene upon the Burrow-mure,
Besouth Edinburgh, and that richt mony menis,
Profest amang the sisteris of the Schenis.
Thare hes scho fund his mother Povertie,
And Devotioun her awin sister carnall ;
Thare hath scho fund Faith, Hope, and Charitie,
Togidder with the vertues cardinall :
Thare hes scho fund ane convent yet unthrall
To dame Sensuall, nor with Riches abusit,
Sa quietlye those ladyis inclusit.’

This pungent satyre fully acquits the ladies of the Senis of the state of degradation into which so many of the other sisterhoods had fallen. The following is a list, so far as known, of the sisters, professed and unprofessed, who dwelt in the convent of the Sciennes.

PRIORESSES

Josina Henryson, the first prioress.

Christian Bellenden, a relative, if not the sister of Sir John Bellenden, Justice Clerk ; the last prioress.

SUB-PRIORESS

Elizabeth Napier.

SISTERS

- Elizabeth Auchenleck, widow of Sir William Douglas, who was slain at Flodden.
- Blakater or Blacater, Beatrix.
- Cant, Isobel.
- Crauford, Marion.
- Douglas, Jane.
- Dunbar, Margaret.
- Jacinta.
- Johnesoun, Marion.
- Halyburton, Jane.
- Herries, Elizabeth.
- Livingston, Margaret, of Livingston.
- Maxwell, Agnes.
- | | |
|---------------|--|
| Napier, Agnes | } Probably relatives of the Napiers of Merchiston. |
| „ Elizabeth | |
| „ Margaret | |
- Nisbet, Katherine.
- Sandilands, Agnes, daughter of Sir James Sandilands of Calder.
- Seton, Lady Jane, daughter of the first Earl of Bothwell, and widow of George, third Earl of Seton, who was killed at Flodden. She died in 1558.
- Seton, Katherine, daughter of George, second Earl of Seton. She died in 1559, and was buried in the convent cemetery.

The establishment of the new religion by the Act of 24th August 1560 was followed by the difficult question of the disposal of the landed possessions of the Roman Church ; and on the 22nd December 1560, it was decided by an Act of the Privy Council¹ that a fourth part of the revenues of the whole benefices of the kingdom should, contrary to Knox's anticipations, be employed partly in the maintenance of the reformed clergy, and partly for the support of the Queen, and in the event of this proving insufficient, then a third was to be taken. The remainder was to be ' assignit to the auld possessouris.' By another Act of Council dated 15th February

¹ *Reg. of Privy Council*, i. 193.

1560-1,¹ the scale of division was finally altered to one-third between the reformed clergy and the Crown, and two-thirds to the 'auld possessouris'—an arrangement which Knox characterised as 'two parts freely given to the Devil, and the third part divided between God and the Devil.' To carry out this scheme, the Privy Council also 'ordanit that the hale rentalis of all benefices within this realme be producit before hir Grace and the Lordis foirsaidis.'² Considerable delay occurred in obtaining from the different religious houses these rentals, which were all registered in the records now known as the *Books of Assumption or Assignation of the Thirds of Benefices*;³ and that submitted by Dame Christian Bellenden, the last prioress of the Convent of Siena, is as follows:—

In the first St Laurence hous w^t ye Spittelrig and ye pertinentis set for xliiij^l.

Item xv⁴ or yrby akers of land qrupoun o^r (our) place is biggit haldin ane chapellane in Glasgow in few payand yrfoir zeirlie to ye said cheplane x merks.

And set be us in few for doubling of ye few maill, viz. :—xiiij^l vj^s viij^d.

Item ane croft wⁱⁿ the wallis of Ed^r besyd ye Grayfreris poirt set for viij bolis quheit and vi bolis beir.

Item of ye laird of Glenberveis lands xx^l @nuell zeirlie.

Item of ye laird of Calders lands xiiij^l vi^s viij^d.

Item of o^r souerane ladeis thesaurerie be fundatioun and gift xxiv^l.

Item siclyk fra the comptroller zeirlie, i barrell Salmound.

Item of Cranstoun of y^t ilk callit Kaa Cranstoun vi^l xiiij^s iiij^d @nuell.

Item of the lands of Ardros of zeirlie xx^l @nuell.

Item of Alexr. Murray of ye orchards lands vj^l vj^s viij^d.

Item of Adame Herkes in Abirladeis lands vi^l.

Item of the lands of Gilmertoun sumtyme pertening to Isobell Mauchane xiiij^l vj^s viij^d @nuell.

Item of the lands wⁱⁿ Ed^r of umqle Thomas Carkettill xx^l @nuell.

Item of ane land lyand at the fute of Nvdreis Weynd occupyit be Jon Hoche & oyers x^l @nuell.

¹ *Reg. of Privy Council*, i. 193.

² *Ibid.*

³ One volume is to be found in the Advocates' Library and the remainder in the General Register House.

⁴ Should be 18 acres.

Item of land pertenying to the Sisters of the Naipers in sindrie places
x^{li} @nuell.

Item of ane house besyd the Trinitie Colledge iiij^{li} @nuell.

Item of ane hous in Merleyonis Wynd presentlie occupiet be Mr.
Ard Grahame iiij^{li} xiijs iiij^d.

Item of ane hous at ye Kirkend sumtyme pertenying to Mr. Henry
Spittell x merks @nuell grof defalkit for ye birning xl^s.

Summa

In the haill ij^c xix^{li} vjs viij^d
Quheit, viij bolls ; Beir, vj Bolls.
Salmon i barrell.

According to this return, therefore, the total annual income of the Nunnery of the Sciennes amounted to the sum of £219, 6s. 8d., together with 8 bolls of wheat, 6 bolls of bear,¹ and one barrel of salmon. Of this, the sisters received from the Crown the annual sum of £24 as well as a barrel of salmon of the value of £3; while from the sisters or their relatives there were secured to the nunnery—

1. From Sister Lady Douglas of Glenbervie an annual of £20.
2. From the father of Beatrix Blacater, an annual of 8 bolls of wheat and 6 bolls of bear.
3. From Sir James Sandilands of Calder on behalf of his daughter Sister Agnes Sandilands, an annual of £13, 6s. 8d. This annual is described in the deed of gift as her 'tocher' or dowry.
4. From James Learmonth, son of Agnes Livingston or Learmonth of Livingston, on behalf of Sister Margaret Livingston, an annual of £6, 13s. 4d.
5. The Sisters Napier from 'sindrie places,' rents amounting to £10.

The disappearance of the remainder of the progress of

¹ An inferior class of barley, having four rows of grains.

titles prevents further identification of the other grants of tocher to these 'brides of heaven' which are noted in the return by the prioress; but the gift of the annual rent of £20 from 'lands within Edinburgh by umqle Thomas Carkettill' may perhaps point to some relationship of the donor to Agnes Carkettill, the 'very dear spouse' of John Cant, the granter of the foundation charter of 1517, as well as to Sister Isabel Cant, whose name appears in the list of sisters in the letter of reversion of 31st July 1555. The most valuable donation to the nunnery was that of St. Laurence House with the Spittelrig at Haddington, from which—but only after the Reformation—they derived the annual sum of £44.

Another difficulty presented itself to the Lords of Council by the action of the Queen in freeing or discharging certain of the religious houses from the payment of their 'third' to the Crown; and on 10th October 1564 the Privy Council declared the Queen's discharges inoperative.¹ Despite this injunction, we find that Queen Mary, by a letter dated 16th May 1565, gratuitously discharged the prioress and Convent of Siena from payment of their third to the collectors for the Crown. 'Understanding,' the Queen says, 'that the priores and convent of the Senis vpoun the Borrowmure besyde Edinburgh, being *auchtene in noumer*, the maist part aigit and decrepit, having bot small thing to leve on conquest² with thair awin tochers and barnis part of geir, quhilk is nocht hable (able) to sustene thame in cais we tak vp the thrid thairof aucht to ws, to extreme povertie without we have pitie and commiseration vpoun thame,' the Queen remits to the prioress and convent the third due from their benefice to the Crown, and discharges all collectors of the third from troubling them. The letter is signed by the

¹ *Reg. of Privy Council*, i.

² *I.e.* small means to live on by sale of their own tochers or dowries which they brought with them to the convent, and the bairns' part, or *legitim*, to which they might have succeeded on the death of their parents.

Queen, and by W. Maitland,¹ her celebrated secretary, whom Buchanan dubbed the Chameleon from the fact of his changing sides in the political factions of the period. It is possible that in consequence of this singularly pathetic letter, the sisters escaped payment of this tribute of one-third of their scanty revenues down to the time of Mary's abdication, and the passing of the Act of Parliament of 1567, under which the whole of the thirds were ordered to be paid to the ministry ; but, in the Register of the *King's* Patrimony, there appears a notice of the 'Priorie of Schenes, £73, 2s. 2½,' showing that the third had been reimposed.²

After the Reformation the only personal note of the sisterhood is to be found in the legal documents under which they disposed or assigned their small heritable possessions. On 15th February 1562-3, Dame Bellenden and her convent disposed in feu farm to Sir John Bellenden of Auchinoule in name of his son, Ludovic Bellenden, 'their land commonly called Saint Laurence house with the houses, gardens, buildings, and their sundry pertinents extending to eighty-two acres, more or less, of arable land near the royal burgh of Haddington, and on the west side of the same, lying within the constabulary of Haddington and shire of Edinburgh.' This piece of land is stated to have in times past lain generally waste, uncultivated, and unfruitful on account of various incursions and devastations of public and private enemies. The sisters here refer principally to the destruction of Haddington by the Earl of Hertford in 1544, and by the great siege of 1548. Further, the land itself had become sterile, and their tenants had not only been unable to pay their rents, but in many cases been reduced to extreme poverty and forced to abandon the ground :—

'We labouring meanwhile in fasting, inferring no small loss and cancelling our deed only by their reduced poverty, but this one thing

¹ *Hist. MSS. Com.*, Duke of Roxburghe, No. 56, 14th Report, iii. 30.

² Reg. of the King's Patrimony, General Register House. *No date.*

we are bound to confess, that for the past 20 years we have never been fully thankfully and suitably satisfied of the entire annual duties of the foresaid lands ; We, therefore, viewing on all sides our utility and welfare, and that, so far as we can, we may preserve ourselves from the evils of such times and men, and lest we should be drawn away from the discharge of our duty, which consists in assiduous prayers before the Most High for the common salvation of the whole human race, to litigations in court, or in addition petitions for victuals and the liquidation thereof, yet not ignoring the necessity of both food and raiment, the computation and estimation of which is most easily made in money, we have therefore determined that our lands shall be set in tack for an annual money payment : Wherefore, for a certain sum of money paid to us by John Bellenden of Auchnowll, knight, councillor to our sovereign lady the Queen and Justice Clerk, in name of Ludovic Bellenden, his son, bestowed upon us in our urgent need whereby we are furnished with aliment and the necessaries of life in these tempestuous and iniquitous days and that when we were in extreme penury and want, as also for the various services, gratitudes and good deeds done to us by the foresaid John frequently and thankfully, we with one consent have given granted and set in feufarm heritably and by this our Charter have confirmed to the foresaid Ludovic Bellenden and the heirs male to be procreated of his body, whom failing to John and Zachary, his brothers, in succession, and their like heirs, whom failing to the said Sir John and his lawful and nearest heirs and assignees all and sundry their lands of Sanct Laurence-hous, with pertinents as above to be held of the granters for payment of £42 Scots yearly with duplication at the entry of heirs.'

The charter bears to be signed by Sister Christian Bellenden, Prioress of the Sisters of the Sciennes, Sister Jane Douglas, Sister Katherine Nisbet, Jane Halyburtoun, and by Margaret Dunbar and Agnes Napier, who cannot write, and who sign by the aid of Mr. Gilbert Grote, notary. The composition payable to the Crown was fixed at £50.¹ Sir John Bellenden of Auchinoule, whose generosity to the sisters is so marked, is believed to have been the brother of Dame Christian Bellenden, the last prioress ; he was a notable

¹ *Abbrev. of Feu Charters of Kirklands*, p. 183 ; *L. H. T. Accounts*, xi. 321.

figure in his day. He succeeded his father, Thomas Bellenden of Auchinoule, as Justice Clerk on 25th June 1547, and at the breaking out of the Reformation was employed by the Queen Regent as mediator between her and the Lords of the Congregation. He was implicated in the murder of Rizzio, but was afterwards restored to favour.¹

In the year 1563-4 the tacksmen of the arable croft at the Greyfriars Port belonging to the sisters conceived it a favourable opportunity to withhold payment of the 8 bolls of wheat and 6 bolls of bear which in terms of their lease they were bound to pay to the convent; but an application to the Queen by the prioress brought a sharp letter from Her Majesty to the Town Council:—

‘ Prouest baillies and counsale of oure burgh of Edinburgh, we greit yow weill. Forsamekill as we ar informyt be oure louit oratrice, deme Cristeane Ballenden pryores of the Senys on the Borro Mwre besyde oure said burgh, that scho with the consent and assent of the sisteris thairof, set to yow and your predecessouris twenty yeiris syne or thairby ane litill croft of land liand within the wallis of oure said burgh at the Grayfreir port, in few ferme, for yeirlye payment to hir and the saidis sisteris for viij bollis quheit and vj bollis beir, and that ye and your predecessouris in all tymes bipast sen obtenyng of the said few hes maid thame thankfull payment and thair assignais of the samyn quhill this last crop of lxij yeiris, quhilk victuell is assignit be the said priores and hir sisteris foresaid to Beatrix Blacater, ane of the sisteris thairof, for hir pairt of sustentatioun furth of the fruittis of the said place, quha as we ar surelie informyt hes bene ane of the nowmer of the said sisterris thir fourtye yeiris syne or thairby, and that the samyn croft wes conquest be hir fadir and predecessouris and dotit be thame to the sustentatioun of the said Beatrix, for sustenyng of hir and the saidis sisteris, quha now ar sa strikin in aige, that scho hes na vther moyin to wyn hir leving bot onlie to depende vpoun that small portioun assignit to hir as said is, thairfor it is owre will and we desyre yow rycht effectuislie to mak thankfull payment to the said Beatrix of the foresaidis viij bollis quheit and vj bollis beir for the yeir of God abone specifeit, and siclike yeirlye and termelie in

¹ Brunton and Haig, *Senators of the College of Justice*, p. 91.

tyme cuming according to the said pryores assignatioun and ay and quhill scho discharge the samyn, as ye will do ws singular plesour, sua that we haue na forther occatioun to write to yow in this behalf be thir presentis. Subscriuit with oure hande, at Edinburgh, the penult day of Februar the yeir of God j^m v^c lxiij yeris.

MARIE, R.'

The croft was that which had been assigned by the father of Beatrix Blakater for the sustentation of 'her and the saides Sisters, quha now ar so striken in aige that scho hes na uther moyin to wyn hir leving, bot onlie to depende upoun that small portioun assignit to hir as said is.' It is generally believed that the magistrates themselves were withholding the rent from Sister Blakater; but the original Council Minute of 18 February 1563-4, which is not fully printed, shows that the Council issued a drastic order that 'gif need be ordanis officers to poynd ye saids takmen and lauboars [labourers] of ye said croft for ye zeirlee ferme abone writtin, and mak ye said Beatrix thankfull payment yrof during all ye dayis of hir lyfe.'¹ That the Council looked faithfully after the interests of Sister Blakater is evident from a notice in their Minutes ten years later, instructing that, in the setting in tack or lease of the acres at the Greyfriars Port, the lessees are to pay Sister Beatrix during her lifetime the stipulated return in wheat and bear, and 'after her deceis, for all the yeris and termes of sevinteen yeris next and imediatlie following,' paying yearly to the good town the sum of £21.² In the Register of the Abbreviates of Feu Charters, there is an entry of a third feu charter granted by Dame Bellenden described therein as 'Prioress of ye Abbay of ye Sisters of ye Senis.' It is dated 7th March 1566-7, and bears to convey in favour of Andrew Logane and Janet Bellenden, his spouse, a piece of land and tenement on the north side of the Cowgait, the feu duty being fixed at five merks.³ At

¹ *Burgh Records*, iv. 93.

² 3rd March 1573-4, *ibid.*, iv. 12.

³ *Abbrev. of Feu Charters*, 265.

this date the aged prioress was residing at Warriston, the property of her relative, Sir John Kincaid.

On 5th July 1567, Dame Christian, with the remainder of the sisterhood, feued out to Henry Kincaid, second son of John Kincaid of Warriestoun, the whole of the 18 acres, part of the Grange of St. Giles, which had been handed over to the nunnery by John Cant and Sir John Craufurd in 1517. Under this deed Kincaid was bound to pay the annual feu duty of ten merks to the chaplain of St. Stephen's in Glasgow Cathedral, with an augmentation of five merks to the sisters. The charter is remarkable for the light it throws upon the condition of the sisters at this period, and proves that the hope strongly existed in the mind of the prioress of the regeneration of the Old Church in the service of which she and the sisters had spent so many long years. This attitude was not uncommon among certain of the more devout of the Catholic clergy. The charter also refers pathetically to the financial assistance they had received from Kincaid 'immediately after the destruction of our said place and the church gardens and houses thereof, and our expulsion from the same, and our dispersion almost in poverty amongst our friends and parents':—

'Whereas for the policy of the kingdom of Scotland and the commonwealth of the same, for reparation and building to be made of houses, buildings, gardens and plantation of trees, and of other policies within the kingdom of Scotland, according to the tenor of acts of parliament promulgated thereupon; as also for the utility and welfare of us and our successors; as also for certain sums of money paid to us in numerate money in our great and urgent necessity, immediately after the destruction of our said place, and the church, gardens, and houses thereof, and our expulsion from the same and our dispersion almost in poverty amongst our friends and parents, by our beloved Henry Kyncaid, second son of an honourable man John Kyncaid of Wareistoun, at the time of

the making of these presents, for this our infettment, we have ordained to be let in feu-farm our gardens and lands under-written with pertinents.'

The feu was duly confirmed by Crown Charter dated 13th November 1571.¹ It is to be noticed, however, that, although the deed itself conveyed to Kincaid only the eighteen acres with the nunnery, he also took possession of the four and a half acres belonging to the sisterhood, along with the barn and yard, situated on the north side of the Sciennes Road, and on which Messrs. Bertram have now erected a large factory. This barn and yard extended ninety feet along the road, and is afterwards described as having belonged to the Black Friars. It must have had some connection with the nunnery.

The aged prioress did not long survive the transference of her beloved nunnery into lay hands. She must have died sometime between the years 1567-70, after having made every provision in her power for the maintenance of each individual member of her scattered sisterhood. In the Fraser Collection of MSS., recently presented to the Register House, is a ratification of an Acquittance or Discharge of the sum of 1000 merks, to which reference has already been made. Sir James Hamilton had repaid his debt, and the money had been placed in the hands of Sir John Bellenden, who is believed to have been the prioress's brother; but, when misfortune overtook the nunnery, the whole sum, as narrated in this document, 'was compleitlie and fullilie bestowit be the said Sir Johne in the trublus tyme to our greit weill and commoditie, quhairvpoun the said Sir Johne obtenit the said priores acquittance *in hir lyftyme*.' The money, however, had been divided by the prioress among the sisters, and Sir John therefore asked for an acquittance from each sister against a possible further claim 'for none payment to ws or *ony of ws of our pairtis respective of the said sowme* for now and ever.'

¹ *Great Seal*, iv. 1980.

The date in the testing clause, beyond the year 156-, has not been filled in by the notary, probably with the intention of obtaining additional signatures:—

‘Be it kend till all men be thir present letteres, We, the convent and sisteris of the place of the Senis besyde the burgh of Edinburgh vnder subscriueand, that forsamekill as wmqhill Cristiane Bellenedene, priores of the said place, consignit and put in the handis and keping of Sir Johne Bellendene of Awchnovle, knycht, to the weill and commoditie of the said priores, ws and the said place, the sowme of ane thowsand merkis wswall money of this realme quhilk hail sowme was compleitlie and fullilie bestowit be the said Sir Johne to the said priores and ws in our greit necessiteis and miseris in the trublus tyme to our greit weill and commoditie, quhairvpoun the said Sir Johne obtenit the said priores acquittance in hir lyfytyme; quhilk acquittance we and ilkane of ws for our awin partis respective be their presentis ratefies allowis appreis and confirmis to the said Sir Johne and his ayris in all sortis and will and grantis that the samyn is and salbe to the said Sir Johne and his ayris als sufficient acquittance and discharge of the said sovme as gif the samyn was maid and gevin be hir witht our speciall awys and consent and haid subscriuit this samyn; and for ws our ayris and successouris and assignayis bindis and oblesis ws never to moif actioun pley clame nor questioun aganis the said Sir Johne or his ayris for the said sowme of ane thowsand merkis or ony part thairof other directlie or indirectlie be ony maner of way in tyme cuming; and renuncis and dischargis to the said Sir Johne and his ayris all actioun pley clame or questioun quhilkis we or ony of ws as convent and sisteris of the said place our ayris successouris or assignayis had hes or ony wayis may haif or moif aganis the said Sir Johne or his ayris ffor *none payment to ws or ony of ws of our partis respective of the said sowme for now and ever be thir presentis* subscriuit witht our handis at the day of the zeir of god 1^m v^e lx befor thir witnessis

[Signed]—St. (Sister) Kathrin Nesbet, Margaret Dunbar, witht my hand at the pen led be the notar vnderwritten at my command.’

‘*Ita est Jacobus Bannatyn Junior notarius publicus mandato dicte Margaret scribere nescientis ut asseruit; testibus, Joanne Grahame et Johanne Bannatyn, servitoribus dicti Johannis Bellenden.*’¹

¹ *Fraser MSS.*, General Register House.

From a complaint by 'Jehane Douglas, ane of the Sisteris of the Senis besyde Edinburgh,' to the Lords of Secret Council, we learn that, before her death, the prioress had placed the financial affairs of the surviving sisters in the hands of a chamberlain or factor, one 'James Wilkie in the Canongate.' To this sister the prioress had assigned the annual sum of £20, which Wilkie had failed to pay for the year 1573—'quha will mak hir na payment thairof, nor to Johnne Colquhoun quha hes furneist and sustenit hir this lang tyme bigane without he be compellit.' The sum in question, it appears, had been arrested in Wilkie's hands by Thomas Lindesay, Collector of the Lothian, as 'assumit in the thrid of the Senis.' The complaint was submitted to the Regent Morton, and the Secret Council at Holyrood on the 17th February 1573-4, when Sister Douglas, who appeared on her own behalf, seems favourably to have impressed their lordships, for, after hearing all parties, they issued the following decree:—

'My Lord Regentis Grace, with avise of the saidis Lordis, decernis and ordanis the said James Wilkie to mak payment to the said Jehane Dowglas of the foirsaid sowme of xx li, for this instant yeir of God lxxiii yeris. And siclyke the same sowme yeirlye in tyme cuming, sa lang as the said James is intromettour with the landis of Sanct Laurence hous and teindis thairof; dischargeing the said Thomas Lindesay of all calling of the said James for the samyn, or executing of ony letters aganis him thairfoir during the said space, and of his office in that part; and the samyn to be thankfully allowit to him in his comptis be the auditouris thairof, quhome my Lord Regentis Grace, with avise of the saidis Lordis, ordanis to diffeis the samyn yeirlye during the space foirsaid, upoun the sicht of thir presentis.'¹

Under this decree Wilkie was, therefore, ordered to pay the old lady the £20 due her for the current year, and to continue the payment so long as he intromitted with the feu duty exigible from the lands of St. Laurence House; while Lindesay, during the same period, was debarred from

¹ *Reg. of Privy Council*, ii. p. 336.

exacting his claim, *pro tanto*, for the third due on the benefice of the Sciennes. The money would be passed by the auditors 'quhome my Lord Regentis Grace, with avise of the saidis Lordis, ordainis to diffeis the samyn yeirlic during the space foirsaid upoun the sicht of thir presentis.' Morton, although a man of great ability, is usually represented as of a hard, selfish nature; but the incident reveals his character in a more favourable light. On the 1st of June 1575, the following notice in the Register of the Privy Council appears—'John Cockburne of Ormiston, surety that Captain Ninian Cockburne, chamberlain and factor of the Priory of the Sciennes, shall truly account for the fruits and sums of money received by him for redemption of certain wadset lands; the Captain distributing the balance of rents and sums of money received by him among the poor sisters of the Convent.'¹ From this we gather that the worthy captain had been somewhat tardy in the discharge of his duties. Sister Jehane Dowglas, above referred to, evidently died early in the year 1576. She was one of the Douglasses of Glenbervie, and probably a daughter of one of the principal foundresses of the convent. On 18th March 1575-6, James VI. assigned to Richard Mowat the annual rent of £20 from the lands and barony of Glenbervie and others which pertained to the prioress and convent of the place of the Sciennes and had, as stated in this deed, reverted to the King, on account of the change of religion, and the defection of the prioress and nuns of said place.²

From the first the Town Council seem to have regretted the non-inclusion within the Royal Gift of the year 1566 of the benefice of the Nunnery of the Sciennes; and on 1st April 1569 they regretfully 'fyndis thai haif oursene thame selfis in ommitting of the Seynis furth of thair said gift; and thairfore ordanis the said gift to be maid ower of new, and the four bailies to pass to my Lord Regentis grace thairwith to

¹ *Reg. of Privy Council*, ii. p. 453.

² *Great Seal*, iv. 2534.

gett the samyn subscriyvitt.’¹ The attempt to obtain a fresh charter was, however, unsuccessful, and the omission to obtain this right to the Sciennes led to a vast amount of litigation during the two succeeding centuries. It will be noticed that Kincaid’s charter included only the eighteen acres of the Grange, although he evidently continued to lease out or occupy the four and a half acres on which the chapel was erected. The Council began their attack upon Kincaid by sending him on 27th October 1574, an intimation ‘that gyf the seiknes [of the pest] increas, as God forbyd, thay will, according to thair richt and auld possessioun, place their seik folkis in the said Senys,’² and they therefore ordered him to remove himself and his servants from within the said place. Six months later, in view of the contumacy of the said Henry Kincaid, the Council gave orders to the bailies to take a sufficient number of the neighbours with them to the place of the Sciennes to ‘tak of the saidis lokis, and caus thair thesaurer put on new lokis and keyis upoun the saidis durris in sign of thair possessioun and heritable rycht.’³ In January 1578-9 the City Treasurer was instructed to raise an action against Kincaid for his possession of the Sciennes; but gradually the action lingered without much result. In April 1585 the Council made a perambulation of the lands in question, and in May they instructed the Treasurer to ‘big swa mony tofallis as he sall fynd necessar in the Kirk of the Seynis for thame that sall be clengit, and for Alexander Fraynche and Jhonn Speir quha ar cum fra the Wemys.’ Both French and Speir were recognised as famous cleansers of the pest. A gibbet was ordered to be erected in the Muir ‘quhair it wes of awld.’⁴ In the following year the action against Kincaid reached the Lords of Session; but the city’s claim was now confined to the four and a half acres on which the Chapel of St. John the Baptist had been erected. Kincaid failed to put in an appearance

¹ *Burgh Records*, iii. 260.² *Ibid.*, iv. 30.³ *Ibid.*, iv. 37.⁴ *Ibid.*, iv. 416.

—indeed he had no title to this portion of the Sciennes—and on 23rd June 1586, he and his tenants were finally ordered by the Court to remove themselves from the debated ground.¹ From the description in the decreet it is somewhat difficult to identify the lands referred to. They are said to consist of one acre, three roods, lying in the Burgh Muir, beside the place of the chapel called St. John's Chapel; half an acre on the north part thereof between the chapel on the south, the passage to the west muir, and certain march stones on the north, north-west, and east; and also a *piece of ground* with *barns and houses* called *the Freris* and a yard with the common passage that passes the place of the Schenis—Sciennes Road—on the south, and the lands of Archibald Graham on the east, west, and north parts. This last area can be readily identified as the *aucht* part of an acre feued to Walter Chepman, to which his descendants subsequently completed titles.² It is here stated that it pertained of old to the 'Friars Predicatoris.' It must therefore have had some connection with the Nunnery of the Sciennes, and been gifted by one of the Chepmans. This ground, along with certain other pieces, was feued out by the city on 4th August 1592 to John Watt, ironsmith, for five and a half bolls of barley, and is described in the feu right as 'that piece of arable land along with the east garden of the late sisters, nuns of the Seynis, formerly occupied by Henry Kincaid, and recovered and evicted to the burgh by a decree of the lords of council; also that piece of waste land of the common moor, next adjoining the said piece of waste [arable] land on the north side of the same, extending in all to two acres and three particates of land measured, lying within the liberty of said burgh and shire of the same, betwixt the lone [Causewayside] leading towards the village of Libertoun and fixed stones, and the piece of arable land called the "tail of the buttis" with the passage towards St. Giles's Grange on the

¹ *MS. Acts and Decrees*, vol. civ. p. 391.

² *Supra*, p. 75.

east, the church, houses, and yards of the said nuns and the stones there fixed, on the west, the arable lands of Mr. Archibald Grahame, the said Henry Kyncaid, and the heirs of the late Mr. James Makgill, on the south, and the said highway or common passage [the Sciennes] leading from the said burgh to the place of the said sisters, and the wester moor of said burgh and stones there fixed, and the piece of waste land of said moor on the north side of said lands and stones there fixed, on the north.'¹ From the Town Council Minutes of 4th February 1591-2² we learn that the Council set in tack to this John Watt for seven years two pieces of the 'south and wester yeards of the Seynis so far as pertanis to the toun; also the rowme of the closter [cloister] of the said Seynis, and pece grene at the Seynis well as the toun has the samyn, together with houses and rowmis' on the north side of the Sciennes Road. After the date of the feu right to Watt the subjects are always described as consisting of the easter garden of the sisters, the two acres and three particates, and the barns and houses called the Freris.

In order to secure his title to the eighteen acres of the Grange, Kincaid applied for confirmation under the regulations of the Act of 1587, and on 29th June 1593 a Crown charter was issued wherein James VI. confirms and, for good services and a composition paid, of new grants in feu farm to Henry Kincaid of Auchenreoch and Mariote Touris his spouse, the eighteen acres of the Grange which said Henry and Mariote resigned, the feu-duty being fixed at the ten merks payable to St. Stephen's in Glasgow, five merks to the King and five merks of augmentation.³ Accordingly it is stated in the 'Charge of the Temporality of Kirklands,'⁴ that the 'Comptar charges him with the feu ferme of xviii aikeris of arabill land of ye landis of Senis with the zairdis

¹ *Laing Charters*, No. 1247.

² *MS. T. C. M.*, ix. 134.

³ *Great Seal*, v. 2345.

⁴ *MS. Record*, General Register House.

and orchardis of Senis, set in feu to Henry Kincaid of Auchinreoch, extending yearly to £13, 6s. 8d.’ It is to be noticed that by charter dated 23rd March 1587-8, Sir Ludovick or Lewis Bellenden of Auchnoule, conveyed the lands of St. Laurence at Haddington, extending to eighty-two acres, to Master Thomas Craig, afterwards Sir Thomas Craig the well-known feudalist, and Helen Hereot his spouse. By a Crown charter¹ dated 6th April 1588, James VI. confirmed this charter, ‘to be held of the King in place of the prioress and sisters of Katherine of Senes in feu farm, paying therefor annually the sum of £42’; and a corresponding notice is also inserted in the ‘Charge of the Temporality of Kirklands.’ Sister Beatrix Blacater evidently died in the year 1579-80; and on the expiry of the lease of seventeen years after her death, as provided for by the magistrates in the tack of 3rd March 1573-4, the acres at the ‘Grayfrier point, callit the Sieynis aikeris,’ were finally feued out to the Society of Brewers of the Burgh of Edinburgh by charter granted by the magistrates on 2nd March 1597-8, and confirmed by King James VI. on 8th September 1599.² It was from this association that the acres received the high sounding designation of ‘The Society,’ although, within the last fifty years, it has been degraded into a slum district.

The eighteen acres of St. Giles’ Grange which once belonged to the nuns were afterwards disposed by Henry Kincaid of Auchenreoch, Marion Touris, his spouse, John Kincaid, their eldest son, with his wife, Helen Carribber, to John Napier, fiar of Merchiston, and his wife, Anne Chisholm, in liferent, and John Napier, their eldest son in fee. This John Napier, the fiar of Merchiston, was the great mathematical genius, who was the inventor of logarithms, and to whom, as Hume,³ the historian, declares, the title of a great man more justly belongs than to any other whom this country ever pro-

¹ *Great Seal*, v. 1514.

² *Ibid.*, vi. 959.

³ *Scots Peerage*, vi. 418.

duced. Napier, however, held the lands only under reversion to Walter Cant of Sanct Gellie Grange, for payment of 'ye soume of 2000 twenty schilling pieces of ye fynnes of ellewin deneris with ane lettre of Tack of ye said 18 aiker of land for five years after redemption and yeirlie payment of twa hundreth and fyftie merks.' This arrangement was recorded in a document dated 31st July 1593, and registered three days after.¹ There had apparently been some remissness on the part of the law agent, because, although drawn up in 1592, Mrs. Helen Carribber or Cant appended her signature only on 31st July 1593, as above mentioned. The year 1602 witnessed the return of the much dreaded pest, now an annual visitor to these shores; and as the whole of the Burgh Muir had by this time been either feued or set in agricultural leases, the magistrates were at a loss for some place in which to segregate the unfortunate victims. The ruined buildings of the nunnery, with its surrounding walls rising to a height of from twelve to fifteen feet, still formed the leading landmark in the district, and were known under the name of the Sheens Walls. Now Napier had set the whole enclosure on lease to a man named John Herbert, and the city fathers, realising its fitness for their purposes, came to an arrangement under which he transferred to them his right therein on payment of 'the sum of 40 merks, in contentation thereof, and of his damage and skaith, and of all things he might crave the good town therefor, he paying thereout the duty which he owed to his master, and relieving the town at all hands having interest; and finding sufficient caution thereupon: with whilk offer and duty foresaid the said John Herbert stood content, and consented that they should occupy his part of said yards for the year to come, to serve to the use of the said infected persons.'² The Laird of Merchiston lost no time in appealing to the Lords of Secret Council against this infringement of his heritable rights,

¹ *Register of Deeds*, xliv. 310.

² *MS. T. C. M.*, 3rd March 1602.

alleging that the magistrates had 'revin up and teillet thair awne Commonntie (*i.e.* the Burgh Muir) quhairupoun thay wer wont to place the saidis personis infectit with the pest.' Their lordships, however, in 'consideratioun of the present estait and conditioun of the burgh of Edinburgh and of the necessitie quhairby the saidis magistratis ar movit to put thair seik and foull personis within the saidis yairdis,' ordained that they should be permitted to possess the Sheens Walls until the following Candlemas (1603), provided such possession should not be hurtful to the complainer's title.¹ The laird of Merchiston having withdrawn his opposition, no time was lost in preparing the whole enclosure for the reception of its unfortunate patients. A watch was appointed, lodges set up, and a gibbet, the visible token of magisterial authority, erected; ² while the old well of the sisters and the stank, or stream, were ordered to be cleaned out. A door was hung upon the outer gate which faced the east, and locks and keys provided for the 'Sheens doors.'³ For several successive years the dread visitor made its appearance, and Sheens Walls continued, with the tacit consent of Napier, to fulfil its new function. We learn from the Council Minutes that in 1604, 'the Seynis is already filled with infected persons,' and that the Council made an arrangement with 'the Society' and their tenant Peter Home, carter, to take over the part of the Muir beside the Burgh Loch belonging to the Society, and to erect lodges on it for the reception of the sufferers.⁴ In 1605 spars and deals or logs of timber were ordered for the erection of shelters,⁵ and the outer walls repaired.⁶ In the following year, a 'causeway,' three ells broad, was made between the Burgh Loch and the Sheens; the gate-keeper was paid twenty merks for his services in full; and the cleaners were paid off for their work of cleansing the huts or

¹ *Reg. of Privy Council*, vi. 359.

³ *Ibid.*, xi. 76, 86; see plan for gateway.

⁵ *Ibid.*, xi. 168.

² *MS. T. C. M.*, xi. 79.

⁴ *Ibid.*, xi. 151.

⁶ *Ibid.*, xi. 171.

lodges, and for disinfecting the Sheens, by burning rags¹ within the buildings.

Now, the sisters of the Sciennes were bound, under the terms of their charter of 1517, to pay annually to the chaplain officiating at the altar of St. Stephen in the cathedral church of Glasgow the sum of ten merks, a sum equal to £6, 13s. 4d. This feu duty had been claimed by the Collector-General on behalf of the Crown in 1583, and been regularly paid to him by Napier and his predecessors down to and including the year 1600, when our shrewd magistrates laid claim to it as falling within their rights under Queen Mary's charter of 13th March 1566-7.² Litigation followed, and by what was termed a Decreet of Preference, dated 14th March 1607, Napier was ordained by the Lords of Session to pay to the town the ten merks due for the year 1601 and in all time coming *as having best right thereto!*³ He was also discharged from any claim for repetition of what had, prior to 1601, been paid to the Collector, who, their Lordships decreed, had no right to the feu duty. Five years later, the magistrates obtained a Charter of Confirmation and Novodamus under the Great Seal confirming all previous grants of the kirk livings in their favour; and in this deed they managed to include 'All and Whole the nuns place of Scheynis commonly called the Nunrie of the Scheynis'⁴—to which they did not possess a vestige of any right or claim. The charter was even fortified by the usual sasine and ratified by Parliament! The great John Napier died at Merchiston Castle in 1617, and was succeeded in his heritable property by his son, John Napier of Shambodie, who thereby became responsible for the 2000 twenty-shilling pieces of silver secured over the eighteen acres, for the due payment of which his uncle, Sir

¹ *MS. T. C. M.*, xi. 196, 198, 199, 203.

² *Charters, Trinity Ch. and Hosp.*, 56-66.

³ *MS. City Transcripts*, iii. 165.

⁴ *Charters, Trinity Ch. and Hosp.*, 137, 7th August 1612.

Alexander Napier of Lawrieston, became cautioner under a Crown Charter dated 30th July 1622.¹ Lastly, William Dick, younger, fiar of St. Geillie Grange, merchant burghess of Edinburgh, and Janet M'Math, his spouse, were infefted in the eighteen acres, now described as the lands of Scheins *alias* Sanct Geillie Grange, with the place of Scheins, by Crown Charter, dated 6th January 1645.² From this writ we learn that the lands were appraised from Sir Alexander Napier on 27th August 1629 at the instance of Master John Cant of Sanct Geillie Grange and afterwards of Colmiestoun for 18,159 merks and 907 merks 12s. 8d. of sheriff's fee. On 22nd November 1639, Master John assigned this process to Archibald, Lord Napier, by whom it was again assigned on 9th March 1640 to the above-mentioned William Dick and Janet M'Math or Dick, his spouse. The resignatory was John Napier, with consent of said Archibald Napier, son and heir of said John Napier of Merchiston; while the reddendo consisted of the ten merks payable to the chaplain at the altar of St. Stephen in the metropolitan church of Glasgow—but now, under the Decreet of Preference, to the Town Council—and ten merks to the king. The principal point is that by this charter of 1645, the eighteen acres were restored to the main portion of the original Grange of St. Giles, and their subsequent history is merged in that of the Grange. But there was one exception—Sheens Walls still remained in the possession of the magistrates, and during this year of grace of 1645, this haven of refuge was filled to overflowing with the unfortunate sufferers from the great plague that ravaged the whole country. The burghers, both high and low, fled the town, and soldiers the Castle; while, in despair, the prisoners in the Tolbooth were released. It was for the magistrates a terrible experience. Fortunately, it was the last of the great epidemics that in former days so persistently devastated our country. Under the Dicks, Sheens Walls with its scrimp

¹ *Great Seal*, viii. 342.

² *Ibid.*, ix. 1578.

two acres remained by tacit relocation in the hands of the magistrates, who continued to pay the Dicks the tack duty of forty merks. In 1660, the Town Council ordered the grass of the Sheens Walls to be used for Heriot's Hospital¹—that is, naturally grown grass, as the art of sowing and improving the cultivation of grass for cattle was then unknown—and, eight years later, they leased Sheens Walls for a period of three years to John Winderaham;² while, in 1684, Elizabeth Hamilton or Johnston, Lady Sheens, received a nine years' lease of the grass within the Sheens Walls. Her designation, Lady Sheens, means simply that she was the proprietrix—or laird—of the lands of Sheens situated on the north side of the Sciennes Road. In 1685, Dick of Grange petitioned the Council regarding their usurpation of his rights to Sheens Walls;³ but the magistrates, confident in the validity of their new charter of 1612, brusquely brushed his claims aside.

Now the three pieces of the Muir formerly belonging to the sisterhood of the Sciennes, and from which Kincaid had been evicted—the easter garden, the two acres and three particates, and the barns and houses called the Freris—were conveyed, as afterwards narrated,⁴ by John Watt, the dagmaker, to John Robertson. From the latter, the three properties passed successively into the possession of the Johnstons and Hamiltons of Sheens, and then to the baronets of Westerhall in Dumfriesshire.⁵ In 1731⁶ the Town Council agreed to feu to Sir James Johnston of Westerhall the two acres known as Sheens Walls, although the charter itself was not expedite until 31st August 1757.⁷ The 4½ acres of the Sisterhood had become somewhat reduced in extent by the opening up of Braid Place, and Westerhall feued out, in 1735, what was left in two unequal portions. To Mr. Alexander Bayne, Professor of Scots Law in the University of Edinburgh,

¹ *MS. T. C. M.*, xx. 137.

³ *Ibid.*, xxxii. 295.

⁶ *MS. T. C. M.*, liii. 351.

⁴ *Infra*, p. 163.

² *Ibid.*, xxv. 188.

⁵ *Infra*, p. 165.

⁷ *City Chart.*, iv. 135, *N.S.*

in addition to Sheens Walls with its two acres, he feued an area extending to two acres one rood and one fall described as having Sheens Walls and the lands of Grange on the west, the garden dyke of Kittlenaked (Causewayside) and high road from Edinburgh to Liberton on the east.¹ This area, therefore, included the site of the old chapel of St. John the Baptist as well as that of the easter garden of the sisters. The remainder of the $4\frac{1}{2}$ acres, extending to one acre, three roods, and twenty-eight poles, was feued to James Wyllie, mason,² and formed the southern portion of the Butts. His widow, Agnes Smellie or Wyllie, was infefted in her liferent in these subjects in 1771;³ but, even at the present day, they form the least attractive portion of the Burgh Muir.

Professor Bayne's first step on obtaining possession of the Sheens Walls was to demolish the ruins of the old convent, and its high surrounding walls which for over two centuries had formed a landmark in the district; and with the material he was able to build a six-foot high wall round the whole of his property. For that purpose he obtained an Act and Warrant, dated 29th July 1735, from the Justices of Peace—a strange authority in a question of title—and was thereby enabled to evade a protest by Dick of Grange against the destruction of his property. The two properties were disposed in 1749 by Bayne's son and successor, Dr. Alexander Bayne, to Harry Guthrie, Writer in Edinburgh; but, at last, Andrew Lauder Dick of Grange, afterwards Sir Andrew Lauder Dick, took legal steps against the magistrates, Sir James Johnston, and Harry Guthrie, to enforce his rights to Sheens Walls. An expensive and fiercely contested litigation—lasting for six years—ensued, until by decret,⁴ dated 29th November 1765,

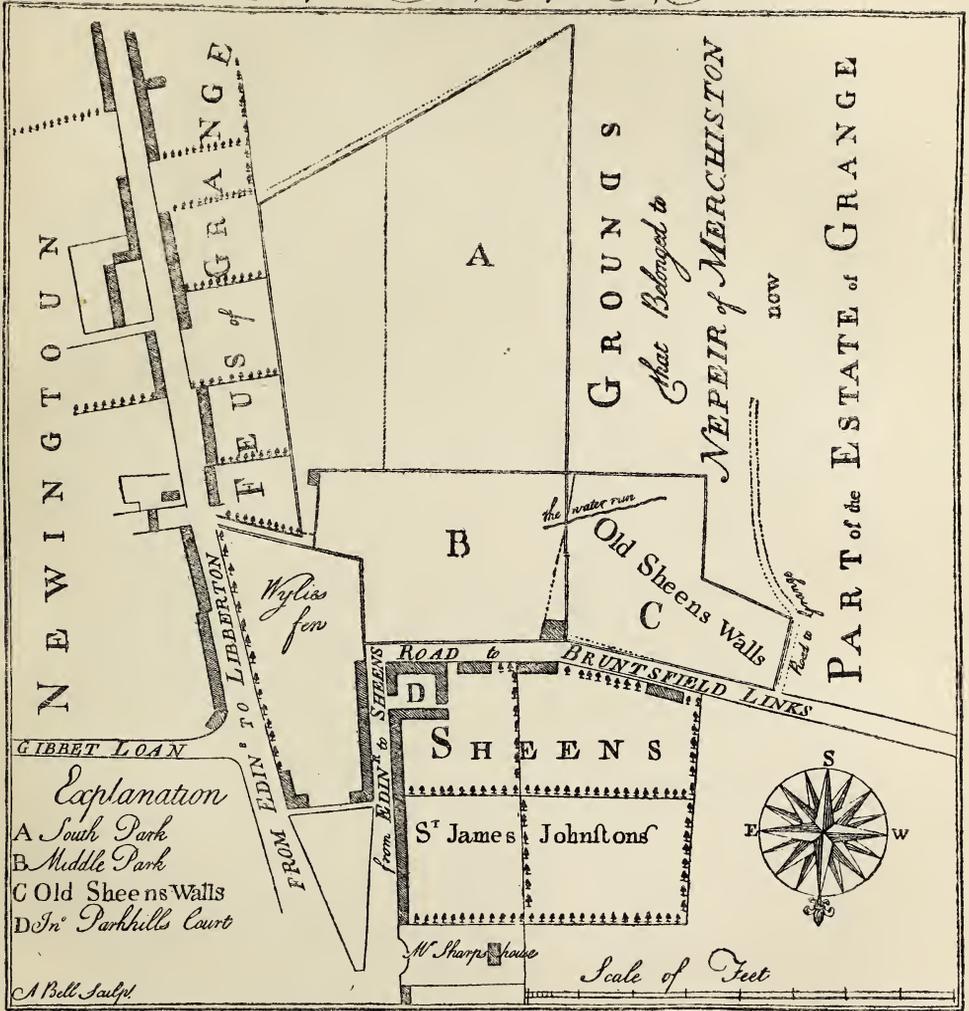
¹ Charter, dated 25th March 1735; Sasine, recorded 7th April 1735, *P. R. of S. Edin.*, vol. 115, f. 213.

² Sasine, recorded 26th May 1735, *ibid.*, vol. 115, f. 347.

³ Sasine, recorded 24th April 1771, *ibid.*, vol. 192, f. 284.

⁴ *Reg. of Acts and Decrets*. The decret itself occupies five hundred and seventy closely written pages of the record!

Plan of the **GROUND** of **Sheens**



PLAN OF THE CONVENT OF SIENA AND ITS LANDS

from Process in action of 1761.

Dick was reinvested in his lands. The case is notable in the annals of legal procedure because of the trifling value of Sheens Walls and its two acres, and the heavy expenses it entailed.

It is, perhaps, of some interest to trace further the progress of the easter garden of the sisterhood. At Guthrie's death, the two acres, one rood, one fall were conveyed by Disposition, dated 24th September 1798, by Guthrie's trustees to John Murray, Accountant in the Bank of Scotland; and it was his children—infest by Sasine in 1821¹—who subfeued the portion formerly known as Murray Gardens and now as Sciennes Gardens, which, with the strip lying to the north—Nos. 35 to 47 of Sciennes Road—mark the site of the easter garden of the sisterhood. In 1875, the respective trustees of Isabella Murray and of Georgina Baird Murray disposed their superiorities over the two acres, one rood, one fall to the trustees for the Church of Scotland for endowment of Chapels of Ease.²

X. KING JAMES V. AND THE BURGH MUIR

The Common Myre which was gifted to the city by David I. as a pertinent of the Burgh Muir, was, as its name implies, a piece of marshy ground extending eastwards from the lands of Cameron towards Cairntows and northwards towards the King's Meadow³ and Duddingston Loch. It consisted of fifty-two acres Scots, and the marshy character of the soil was due, as at the present day at Peffermill, to the confluence of the Braid and the Pow Burn. Its situation probably marked the eastern limit of the ancient

¹ Sasine, recorded *P. R. of S. Edin.*, 2nd May 1821, in favour of his widow in life-rent and his nine children in fee, vol. 907, f. 214.

² Disposition, under burden of feu rights, recorded *G. R. of S. Edin.*, 12th August 1875, vol. 582, f. 124.

³ In a Charter by James v., dated 8th December 1526, the King's Meadow is stated to be situated between the 'Fegatburn, the Kingishauch, and the Common Myre of the Burgh of Edinburgh.' *Great Seal*, iii. 407.

Forest of Drumselch. For centuries it remained of little value to the city ; but under the Charter of 1508 the magistrates were granted power to feu off the ‘ Common Marsh of the same called the Common Myre.’ Despite its small size and the unfavourable nature of the soil, the Myre was taken forcible possession of by the monks of Kelso, who, at this time, were the proprietors of the adjoining lands of Duddingston, and sub-divided among their tenants. Friction arose accordingly between these monks and the magistrates, who must have taken some step to enforce their legal rights, because one, George Steill, was infefted in the Myre by Sasine, dated 28th August 1535, proceeding on a Precept from Chancery.¹ At this juncture James v. himself intervened by sending a strong petition urging the magistrates to accept this George Steill, ‘ our dailie and familiar servitour,’ as their vassal of the whole of the Myre. His letter to the Provost is worthy of notice, and it is to be remembered that his illegitimate son, James Stewart, ‘ Senior,’ although a mere child, was at this date actually Commendator of both the Abbeys of Kelso and Melrose. Then, during the minority of his young son, King James, as his guardian or administrator, received payment of the whole of the surplus revenues of these monasteries. In this subtle manner James v., as well as his father before him, managed to despoil many of the wealthier religious houses of the revenues with which their ancestor, David I.—‘ the sair sanct for the Crown ’—had so liberally endowed them.² The King quite understood his powers regarding the claim to the Common Myre, and, accordingly, remarks in his letter that ‘ sen we haf now the rewling and giding of the landis and

¹ *Vol. of Ext.*, Adv. Lib., 124.

² In February 1531-2 James v. wrote to Pope Clement VII., asking him to declare three of his illegitimate sons—all infants by different mothers—eligible to hold ecclesiastical dignities! James Stewart, ‘Secundus’—afterwards the Regent Moray—became Prior of St. Andrews at the age of five; Robert Stewart, Commendator of Holyrood while still an infant; John Stewart, Prior of Coldingham; and Adam Stewart, Prior of the Charterhouse at Perth.

possessionis of our sad abbay, it is our pairt to defend the samin' ! The letter,¹ which is preserved at Prestonfield, is dated 11th July 1536 :—

' Provost, baillies, and counsale of our burgh of Edinburgh, we gret you hartlie weill. Forsamekill as our dailie and familiar seruitour, George Steill, this berar, desiris to haf of you, in fewferme, your commoun myre, adiajcent to the loch of Dudingstoun, and to gif you yerlie few and proffit thairfor ; heirfor we exhort and prayis you richt effectuislie that ye convene the counsale and wele avisit nichtbouris of our sad burgh, and be avisit thairwith, and set the sad George, our seruitour, and his aris, ane heretabill few of your sad commoun myre, like as ye haf done to vtheris of sindry partis of your commoun mure and landis, and aggre with him vpoun ane asy and competent few yerlie thairfor, sua that he may haf proffit thairthrow. Ye know our abbay of Kelso hes clamit and pleyit the richt thairof with you this lang tyme bipast, and thair tenentis of Dudingstoun hes keptit and defendit thair vse and possession of the sad common myre past memore of man ; and sen we haf now the rewling and giding of the landis and possessionis of our sad abbay, it is our pairt to defend the samin ; nochtwithstanding in this cais, in fauour of our sad seruitour, we ar content to omit the sad possessioun, and to consent to the geving of your sad heretable few to our sad seruitour of the sad commoun myre be your richt, and to ratify and apprefe the samin in all pointis. This beand done at our request, as sad is, we sall nocht fail to do yow gretar plesour thairfor, that sall redound to the gret proffit of you and your sad burgh quhen ye require ws thairto, and certify ws of your ansuer heirin with this berar in writ, that we may remember thairon. Subscriuit with our hand and vnder our signet, at Falkland, the xj day of Julii, and of our regnne the xxiiij yere.

JAMES R.'

' Prowest, I pry yow help hym, and I sall help agan.'

¹ *Memorials of the Earls of Haddington*, Fraser, vol. ii. p. 201.

This postscript is holograph of the King, and is interesting from the fact that few examples of this monarch's handwriting, other than his signature, are now extant. The King's application in favour of Steill, as might be expected, was successful, and he and Christian Wilson his wife were infefted in the Myre by charter from the magistrates, dated 28th August 1536, the feu-duty being fixed at £13 *Scots*. This grant was confirmed by the King on 24th July 1541.¹ Steill died in the same year, and his son John of Houston sold the Common Myre to John Fawside, burghess of Edinburgh, and Margaret Tod, his spouse. On the death of John Fawside and that of his only son Alexander, it was divided between his daughters, Barbara, who married an Edinburgh burghess named Simon Marjoribanks, and Elizabeth, who became the wife of the well-known Clement Little, an advocate in Edinburgh and founder of the University Library. In 1579 Thomas Hamilton of Priestfield, who became Lord Binning and afterwards the Earl of Haddington, acquired one half of the Myre from William Marjoribanks, Barbara Fawside's son and heir, and in 1618 the remaining half from Sir John Prestoun of Airdrie, son of Sir John Prestoun of Penicuik, and his wife the said Elizabeth Fawside or Little. Lord Binning was duly infefted in his one half, and on 25th March 1618 he petitioned the magistrates for a charter of the whole fifty-two acres of the Common Myre. In this way the *dominium utile*, or right of property, fell into the hands of the proprietors of the neighbouring estate of Priestfield. The superiority remained in the hands of the city until the year 1816, when it was sold to William Arbuthnot, the then Lord Provost.² At some period previous to the Reformation an annual payment of ten merks secured over the Common Myre had been granted in favour of the Church of Musselburgh, and in Arbuthnot's title of 1816 this payment is mentioned as having been deducted from the feu duty of £13, conform to

¹ *Great Seal*, iii. 2411.

² *MS. T. C. M.*, clxxi. 171, 280.

the charter by the magistrates to Alexander Dick of Prestonfield, dated 28th March 1764, and the Precept of Clare Constat in favour of his grandson, Sir Alexander Dick of Prestonfield, dated 13th February 1799.¹

Perhaps the most romantic, if not also to him the happiest, episode in the life of our bohemian King, James v., was his expedition to France in search of a wife. Fired by the spirit of knight-errantry, he sailed from Leith on 24th July 1536 for the Gallic shores, but was forced by tempestuous weather to return home. Undismayed by the perils of the sea, he re-embarked at Kirkcaldy on 1st September, and, escorted by a fleet of seven ships, arrived safely at Dieppe after a comparatively short voyage of nine days. From the French King, Francis I., he received a most cordial welcome, and, after some delay, brought about mainly through the intrigues of the minions of Henry VIII. of England, Francis agreed to give him the hand of his elder daughter, Madeleine de Valois, in marriage. The lady was of a delicate constitution, and, fearing the rigours of our Scottish climate, her father preferred that James should accept his other daughter, Marguerite, for his bride. This suggestion, however, failed to meet with the approval of either James or Madeleine, and their marriage was celebrated with great ceremony on the 1st of January 1536-7 in the Cathedral of Notre Dame in Paris. The same day King James was paid, in terms of his Marriage Contract, the sum of 100,000 livres,² being the first portion of his bride's dowry of 100,000 *écus d'or*. In the spring of that year, a fleet of twenty-two vessels—fourteen Scottish and eight French—assembled at Havre to convoy the newly married couple to Scotland; but at Rouen a dangerous illness that at one period threatened the life of Queen Madeleine, delayed their departure. At last, King James with his bride

¹ *Disp. MS. Book of Alienations*, City Chambers, pp. 27-28.

² The receipt is still extant in the French archives:—'Reçu double par Jacques v. de la somme de cent mille livres à valoir sur la dot de sa femme.' *Trésor des Chartes*, J., 679.

landed at Leith on 19th May 1537, after an absence of eight months and a half.

In anticipation of their arrival, the Estates of Parliament had agreed to present the King with certain sums of money,¹ and the Town Council of Edinburgh, 'lest they should be accused of ingratitude or sloth towards his highness,' resolved 'very liberally to present a sum of money to his majesty, and a small present (*munusculum*) to his dearest consort.'² The city exchequer happened, however, to be empty, because, as the Council explain, 'they had spent all their money on the building of a fleshhouse, and the repair of common streets and buildings, and for other causes relating to the King and state, they had expended more money than the citizens could pay.'³ To find the necessary funds, the Council decided in this emergency to 'set ane pairt of thair Commoun Mure quhilk was maist profitabile and leist skaith to the toune and commoun gude thair of.' Each 'pairt' or lot, as previously arranged, consisted of three acres; and so, at the meeting of Council on 3rd March 1536-7, there 'comperitt James Makgell and Robert Grahame, and offerit for tuelf pairts of the Commoun Mure that mycht be fund vacand be the toune the soume of viii^c merkis'—800 merks.⁴ But twelve lots of three acres each were not available, and it was agreed to feu out certain other parts of the muir at the rate of five shillings per acre with the sum of 800 merks as entry money. Accordingly, a Feu Charter was expedie by the Council on 10th April 1537 in favour of Robert Grahame and his wife Margaret Auldjoy, of four lots of the Muir amounting in measure to eighteen acres, for which he paid the sum of 400 merks as entry money, being at the rate of 22 merks 2 shillings and 8 pence per acre, viz. :—

1. Lands occupied by James Makgill and Sir John Young, Chaplain (of St. Roque's Chapel), containing 6 acres

¹ *Burgh Records*, ii. 74-5.

² *Great Seal*, iii. 1827, 1833.

³ *Ibid.*

⁴ *Burgh Records*, ii. 84.

between the lands occupied by Alexander Wilkison and Robert Henrisoun, the Braidisburn, and the Lonyng between the lands of Sanctgelegrange and the lands of the Muir (*i.e.* the Grange Loan).

2. Lands containing $1\frac{1}{2}$ acres between the said boundaries.
3. Lands extending to 6 acres between the lands occupied by James Makgill and Robert Watsoun, the Liberton Burn, and the said Lonyng.
4. Lands containing $4\frac{1}{2}$ acres between the lands of the said James Makgill, the lands of the Convent of Siena and stones infixed in said Lonyng.

It will be noticed that the first three lots are situated to the south of the Grange Loan, therein described as the Lonyng. They remained in the possession of Robert Graham and his family down to the last decade of the sixteenth century, and were ultimately acquired by the Dicks of Grange as part of the twenty-seven lots feued in 1530, which had been renounced and reponed in the hands of the magistrates. The titles are noted below, from the City Chartulary.¹

¹ Treating the three lots as numbered :—

Lots 1 and 2—

- 9 Nov. 1593. Charter, annual rent furth of Archibald Graham's lands. Vol. i. 194, 218, *O.S.*
- 18 July 1595. Charter in favour of Nicolas Uddert; on resignation by Robert Graham. i. 206, *O.S.*
- [No date.] Charter in favour of Andrew Stevenson; on resignation by said Robert Graham and Nicolas Uddert. i. 217, *O.S.*
- 18 April 1617. Precept of C. C., Andrew Stevenson as heir of his father. i. 269, *O.S.*
- 27 February 1629. Charter, John Stevenson and spouse; on resignation by Andrew Stevenson. ii. 23, *O.S.*
- 29 March 1637. Charter, William Dick of Braid; on resignation by Andrew Stevenson, who succeeded John Stevenson. ii. 43, *O.S.*
- 5 April 1654. Charter, Mrs. Janet M'Math or Dick. ii. 67, *O.S.*
- 14 April 1654. Charter, Creditors of Wm. Dick. ii. 71, *O.S.*

Lot 3—

- 5 May 1587. Charter, Alexander Graham; on resignation by Archibald Graham, his father. i. 103, *O.S.*

The site of Lot 4—the $4\frac{1}{2}$ acres—is somewhat indefinitely described in the feu, but from the later titles it can be readily identified. It was situated on the east side of the easter garden of the ladies of the Sciennes, and extended south-eastward to the Grange Loan to a point marked by the Penny Well on the west. Down to the year 1716 the titles were comprised among those relating to the 16 acres lying on the north side of the Sciennes Road—miscalled the lands of Sheens—and are noted *infra*, pp. 163 to 166. In the year 1716, the then proprietor of Lot 4, Sir William Johnston of Westerhall in Dumfriesshire, excambed to William Dick of Grange 3 acres, being the southern portion of his $4\frac{1}{2}$ acres in return for 5 acres of Dick's lands of Grange.¹ In this deed the 3 acres are described as bounded on the west by the lands belonging to 'said William Dick and the Penny Well.' The easter garden of the sisters and Graham's $4\frac{1}{2}$ acres, therefore, mark the eastern boundary of the ancient messuage of the Grange of St. Giles. The 5 acres were part of the 18 acres belonging to the Convent, and with the $1\frac{1}{2}$ acres remaining of the $4\frac{1}{2}$ were, along with certain other subjects, feued in 1735 by Sir James Johnston to Professor Alexander Bayne,² whose son and successor, Dr. Alexander Bayne, disposed the $6\frac{1}{2}$ acres to Harry Guthrie, writer in Edinburgh in

24 August 1593. Charter, Walter Cant of St. Giles Grange; on resignation by Alexander Graham. i. 183, *O.S.*

9 Nov. 1593. Charter, annual rent of £120 furth of Archibald Graham's lands. i. 194, *O.S.*

18 July 1595. Charter, Nicolas Uddert; on resignation by Robert Graham. i. 206, *O.S.*

12 June 1612. Charter, John Cant and spouse; on resignation by said John Cant. i. 255, *O.S.*

29 March 1637. Charter, William Dick and spouse; on resignation by John Cant. ii. 37, *O.S.*

5 April 1654. Charter, Mrs. Janet M'Math or Dick. ii. 67, *O.S.*

14 April 1654. Charter, Creditors of Wm. Dick. ii. 71, *O.S.*

¹ Contract of Excambion, dated 20th December 1716 and 29th January 1717.—*Books of C. and S. [Dal.]*, 20th November 1740.

² Sasine, recorded 7th April 1735, *P. R. of S. Edin.*, vol. 115, f. 213.

1749.¹ Lastly, they were purchased in 1766 by Andrew Dick of Grange,² who thereby completed his title to the whole of Graham's feu of the $4\frac{1}{2}$ acres. It may also be noted that Graham's charter to the whole 18 acres was confirmed by charter under the Great Seal dated 24th August 1538,³ and that the superiority of Lot 4—the $4\frac{1}{2}$ acres—was sold in 1816 by the magistrates to Andrew Bonar, banker,⁴ in liferent, and John Bonar, his son, in fee, and now belongs to Miss Katherine Janet Ritchie,⁵ 37 Royal Terrace, Edinburgh.

A second Feu Charter, of the same date as that of Graham's feu, was granted by the magistrates in favour of James Makgill, designed therein as burges of Edinburgh, and Helen Wardlaw, his spouse, and conveyed five plots of the Muir:—

1. 3 acres occupied by John Watt between the lands occupied by William Doby, infixed stones, and the Braidis-burne.
2. $4\frac{1}{2}$ acres between the lands of Robert Grahame, the libertoun-burne, and the lonyng between the lands of Sanctgelegrange and the Muir.
3. 3 acres occupied by Alexander Young between the lands of Edw. Kincaid, the lands occupied by Maurice Coupland, the said libertoun-burne, and the lonyng.
4. 3 acres between the fixed stones, the lands of Anthony Brusell, the said libertoun-burne, and the lonyng.
5. $4\frac{1}{2}$ acres between the fixed stones and lands of Robert Grahame.

The entry money was, as in Graham's feu, the sum of 400 merks to complete the 800 merks demanded by the Council, and the deed was confirmed by Crown Charter of Confirma-

¹ Sasine, recorded 20th December 1749, *P. R. of S. Edin.*, vol. 136, f. 198.

² Sasine, recorded *ibid.*, 17th July 1766, vol. 173, f. 290.

³ *Great Seal*, iii. 1827.

⁴ Sasine, 1 August 1816, *P. R. of S. Edin.*, vol. 784, f. 11.

⁵ Disposition, 18 May 1918, No. 61, *G. R. of S. Edin.*

tion recorded 7th September 1538.¹ The whole of these five plots, extending in all to 18 acres, appear in Dick's title of 1637, and the first four represent some of the feus of 1530 which had been renounced by the feuars and were now re-feued by the magistrates to Makgill. The South Muir, lying between the Grange Loan and the Powburn, was evidently considered the most fertile and choicest part of the Muir; and it will be noticed that four out of the five plots above referred to are parts of the South Muir. The fifth lot, that of $4\frac{1}{2}$ acres, as we learn from the later titles, was situated on the west side of the Causewayside, having Braid Place on the north and Grange Loan on the south. It appears in the map of the Grange of 1825 as the 'Old Grange Feus,' but in the seventeenth and eighteenth centuries it was known by the curious designation of Kittlenaked. The progress of the titles to the $4\frac{1}{2}$ acres in plot 5 is noted below.²

On the 17th May 1537, the above-mentioned Robert Graham, who was Treasurer to the Council, and his wife, Margaret Auldjoy, feued a large area, part of the Muir, consisting of sixteen acres Scots for a feu duty of five shillings per acre and the sum of 432 merks as entry money, being at the rate of 27 merks per acre. This area of ground is described as 'All and whole the lands in the Common Moor and within the shire of Edinburgh, between the public road which leads to the village of Liberton on the east, the lonyng near the said

¹ *Great Seal*, iii. 1833.

² 5 August 1587. Charter to John Robertson, senior; on resignation by James M'Gill. *City Chart.*, i. 216, O.S.

30 August 1609. Charter to John Cant; on Disposition by John Robertson, son of John Robertson, senior, to Archibald Johnston. *Ibid.*, i. 245, O.S.

12 June 1612. Charter to John Cant and spouse; on resignation by him. *Ibid.*, i. 255, O.S.

29 March 1637. Charter to William Dick and spouse; on resignation by John Cant. *Ibid.*, ii. 37, O.S.

5 April 1654. Charter, Mrs. Janet M'Math or Dick against her son. *Ibid.*, ii. 67, O.S.

14 April 1654. Charter, Creditors of William Dick. *Ibid.*, ii. 71, O.S.

convent of Nuns of St. Katherine of Sciennes on the south, the lonyng near the lands of Bruntsfield and fixed stones on the west, and other fixed stones near the common loch on the north, with their pertinents and bounds, measuring sixteen acres of lands, *excepting* the houses and yards within the said limits as at present possessed by Mr. John Chapman and Helena Firth, his spouse, respectively.'

This charter was also confirmed by James v. in the above mentioned writ recorded in the Great Seal 24th August 1538.¹ The area of 16 acres *Scots* here referred to—equal to 20 acres 14 poles and 20 yards *Imperial*—became known from the neighbouring Nunnery as the lands of Sciennes, and is loosely described as bounded on the east by the public road to Liberton—an alleged boundary which was the cause of trouble in the celebrated litigation of 1760 about the right to the 'Sciennes Walls.' In those days there was a pathway from the eastern edge of the Burgh Loch, where it joined the Liberton Road, that led southwards to the Nunnery. In 1606, by order of the Council, a causeway three ells broad—9 feet 3 inches *Imperial*—was made on the line of this pathway,² which, again, was subsequently widened and converted into the road now known as 'The Sciennes.' It was this pathway that formed the correct eastern boundary of the lands of Sciennes. The remaining boundaries can be readily identified. The loaning near the Nunnery, now the Sciennes Road, formed the southern boundary; and it is remarkable that in 1734 the Council should let this loaning or road 'from Sheens Walls to Bruntsfield Links' to one Thomas Dick³—probably as a grazing ground for his sheep! In 1758, however, the road, at least as far west as Warrender Park, was, on a petition from the citizens, ordered by the magistrates to be widened to 27 feet.⁴ The northern boundary, the fixed (march) stones near the Common Loch, is now represented by

¹ *Great Seal*, iii. 1827.

³ *Ibid.*, lv. 162.

² *MS. T. C. M.*, xi. 198.

⁴ *MS. Moses' Inventory*, ii. 436.

the boundary wall of the South Meadow Walk, and it is to be noted that a later proprietor of these lands of Sciennes, Samuel Johnstoune of Curriehill, bound himself under a bond, dated 6th September 1637, to leave a common walk on the 'south side of the south ditch of the Burrow Loch.'¹ Johnstoune complained that, as the southern ditches of the Loch became dry in the summer time, horses and cattle 'put thereon daily run forth and ate his corn.' The magistrates thereupon gave him liberty to 'cast' his ditch, and, with the earth thereof, to fence his land upon the south; while, in return, he bound himself to leave on the south side of the dike as much ground as would serve for a common walk, two ells wide, between the dyke and his arable land. This was the genesis of the South Meadow Walk. The west boundary is stated to be the loaning near the lands of Bruntfield—now part of the lane known as Roseneath Place—and certain march stones. The latter defined the boundary line between the lands of Sciennes and Bruntfield Links.

Robert Graham was succeeded in the 16 acres—miscalled the lands of Sheens—by his son, Archibald Graham, who, on 9th November 1593, assigned to Edward Galbraith, skinner, an annual rent of £120 Scots over the lands and his mansion house of Sheens² which stood at the angle of the Sciennes and Sciennes Road. Archibald Graham died shortly after executing this bond; and, on 18th July 1595, his eldest son, Robert Graham, resigned the property in favour of Nicolas Uddert [Edward], who behaved so courageously during the great pestilence of 1585,³ and filled the civic chair in 1592. From Robert Graham and ex-provost Uddert the property passed by resignation, dated 21st December 1597, to John Robertson, a wealthy merchant,⁴ whose son, also named John Robertson, disposed the 16 acres to one Archibald

¹ *MS. T. C. M.*, xv. 22.

³ *Infra*, p. 186.

² *City Chart.*, i. 194, O.S.

⁴ *MS. T. C. M.*, x. 159, 164.

Johnston on 8th July 1608.¹ By this deed Robertson conveyed to Johnston, in addition to the 16 acres of Sheens and the 4½ acres situated to the east of the sisters' easter garden, the three subjects feued to John Watt the dagmaker in 1592. The subsequent writs, therefore, affect the whole of those five properties except as regards the change in the 4½ acres by the excambion of 1716-17 as already narrated. But, as the process of subinfeudation has, during the eighteenth and nineteenth centuries, been carried out to its limits, the titles now comprise only the mid-superiorities. Archibald Johnston was succeeded by resignation, 9th March 1610, by his son Samuel Johnston,² who, in turn, resigned the properties, under charter dated 3rd September 1617, in favour of himself and Helen Moresoune, his future spouse.³ Their son, James Johnston, was infefted by the magistrates by Precept of Clare Constat 11th September 1661 in these lands of Sheens with their mansion house,⁴ and although he denuded himself in May 1673 in favour of his wife, Ann Hamilton, in liferent, and his three daughters, Rachel, Henrietta, and Ann Johnston in fee,⁵ the lands were appraised from him on 9th August 1672 at the instance of Thomas Hamilton of Olivestob in payment of a debt of £7151, 5s. 2d. and £357, 11s. of sheriff's fee. On this apprising Alexander Hamilton, merchant and bailie of Edinburgh, received a charter dated 10th June 1691.⁶ Ann Hamilton or Johnston, however, still remained 'Lady Shiens.' She died in 1700 and her three daughters were served heirs to their mother. Rachel, the eldest, married Major John Johnston of Westerhall, and from this lady and her two sisters Sir James Johnston of Westerhall acquired right by charter, dated 13th February 1734,⁷ and another dated 31st August 1757.⁸ Sir James was succeeded successively by

¹ *MS. T. C. M.*, xi. 261.

³ *City Chart.*, i. 273, *O.S.*

⁵ Charter, *City Chart.*, ii. 84, *N.S.*

⁷ *Ibid.*, iii. 245, *N.S.*

² *Ibid.*, xii. 29.

⁴ *Ibid.*, i. 373, *N.S.*

⁶ *Ibid.*, ii. 291, *N.S.*

⁸ *Ibid.*, iv. 135, *N.S.*

three of the Baronets of Westerhall,¹ until, in 1814, the trustees of the last, Sir John Lowther Johnston, disposed these superiority lands to Alexander Dalziel,² writer, Edinburgh. It is unnecessary to trace the titles beyond this date; but it may be mentioned that the magistrates, by disposition dated 24th July 1816, sold their rights of superiority over the whole of the five properties above mentioned to Andrew Bonar, banker, Edinburgh, in liferent, and his son, John Bonar, in fee,³ and these are now in the possession of Miss Katherine Janet Ritchie of 37 Royal Terrace.⁴

It is apparent, therefore, that, through the liberality of Robert Graham, the City Treasurer, three, instead of two, Charters were granted with the object of providing the *munusculum*, or little present, to King James's French bride; and from the printed Council Minute of 17th March 1536-7⁵ we learn that the propine or gift took the shape of 40 tuns of wine—'to geve to the quenis grace fourty tunniss of wyne in propyne.'⁶ The King with his bride Madeleine landed at Leith on 19th May, but within a period of eight weeks of her arrival the poor young Queen died at Holyrood on 7th July 1537. Her death aroused universal sympathy, and Buchanan informs us that the wearing of mourning apparel or 'doole weeds' in Scotland dates from this pathetic incident.

¹ 14 Dec. 1791. Precept of C. C. Sir James Johnston as heir of his father, Sir James Johnston. Sasine, 27 Dec. 1791, *P. R. of S. Edin.*, vol. 363, f. 129.

27 May 1805. Sasine, Sir William Pulteney of Westerhall, brother of Sir James Johnston, *P. R. of S. Edin.*, vol. 541, f. 54.

10 June 1809. Sasine, Sir John Lowther Johnston, *P. R. of S. Edin.*, vol. 637, f. 30.

22 Feb. 1814. Sasine, Trustees of Sir J. L. Johnston, *P. R. of S. Edin.*, vol. 728, f. 277.

² Sasine, 5 July 1814, *P. R. of S. Edin.*, vol. 734, f. 94.

³ Sasine, 1 August 1816, *P. R. of S. Edin.*, vol. 784, f. 11.

⁴ Disposition, recorded 18 May 1918, No. 61, *G. R. of S. Edin.*

⁵ *Burgh Records*, ii. 74. The date here is given as 1535-6, but this is obviously a mistake.

⁶ It is still the practice in certain European countries for monarchs, on the occasion of the first or state visits to their capitals, to receive at the hands of the citizens presents in the shape of money or wine. This occurred recently when the ex-Emperor Charles of Austria, as King of Hungary, made his state visit to the capital city of Buda-Pest.

XI. ST. ROQUE'S CHAPEL AND THE LANDS OF CANAAN

As Edinburgh increased in population and importance, it became the more exposed to those recurrent outbreaks of pestilence or plague which, in ancient times, swept over this as well as every other country in Europe, carrying desolation in their track. Our municipal records make reference to at least eight visitations of the pest previous to the year 1589; but it is to be remembered that the major portion of our burghal muniments were destroyed during the calamitous invasion of May 1544 by the English under the notorious Earl of Hertford. History tells us that these outbreaks of plague were of constant—nay, almost of annual—occurrence; and the Burgh Muir became the favourite place in which the unfortunate victims were segregated. Here, for their protection from the weather, some huts were erected, and medical attendance of a rough and ready type provided by the city fathers. Recovery under these circumstances could have been a case of the survival of only the physically strong. For their spiritual comfort there was also erected a small chapel, dedicated to Saint Roque, the patron saint of the afflicted, on a portion of the Muir still known as Saint Roque's, and situated in the beautiful valley on the south side of the Grange Loan and almost under the shadow of the Blackford Hill. This position bears evidence of having been specially selected as the most distant from the city, and the least frequented portion of the Muir. Of the name of its founder, or the date of its erection, no record has survived; although, from what is known of its subsequent history, it will be recognised that the chapel must have been built by the Town Council some time between the years 1501 to 1504. To the little building, which was oriented, a cemetery was attached; while the chaplain, for whom the Council made no provision until the year 1532, must, previous to that date,

have eked out a precarious livelihood from the proceeds of the voluntary offerings and of the burial dues. One recent writer believes that the chapel was a 'dependency' or cell of the parish Church of St. Cuthbert; but that is highly improbable, seeing that from a very early date the latter was itself a 'dependency' of the Abbey of Holyrood. Under a charter granted by King David I., and confirmed in 1130 by the Bishop of St. Andrews, the Church of St. Cuthbert *cum omnibus ad eam pertinentibus* was conveyed to Holyrood Abbey.¹ Even after the Reformation the teinds of the Burgh Muir continued to be levied by the 'Abbaie of Holyrood' as the spiritual superior of the Muir, and by its successors the bishops of Edinburgh during the Episcopalian ascendancy after the Restoration.

To a certain extent, the details of the legendary story of Saint Roque, otherwise known as Saint Roch,² which dates back to the first half of the fourteenth century, seem to have been lost; but in the Aberdeen Breviary, compiled by the celebrated Bishop Elphinstone, the form of the legend as it first appeared in our country has been preserved:—³

'Roch, a native of Narbonne, a most holy confessor of Christ, after he had been unwittingly detained in prison by his uncle, like a second Roman Alexius, yielded up his unpolluted spirit to God on 17th August 1327 at Montpellier, his native town in Languedoc. For he was born at that town in the Narbonian province of Gaul known as Montpellier, his father, named John, and his lady mother being the lords of that town; and when he attained the age of twelve, following the teaching of the Apostle Paul, he began to chastise his body and keep it in subjection to such a degree that he ate and drank very sparingly. On the death of his father and mother, he forthwith set about dispersing his ample inheritance among the needy, and, having exhausted his

¹ *Charters of Holyrood*, Bann. Club, No. 2.

² Latin, *Rochus*; French, *Roch*; Italian, *Rocco*; Spanish, *Roque*.

³ *Aberdeen Breviary*, Bann. Club, i., August, f. 38.

whole inheritance and also abdicated his principality, he made over his principal towns to his uncle. And having cast away all luxuries, clothed in a short garment with hat, wallet and staff, he took his pilgrimage out of France into Italy, where, when he had healed by the power of the Cross very many cities and fortified towns such as Rome, Aquapendente, Cesena—and many other places afflicted with the cruel pestilence—he at length betook himself to Piacenza, where the plague was raging. Here he took up his abode in a certain hospice, and, gazing upon the sick inmates, saved all of them from death to the last man. When this was done, he became weighed down by toil and sleep, and was forewarned by God that he would suffer excruciating and manifold agonies of body, and straightway his left thigh was stricken with a violent fever and pain as if with a poisoned arrow, so that through the pain and torment thereof he could obtain no rest. Then, after countless sufferings, he at length attained to good health. Departing thence he was brought under the guidance of God by long journeys into France which, as was reported, was troubled by the clash of arms. Returning at last to the camp of his fellow-countrymen, he was seized by the sentinels as a spy, and thrust into chains and prison, where he remained for a space of five years. At the end of that time—which was spent with great endurance and austerity—he departed to the Lord in his 32nd year ; but, before his death, he besought the Lord that whosoever thenceforth invoked his name should be protected from the most cruel plague. After his death there was found at his well a tablet inscribed with these words : “ I testify that any suffering from the plague and fleeing to the protection of Roch, shall escape that most remorseless scourge.” When this was reported to his uncle, the Prince, recognising that he was his brother's child, was with his whole household moved to tears, and caused his sacred remains to be transported with the highest honours to the church ; and there his uncle erected at great expense a magnificent shrine in his honour. Here for many years he shone forth with signs and wonders long after the merits and works of this most holy man had lain hidden from our people of Italy.

At length, in the year 1405, the fame of this Roch having become known through the presence of German visitors, he was the means of freeing from a great plague the city of Constance in Germany, where a General Council of the Church was being held.¹ And now magnificent

¹ In 1415, not 1405.

shrines and churches have been erected in his honour not only in the cities, but in the towns, villages, and even in the private dwellings ; and the people betaking themselves to these have experienced the virtue of this holy man. His festival was, therefore, observed on the 17th of the Calends of September (16th August) ; but in the year 1485 his sacred body was secretly conveyed by certain persons to Venice, and was received by the Senate and the whole populace with such veneration and rejoicing as cannot be described in words, for they immediately began to erect to him a most beautiful church at great cost.

‘ His wonderful and holy life is manifest from what goes before and hereafter follows. When his most devout lady mother fasted two days in the week, the blessed infant, Roch, abstained from milk while his mother fasted ; and, what was a marvel to every one, on that day he was more cheerful and brighter. After he was five years of age, he gave himself to works of penitence. He was always most obedient to both of his parents. He was born with the mark of a cross on his left side.

‘ For it was always the desire of Saint Roch to preserve mankind, in the name of Jesus Christ and his most holy Passion, from the most terrible infection of plague ; and, especially, he betook himself to the homes of the poor and the hospitals, because these places were more in need of help. When the Blessed Roch himself was stricken with the pestilence, he withdrew from the haunts of men lest they should receive infection from him, and came to an unfrequented place whither a certain rich man’s dog carried (to him) daily portions of the finer bread. The angel of the Lord one day came to him and removed his sore and healed him.

‘ Farewell, Angelic Roch, when called upon by words of prayer, thou didst succeed, O holy one, in driving away the plague from all. Pray for us, O Blessed Roch, that we may deserve to be preserved from the plague.’

In the later accounts the romantic story of the saint and his dog appears in a more expanded form. We are assured that on perceiving the deadly nature of the malady, and fearing to infect others, the worthy saint dragged himself to a wood in the immediate neighbourhood of Piacenza, where he lay in hourly expectation that death would put an end to his sufferings. But, as a signal mark of Heaven’s

approval, a spring of pure water—which is there to this day—suddenly gushed out of the ground, while food was supplied to the suffering saint in the shape of a loaf of bread which was brought to him every day by a kindly, sympathetic dog! Hence arose the proverb *love me, love my dog*. This animal, it appears, belonged to a certain nobleman, named Gollard, who, noticing the daily thefts from his dinner-table, followed the dog to the wood; and, under the inspiring influence of the saint, he thenceforth devoted himself to the work of tending the plague-stricken. Shortly after the death of the saint, an angel, it is alleged, descended to earth with a tablet on which was written in letters of gold an intimation that his dying wish had been granted, that all who prayed to him in the name of Christ might be delivered from pestilence.

The Church of San Rocco, which was erected over the stolen bones of the saint, still forms one of the many attractions of Venice, the Queen of the Adriatic. Founded in 1495, the magnificent interior has been illuminated by numerous pictures illustrative of incidents in the life of its patron, mainly by the hand of Tintoretto, the most Venetian, perhaps, of all the great Venetian painters.¹

The worship of Saint Roch gradually spread throughout the western countries of Europe; but it was not until the concluding years of the fifteenth century that it was introduced into Scotland, where its leading votary was the brilliant King James IV. The late arrival of his cult in our country naturally has restricted the number of religious houses dedicated in his honour to five small chapels situated respectively in the royal burghs of Stirling, Edinburgh, Glasgow, Paisley, and Dundee. These chapels, all of which have now disappeared,

¹ In close proximity to the church is the famous Scuola di S. Rocco, where, under the banner of S. Rocco, a philanthropical confraternity were wont to assemble for the purpose of discussing schemes of social amelioration. To its architectural glories there have been added no fewer than fifty-six Tintoretto's; while in the carvings in the chancel, the bronzes on the gate, and in some of the pictures, the story of the patron saint may be traced.

were erected at different periods during the early half of the sixteenth century, and to each there was attached a special cemetery for the unfortunate victims of the dread disease.

Now, in the course of the winter of the year 1499-1500, King James's attention seems to have been drawn to the alleged virtues of Saint Roque as the 'Patron of Pestilences,' and he resolved to erect a chapel in his honour at Stirling, near the southern end of the old bridge over the Forth. Accordingly, by letter under the Privy Seal and dated 17th February 1499-1500,¹ he appointed Schir Wilzame Hag to be 'chapellane of the chapell to be fundit by his gude grace in honour of Sanct Rok at the brigend of Stirling'; while, nearly eight months later, the sum of forty-two shillings was paid from the royal treasury to Robert Lile 'to ger big ane hous to the seik folk at the brig end of Stirling.'² In December 1502, the King completed his act of beneficence to the 'seik folk' by mortifying 'our lands called the Wynschelhalch with the pertinents, extending to eight acres of land lying in the Roploch,' and an annual rent of fifteen merks secured over the lands of Row within the Stewartry of Menteith for the support of the chaplain and the maintenance of a daily mass.³ From these lands the chaplain received annually the sum of ten pounds Scots—a fairly large stipend in those days—but payment seems to have ceased after the King's death at Flodden. In the notices in the Rolls of the payments to this chapel, the Chamberlain is always careful to add '*fundato per dominum regem modernum.*'⁴ That King James took a special interest in Saint Roque is further evinced by an entry, dated 31st October 1502, in the Treasurer's Accounts of the payment to a French friar of fifteen French crowns—a sum equal to ten pounds ten shillings Scots—for bringing him a holy relic in the shape of one of the bones of the Saint—

¹ *Privy Seal Reg.*, i. 476.

² *L. H. T. Accounts*, ii. 121.

³ *Great Seal*, 4 Dec. 1502, ii. 2678.

⁴ *Exch. Rolls*, xii. 322, 412, 496, etc.

'Giffen to the French Frere that brocht ane bane of Sanct Rowk to the King.'¹

From Stirling the cult of Saint Roque soon reached Edinburgh, where Richard Hoppa, a wealthy burgher, founded an altar *Sancto Rocho confessori* in the parish Church of St. Giles by charter dated 8th January 1502;² and it must have been about this date that, it is believed, the little Chapel of Saint Roque was erected on the Burgh Muir by the Town Council of Edinburgh. The Council, at this time, had no power either to dispone or to feu off any portion of the Muir.

Although from the Lord Treasurer's Accounts we learn that King James IV., when riding across the Muir, gave twelvenpence in alms 'to ane seik wif on the mure of Edinburgh,' it is only in 1507 that the chapel on the Muir appears for the first time on record. In November of that year King James was engaged in one of his favourite pilgrimages, and on the 13th rested at West Linton, where, with his customary generosity, he presented the local priests with the sum of twenty shillings. Proceeding thence towards the city, he rode over the ancient road at Fairmilehead and the Braid Road until he reached the western portion of the Grange Loan now known as Newbattle Terrace, along which he passed on his way to Saint Roque's Chapel. The King had so timed his journey that he arrived at the chapel on the 16th of August, being the day held annually in honour of the Saint—'Sanct Rowkis day,' as it is termed in the record. After hearing divine service, King James advanced according to the usual custom and personally handed his gift of fourteen shillings to the celebrant, who, thereupon, placed it on the altar.³ Five years later, on 15th August 1512, the King paid through his Lord Elimosinar or Almoner the sum of £6 Scots for the celebration of six trigental masses at the Church of St. Giles—five of the Assumption and one of Saint Roque; while he himself

¹ *L. H. T. Accounts*, ii. 346.

² *Charters of St. Giles*, 185.

³ *L. H. T. Accounts*, ii. 346.

'offerit to Sanct Rochis licht' a French crown of the value of fourteen shillings.¹ The 'licht' here referred to was that founded by Richard Hoppar in 1502; and the holding of the trigentals, coupled with the appearance of the King himself at Saint Roque's altar, surely implies the loss through the plague of some personal friend for the weal of whose soul divine mercy was craved. Then, as he walked up the High Street from Holyrood to Saint Giles', King James, with his usual generosity, sent a gift of twenty-eight shillings to the Black Friars by the hands of one of his attendants; while he himself distributed largess among the poor to the extent of twenty pence—'in elemose be the way,' according to the record.²

The earliest reference to Saint Roque's Chapel in the *Burgh Records*, so far as they are now extant, is a quaint proclamation by the magistrates dated 15th December 1530, calling upon the owners of certain 'gudis and clais (clothes)' which were kept in the chapel to appear 'and thar clais to be clengit' (cleansed):—

'We do yow to wit, forsamekle as James Barbour, master and gouernour of the foule folk on the mure is to be clengit, and has intromettit with sindry folkis gudis and clais quhilkis ar lyand in Sanct Rokis chapell; tharfor all maner of personis that has ony clame to the said gudis that they cum on Tysday nixt tocum to the officiaris, and thar clais to be clengit; certyfyand thaim and thai do nocht, that all the said clais gif thai be of litill avaiill salbe brynt, and the laif to be gevin to the pure folkes.'³

The office of chaplain to Saint Roque's Chapel carried in its train the danger of infection, and, therefore, demanded of the occupant a strong sense of devotion to duty combined with personal courage. And yet it was only by Minute of Council of 24th November 1533⁴ that the 'prouest, baillies,

¹ *L. H. T. Accounts*, iv. 191.

² *Ibid.*, iv. 191.

³ *Burgh Records*, ii. 45.

⁴ 1532 *per incuriam* in *ibid.*, ii. 59. See Minute of 9th March 1533-4.

counsale, and communitie, movit of deuotioun, hes for the honour of God and his blissit moder the Virgen Marie, and the hallye confessour Sanct Rok, for sufferage and prayerris to be done in Sanct Rokis kirk on the Borrow-mure for the saullis that lyes in the said kirk and kirkyaird,' granted in favour of Sir John Young, the then chaplain, and his successors, three acres for their sustenance, and another acre on which to erect a manse and other buildings.' To the gift of the four acres there was appended the proviso that Sir John and his successors should uphold 'the said kirk in sclatis, watterticht glaswyndois, and all vther necessour thingis as efferis.' A few months later—on 19th March 1533-4—sasine was expedite on the ground by one of the bailies, and the notice in the record, owing to the difficulty of identification of its site, is here inserted :—

'The quhik day, Alexander Spens, one of the bailies of the burgh of Edinburgh, with ane certane of the counsale of the toun, past at the command of the prouest and baillies of the said burgh, and be virteu of an act gevin the xxiv day of Nouember, the yeir of God 1533 yeris, assignit and lemyt to Sir Johnne Young, chaiplane, and his successouris, thre akerris of land of thair Burromure betuix the lands of James Makgill on the west pairt and William Hendirsoun on the eist pairt, Braidis burne on the south pairt, and the commoun passege of the said mure on the north pairtt; and till ane aker of land till big his hous and yaird upoun betuix the land of David Droner on the eist pairtt and the little syke on the west pairt, the landis of Thomas Borthrane on the south pairt, and the kirk and kirkyaird of Sanct Roke on the north pairt; till be broukit and joysit peciablbe be the said Sir Johnne and his successouris induring the said prouest, baillies, counsalis, and communitieis will, efter the forme and tenour of the said act gevin thairupoun, the said Johnne and his successouris vphaldand the said kirk wattertycht in sclaitis, glassin

windois, and all vther neccesser thingis as efferis conforme to the said act.'¹

There is considerable difficulty in identifying the locality of the acres belonging to James Makgill, William Henderson, David Droner and Thomas Borthrane, mentioned as boundaries in the Sasine of 19th March 1533-4. These four may have been original vassals, but it is impossible, with our present knowledge, to localise precisely the site of the three acres granted to Sir John Young, the chaplain of St. Roque's. These acres are described as bounded on the south by what is termed 'Braidis Burn,' meaning thereby the Powburn, or, as we now call it, the Jordan Burn; while the northern boundary is said to be the 'commoun passege of the said mure,' which again has been identified as the present Grange Loan. The 'litill syke' on the west side of the chaplain's acre was a small rill or ditch which has long since disappeared. Sir John Young, the chaplain of St. Roque's, was, however, a man of considerable enterprise, because, four years later, his name appears in a charter as joint tenant with the above-mentioned James Makgill in other six acres of the Burgh Muir.²

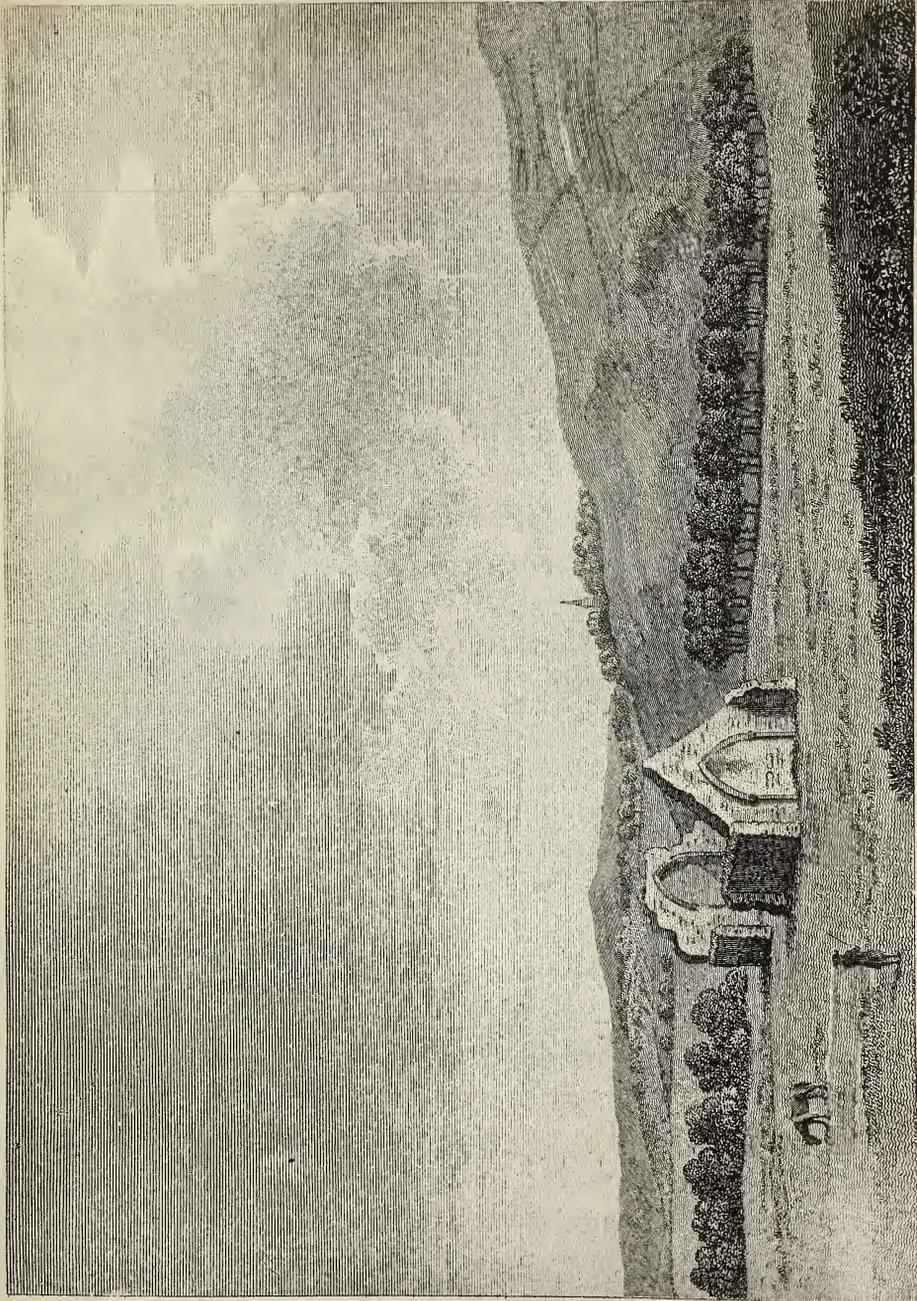
Despite the obligation on the chaplain to keep his chapel watertight, we find an entry in the City Treasurer's books, dated 11th August 1557, for the payment of eleven pounds Scots 'for beting, mending and making water teycht of Sanct Rokis Chapel as the particular compt heir present to schaw beris.'³ Attached to the chapel was the usual ecclesiastical well known as Saint Roque's Well, which was visited by the Town Council and neighbours at the riding of the marches in 1701, and is described in the contemporary report as 'St. Simon Rouges Well.'⁴ Sir Walter Scott also records, in his *Provincial Antiquities*, that a font stood beside the ruins of St. Roque in the Burgh Muir; while at Bloomsbury Laundry,

¹ *Burgh Records*, ii. 67.

² *Great Seal*, iii. 1827.

³ *Edinburgh Old Accounts*, i. 204.

⁴ *MS. T. C. M.*, xxxvi. 804.



Sparrow jr.

ST. ROQUE'S CHAPEL.

Engraved from a drawing by J. Harper.

in Grange Loan, there is preserved a collection of ecclesiastical stones¹ which tradition asserts to have belonged to this chapel. The carving of the stone-work is too elaborate, however, for the humble Chapel of St. Roque, and is more suggestive of the Trinity College Church, the carved stones of which were allowed for so many years to lie unprotected on the south side of the Calton Hill.

The fall of the Roman Church at the Reformation brought instant ruin upon the humble Chapel of Saint Roque, and as it filled no niche in the popular imagination, only gruesome recollections, the details have not been preserved either in the *Burgh Records* or in the pages of contemporary history. The print of these records has been brought down to the year 1589, when Andrew Stevenson, Merchant, was tacksman of 'the acker in ye Wester Mure callit St. Roche's aikers.' He renounced his lease on 10th March 1591,² and six days later the Council set 'St. Roche's aikers and Kirkyard' to John Wat for a period of thirteen years.³ The ecclesiastical character of St. Roque's and its lands was finally extinguished by an Act of 16th March 1596-6, when the Council discharged the Collector of Kirk Rents from intromitting with the fermes and duties of St. Roque, and placed them under the sole control of the City Treasurer.⁴ Thenceforth the chapel lands continued to be leased for the benefit of the Common Good of the City until the year 1667, when they were merged with other lands to form the lands of Canaan. On 28th August 1661 the Council agreed to set on lease to Mart. (Margaret) Whilleis these 'aikers of the Wester Commoun Mure commounlie called Canaan' for a period of eleven years,⁵ and on 27th November 1667, on the death of Margaret Whilleis, the lands of Canaan, then described as

¹ *Book of Old Edinburgh Club*, 'Sculptured Stones of Edinburgh,' John Geddie, ii. 204.

² *MS. T. C. M.*, ix. 141.

⁴ *Ibid.*, x. 51.

³ *Ibid.*, ix. 141.

⁵ *MS. T. C. M.*, xxi. 9.

‘ All and hail these tuall (twelve) aikers of land, houses, and grass of Canaan,’ were ordered to be set in tack for nine years to one, James Russell, described as an ‘ Indweller in Canaan.’ The lands are also described as ‘ lyand betuixt the land of Braid on the south with a little strand ’—*i.e.* the Jordan—‘ the lands of Mr. William Livingston, sometime possessit by the heirs of John Tweedie, on the west syd, the common back muir on the north, and the lands of Wester Grange on the east. Then, ten years later, Russell received another lease of four acres of the lands of Canaan described as ‘ lyand besyd Simmion Rollog’s chapell in ye back mure with the piece of grass belonging yrto, lately possessit be Francis Laurie, Bailie of Portsbrouth, and overgiven be him to the treasurer for [blank] years and for payment of fourteine bolls bear dutie yearly.’¹

In little more than a century after the Reformation, therefore, the veneration which once shrouded the person of the saint had been dispelled, and even his name of Saint Roque had become submerged under the commonplace appellation of Simmion Rollog! This man, James Russell, continued to farm the lands of Canaan for a period of nearly fifty years. He was, like most men of his class, a shrewd man of business with a keen eye to his own interest. In 1692 the little burn, the Jordan, had evidently overflowed its banks, and the Council allowed him five bolls of bear in full of his claim for the resulting damage to his crops; ² but his most extraordinary action is explained in a Minute of 15th August 1711: ‘ The Council upon ane Petition given in be James Russell, tennent in Canaan, granted full power and warrant to him to stop and hinder Margaret Martine, possessor of the new house in Canaan Mure, to make use of any ground for washing or drying of cloaths without [*i.e.* outside of] the said new house unless she pays to him four pounds Scots money yearly therefor since the term of Martinmas 1707 and in time coming during the tack of the

¹ *MS. T. C. M.*, xxix. 30.

² *Ibid.*, xxxiv. 79.

said new house, and upon her payment of the said four pounds yearly, the Council with the consent of the said James Russell allows to her six ells of ground round the said house for washing and drying her cloaths.' ¹ At last by Act of 25th March 1719 the Council agreed to dispone in feu farm the whole lands of Canaan to Robert Mitchell, late bailie of Wester Portsburgh.² The subjects are again described as 'All and whole the lands of Canaan with the Back Muir and hail houses, biggings, yeards, and pertinents thereof, as the same are presently possessed by Mary Harlaw, relict of James Russell, and Elizabeth Martine; Bounded on the south with the lands of Breadd and a Little Strand, and on the west the King's highway (*i.e.* Morningside Road) and the lands belonging to James Grieve, and upon the north by the Loaning leading from the Grange to the Highway, and on the east by the lands of Wester Grange, lying within the Parish of St. Cuthberts and sheriffdom of Edinburgh, to be holden of the good town in feu farme for payment of £250 Scots money of feu duty yearly, Being the full rent presently payable by the tenants, together with twenty merks Scots at the entry of every heir or assigney.' The charter under this Act of Council was expedite on 1st April 1719.³ The portion of the lands of Braid mentioned above as forming the southern boundary of those of Canaan was known as the lands of Little Egypt in the year 1585, and there can be no question that, during the Covenanting period, it was also the means of introducing the name of Canaan. The first time these lands appear under this designation is, so far as known, the year 1661 as stated above; but it is to be observed that in England, during the ascendancy of the Puritans, the practice of designing heritable property under Scriptural names prevailed to a much larger extent than in our country. The Jordan Burn, the little streamlet about which the late Sir Thomas North Dick Lauder discourses

¹ *MS. T. C. M.*, xl. 161.

² *Ibid.*, xlvi. 142.

³ *MS. City Chart.*, iii. 136, *N.S.*

so humorously in his article on Scottish Rivers, is the local name, first applied only about a century and a half ago, to the western portion of the Powburn ; and in none of the titles to the lands through which it flows is it referred to as the Jordan—only as the strand, the rivulet, or, occasionally, by mistake, as the ‘Braidis Burn.’ Sir Thomas, with mock dignity, remarks that :

‘This stream, to which we would now especially direct our reader’s attention, is the Jordan. Nay, start not ! We have no need to send out to Syria to import for our purpose the sacred scriptural river which our earliest religious associations have taught us so long and so devotedly to reverence.

‘We possess a Jordan of our own, and we mean to give you some account of it. We admit that, by the vulgar, it is sometimes called the Pow ; but that being merely a corruption of the word *Pool*, is found to be frequently applied to such portions of rivers, as, being very deep and tranquil, chance to come within the daily observation of those peasants who live near them, on their banks. We further admit that the stream is not even navigable by boats, and that, unlike both the rivers alluded to by Fluellen, as already quoted, there are no “salmons” in it ; and that, indeed, whilst it might be considered by Americans or by East Indians hardly to deserve the name of a river, it might, perhaps, be looked upon by dwellers on the banks of the Mississippi or the Ganges as little better than a brook. But still it is not on that account to be altogether overlooked as insignificant. It is not always the fattest and biggest man who is the greatest hero. We know that Horatio Lord Nelson was short, and Arthur Duke of Wellington himself is no giant ; but small as our little Jordan is, we trust that we shall be able to show, before we have done with it, that, had we been as great a poet as Spenser, we might have spun as many verses on its banks as he ever did on his Mulla or Molle. It is to the size, the form, and the

purity of pearls that one's attention is called, and not to the thread that strings them together.' And at this point we leave the worthy Baronet, who includes on his string of literary pearls the famous poetic description in *Marmion* of the assembling of the Scottish army on the Burgh Muir and the banks of the tiny Jordan.

Of Robert Mitchell and the other lairds of Canaan but little of interest can be said. One, William Neilson, was for some time Lord Provost of Edinburgh, and was succeeded in his heritable estate by his eldest son, also named William, on 27th July 1743.¹ This William retained possession for a period of only six years, when, by Disposition² dated 22nd March 1749, he disposed the lands to Bailie John Dewar in life-rent, and John Dewar his son in fee.³ It was this Bailie John Dewar who issued orders for the demolition of the ruined walls of the Chapel of St. Roque. The scaffolding gave way during the progress of the work, with somewhat tragic results to the unfortunate workmen. Arnot, the historian, who wrote in the year 1779, tells us that 'about thirty years ago the proprietor of this ground employed masons to pull down the walls of the chapel; the scaffolding gave way; the tradesmen were killed; the accident was looked upon as a judgment against those who were demolishing the house of God. No entreaties nor bribes by the proprietor could prevail upon tradesmen to accomplish its demolition.'⁴ Arnot also terms this 'a superstition, which, had it been more constant in its operations, might have checked the tearing zeal of reformation'! Drawings of the chapel appear in his history as well as in Grose's *Antiquities of Scotland*.⁵

By charter, dated 10th September 1762, the magistrates confirmed Elizabeth Forrest, relict of the deceased Bailie Dewar, and his son John Dewar in life-rent and fee respectively,

¹ *MS. City Chart.*, iii. 347, N.S.

² *Books of Council and Session.*

³ *P. R. of S. Edin.*, 4 July 1749.

⁵ Vol. i. p. 38.

⁴ *Arnot's Hist. of Edin.*, 250 n.

not only in his lands of Canaan, but also in three other portions of the Muir which the bailie had acquired from John Davidson of Whitehouse, Principal Clerk of Justiciary. These are described as 'the twelve acres of arable land and three grass wards on the east thereof, bounded by the high road on the west, the moor commonly called the two parts of the back moor upon the east, the lands now called Canaan upon the south, and the lands commonly called Andrew Stevenson's lands on the north; as also these twelve acres of land lying towards St. Gillie Grange, bounded between the foresaid two parts of said back muir on the west, the lands of Grange upon the east and south-east, the Chapple commonly called Simon Rollock's Chapple and Kirk with the acres thereto belonging upon the south-west, and the lands of Whitehouse upon the north.'¹ From the latter twelve acres there were excepted (1) the 5 acres 3 roods $1\frac{1}{10}$ falls which became incorporated with the lands of Whitehouse, and (2) a 'small piece or particle of land adjacent to the Barn of Wester Grange extending to 100 falls,' which became merged in the lands of Wester Grange. The titles to these additional lands are complex and uninteresting,² although it is pleasing to notice that Anne Davidson, only child of the Clerk of

¹ *MS. City Chartulary*, iv. 180, *N.S.* For the original feu rights to these additional lands, see *infra*, pp. 221, 222.

² 10 Jan. 1696. Disp. and Assig. by George Turnbull to Robert Cunningham and Mary Turnbull, his spouse. *Reg. of Deeds*, Dal. 79.

13 Dec. 1697. Disp. to Marg. Johnston and to Cath. White and James Grieve, her husband. *Burgh Court Books*.

28 Aug. 1700. Charter of Conf. by Magis. to said Cath. White or Grieve. *MS. City Chart.*, ii. 391, *N.S.*

18 Sept. 1734. Pre. of Cl. Constat. by Magis. to James Grieve and John Young, as heirs of said James Grieve and spouse. *MS. City Chart.*, iii. 295, *N.S.*

26 Oct. 1734. Sasine, James Grieve and John Young. *P. R. of S. Edin.*, vol. 114, f. 254.

30 Sept. 1734. Disp. to John Davidson. *Reg. of Deeds*, Mack, 156.

3 April 1751. Disp. to John Dewar. *Town Court Books*.

13 April 1751. Sasine, John Dewar. *P. R. of S. Edin.*, vol. 138, f. 135.

1 Dec. 1756. Decreet of Sale at instance of Anne Davidson, only child of John Davidson, against his widow and creditors.

Justiciary, whose financial affairs had fallen into confusion at his death, successfully supported her father's integrity as against his widow and creditors.¹ John Dewar completed his title by sasine, recorded 23rd August 1763,² to both the lands of Canaan as originally acquired, and the additional properties purchased from John Davidson, including his superiority over 3 acres 1 rood 30 falls feued to Robert Dick in 1744, now forming part of Trotter's lands of Blackford; and the whole of these subjects became thereby united to form what has since been designated the Estate of Canaan. John Dewar was succeeded in 1772³ by his son James, who, seven years later, disposed the estate to John Mosman for a sum of £3372, 10s. by Disposition, recorded 22nd December 1779.⁴ This John Mosman was a successful Edinburgh merchant, and by Deed of Entail, dated 20th April 1782, he entailed the whole of his lands of Canaan in favour of his nephew, John Mosman, and his other heirs of tailie.⁵ These lands of Canaan, however, were disentailed by Hugh Mosman, of Auchtyfardle, in December 1908,⁶ and the present holder of the title is Alexander Chancellor Mosman, of Auchtyfardle and Canaan, who succeeded as heir to his brother, Hugh Mosman, of Auchtyfardle, in August 1916.⁷ The difficulty, if not the impossibility, of ascertaining the dimensions and extent of the sub-divisions of the lands of Canaan from the verbal descriptions in the various titles to which reference has been made will be readily appreciated. In the Locality of 1864 in the Teind Office, the Estate of Canaan is said to extend to 65 acres 3 roods 19 falls.

¹ *Decree of Sale*, noted as above.

² *P. R. of S. Edin.*, vol. 162, f. 333.

³ *Ibid.*, 30 Dec. 1772, vol. 202, f. 261.

⁴ *Books of C. and S.*, Mack, vol. 226, f. 1264 : Sasine in favour of Mosman, recorded *P. R. of S. Edin.*, 3 Jan. 1780, vol. 249, f. 38.

⁵ Recorded in *Books of C. and S.*, 22 Feb. 1788.

⁶ Dated 28th Dec. 1908, recorded in *Reg. of Entails*, 4 Feb. 1909; *G. R. of S. Edin.*, for preservation, 13 Feb. 1909.

⁷ Ex. Dec. of Special Service, *G. R. of S. Edin.*, 14 Aug. 1916.

XII. THE GREAT PLAGUE OF 1585

In the year 1585, the good town was in the throes of the most appalling outbreak of plague that had visited Scotland since the dreadful 'Black Death' of the fourteenth century; and it must be admitted that an examination of the city records proves that the magistrates faced the calamity with considerable fortitude and with the ability derived from sad experience. These outbreaks of pestilence were in those days a matter of constant occurrence, and the measures adopted for their suppression bulk largely in the pages of the Council Minutes. Unfortunately, the Town Council were much hampered in their work by the pusillanimous behaviour of their Provost. The weak Earl of Arran had been nominated by James VI. and, accordingly, 'elected' by the Council to the provostship; but his lordship, in view of the dangers attaching to the office in the year 1585, thought it more prudent to absent himself from the city. His re-appointment in October roused the Town Council to action, and, as the result of a strong petition to the King, his lordship was deposed and William Little, a merchant burghess of considerable eminence and ancestor of the Little Gilmours of Craigmillar, was elected in his place.

The sudden death on the 30th April 1585 of a woman in the Fishmarket Close gave the first signal of the appearance of the dread disease, and orders were at once issued for the segregation of the suspects, while those actually infected were taken to the Burgh Muir for treatment, such as it was. Here, for their accommodation, several wooden huts or lodges were erected, and a to-fall or shed was built against the ruined walls of the Nunnery of St. Catherine of Siena. At the foot of the Blackford Hill the principal hospital was erected on what was then known as 'Adam Purvis' Acres'—a piece of ground held by Purvis under a lease or tack from the Council,

and situated between the lands belonging to St. Roque's Chapel on the east and the present Canaan Lane on the west—and here a special gibbet was erected as a deterrent to disorder among the 'foule folk' and their attendants. On 1st June two men were hanged at this gibbet for stealing clothes belonging to the infected.¹ The 'foule hangman' was a man named Smith, who was paid for his gruesome services the exceptional fee of ten pounds Scots per month. This man, however, had been only a short time in office when, for some flagrant misdemeanour, the magistrates found it necessary to issue orders to have him placed in irons, and kept bound to his own gibbet until further orders! A small corps of attendants on the sick, termed 'clengouris and cureris of the pest'—cleansers and curers of the pest—was formed and placed under one named Alexander Fraynche, who was evidently considered an expert in such matters; and this man was urged by the bailies, under a promise of a free house and a pension for life, to be diligent in his work. He and his assistants wore over their clothes a black jowpe or over-all 'with a (piece) of quhyte claith sewit above the same.' They also carried in their hands wooden staffs some six or seven feet in length and provided at the top with a crook to assist them in washing the clothes of the infected either in a huge iron cauldron erected on the Muir for that purpose, or in the running water of the Powburn. There was also established on the Muir a large storehouse in which bread and drink were kept for distribution among the sick, the official in charge being paid the special fee of £6 monthly 'as the said office will be veray paynfull and chairegeable.'² By the middle of the month of June the virulence of the epidemic had reached its height, and thereafter the sickness began rapidly to abate. In July the 'fowle lugeis (huts), fowle folk, and fowle geir' were ordered 'to be placit be-eist the greit fowle luge which is at Purvessis Acres'; while the convalescents with their huts

¹ *Burgh Records*, iv. 416-422.

² Responsible.

and geir were to be confined in the West Burgh Muir, *i.e.* in the lands now known as Canaan, Greenhill, and Morningside, with the Jordan Burn, at that time called the Strand, as the southern boundary. It was in connection with the brewing of the beer for the use of these convalescents in the Wester Muir that Robert Fairlie, the Laird of the Braids, granted the city on the 22nd September the use of his 'houssis callit Littil Egipt besyde the commoun mwre for brewing thairin of the drink to the folkis in the mwre, and sic necessar usis as the toun hes found guid to employ on the samyn.'¹ The Town Council were now able to take a calm survey of the situation, and at the weekly meeting on 17th September it was reported, that, although the ordeal through which the city had passed had severely tested the fortitude of the city fathers—many of whom, like the Provost Arran, had fled the city—two of the bailies—Henry Nesbit and William Nesbit—Nicol Vadart the Dean of Guild, James Ros the City Treasurer, and three Councillors—William Littill, Andrew Sclater, and George Smith—as well as Jhoun Stevenson the Deacon of the Websters, had sustained 'the burding of the offices laid upoun thame vnto this hour with the lose and deyth for the maist pairt of dyuers of thair childrein, seruands, and familie, and nocht without the extreme danger of their awin lyffes.'² But, while the Council thus modestly and pathetically put on record their own share in coping with the public dangers, they wax eloquent in descanting on the services of James Henrysoun, the town surgeon, who, by his unfailing attention both by day and by night to the sick and the dying, had proved himself the hero of the hour. We learn that 'throw his guid care and diligence, he spairet nocht the hazard of his awin lyfe, and contracted the said seikness in his awin body with the lose and deyth of his wyfe in the same deseise of pestilence.'³ In token of their gratitude the Town Council exempted him during his life-time from further payment of all 'extents,

¹ *Burgh Records*, iv. 436.

² *Ibid.*, iv. 435.

³ *Ibid.*, iv. 436.

taxatiouns, impositiouns or contributiouns to be sett, imposet, or rayset vpoun this burgh and the inhabitants thair of any maner of way.' The same privilege was also granted to Bailie James Nicol, who, to the 'greitt regrait of the com-moun pepill,' was attacked by the plague, but escaped with the loss of an eye.¹

At length—'prayset be God'—the reduction in the number of the unfortunates lying out on the Muir became so pronounced that, on 17th December, the magistrates issued instructions that the remnant of the infected 'be put in and incloset with thair kepers in the Quhite hous, and gevis commissioun to Andrew Sclater, bailyie, and (blank) to aggrie with the possessouris of the said hous for the use thair of a certain space.'² The lands and manor-place of Whitehouse were in the occupation of Ewfame M'Calzeane of Cliftonhall, only daughter and heiress of Thomas M'Calzeane, Lord Cliftonhall, one of the Senators of the College of Justice. Her husband was Patrick Moscrop, son of John Moscrop, an advocate of considerable eminence in his day, and he adopted his wife's name of M'Calzeane, probably in terms of her deed of entail. The Lady of Cliftonhall, however, stoutly objected to the intrusion of the plague-stricken into her lands of Whitehouse, and, with consent of her husband, she appealed to the Lords of the Privy Council for protection. In the complaint by her and Patrick M'Calzeane, her husband, for his interest, it is stated that 'she and her predecessors have been for many years in possession of the lands of Quhytehouse, with the manor place adjacent to Sanct Gelisgrange, beside the burgh of Edinburgh, quhill that laitlie, upon the xxv day of December last bipast, the provost, baillies and Counsal of Edinburgh wranguslie, by all ordour raisit and liftit thair hail pestilent personis being upon the Burrowmure of the said burgh, and hes inputt and intrusit thame in the saidis landis of Quhytehus and houssis thair of.' They detain

¹ *Burgh Records*, iv. 447.

² *Ibid.*, iv. 444.

them there, 'thinkand thairby to mak the saidis landis and houssis . . . waist, and to deprive the complainers of the rents and duties of the same, extending yearly to 400 merks.' ¹

The case came before the Privy Council at Holyrood on 31st January 1585-6, when the Lords ordained the Provost and Bailies to remove the 'saidis pestiferous personis, thair baggage, guidis, and geir furth of the saidis houssis, and mak the same sufficiently purgeit and clene of the said pest' within twenty days, or else to satisfy the complainers for the skaith sustained by them in this matter, with proviso that 'thir presentis sall not induce a preparative be astricting of the said hous to the use foirsaid quhenevir the like occasioun sall happin to fall oute heireftir.' ² The proviso, no doubt, explains the strange action of the magistrates—that it was an attempt to enforce a right to some control over the properties belonging to their vassals. Strange to say, some five years later—on 24th June 1591—this same Lady of Cliftonhall was burnt at the public place of execution on the southern bank of the Castlehill for the impossible crime of witchcraft.³ The record of the evidence led at her trial has been lost, but she was convicted upon eleven out of twenty-eight articles in the indictment. These consisted of charges of consorting with well-known witches, obtaining the enchantment of a picture to bring about the death of her father-in-law, for making another picture of flour and clay for the bewitching of Mary Hume or M'Gill, for attending a conventicle of witches at North Berwick, and for the 'seiking of ane pictour for the tressonable destruction of the King.' Pitcairn alleges that she had a full belief in her own supernatural powers; but it is evident that no woman of the social rank and upbringing of the Lady of Cliftonhall would, if in possession of her senses, have resorted to the ridiculous and absurd means mentioned in her indictment to bring about the death of the King or the

¹ *Reg. of the Privy Council*, iv. 45.

² *Ibid.*, v. 46.

³ Pitcairn's *Criminal Trials*, vol. i. pt. ii. 247.

other persons to whom reference is made. In ordinary cases of witchcraft, the culprit was previously strangled at the stake; but, for some reason, this unfortunate lady was sentenced to be 'brunt in assis (ashes), *quick*, to the death.' She endured her dreadful fate with great firmness, and it is also to be noted that her neighbour, Robert Fairlie, the Laird of Braid, was one of the twelve jurymen whose verdict sent her to her death.

In 1601 there was a recrudescence of these outbreaks of plague, and again the proprietor as well as the tenant of the lands of Whitehouse suffered misfortune. Not only had the latter, a man named Hew Craufurde, lost five of his 'puir bairnies' through the plague; but, also, in the process of cleansing, the house took fire and all his belongings were destroyed. Then, on the allegation that he had 'wrangouslie and maliciouslie' set the house on fire, Craufurde was cited before the Sheriff by the proprietors—Mrs. Katherene Bankis, relict of William Hereis, and her husband James Weill, as the life-renters, and her son Robert Hereis, the fiar—to be decerned to rebuild the house and make it as good as before the burning. In this extremity the poor man appealed for protection to the Lords of the Privy Council, who referred the matter back to the Judge Ordinary.¹ The outcome of the case is unknown; but the mansion-house was afterwards rebuilt, and, in 1834, was incorporated with other buildings to form the present Convent of St. Margaret of Scotland in Whitehouse Loan.

XIII. THE WESTER BURGH MUIR

The Burgh Muir continued to fulfil its wonted military function as the rendezvous for the Scottish Army, although, after the death of James V., it attracted less attention in the Council meetings of our civic rulers down to the time of the

¹ *Reg. of Privy Council*, vi. p. 521.

Great Plague of 1585. The English continued to devastate the southern borders, and, on the 24th September 1523, John, Duke of Albany, the Lord-Governor of Scotland, landed at Kirkeudbright on the occasion of his third and last visit to this country. Without delay he assembled a parliament, and also proclaimed a meeting of the Scottish Army to be held on the Burgh Muir on 20th October of that year. It is alleged that 40,000 men assembled on the Muir on that occasion. The campaign was, however, rendered abortive by the treasonable action of our Scottish nobility. In the late autumn of 1542, King James v. himself assembled an army of 30,000 on the Muir; but here again, our nobility, in spite of James's adjurations, refused to invade England, and, overwhelmed with disappointment and chagrin, the King disbanded his army. A force of 10,000 men, then, reassembled and advanced towards the English borders by the western marches. James had given secret orders that his favourite, Oliver Sinclair, should take command of this little army, but the announcement only threw the whole body into a state of ferment. An English reconnoitring party of 300 horse, on ascertaining the position of matters, at once boldly charged and scattered the disputants to the four winds. This fresh disaster completely broke down the King's spirit: he retired to Falkland Palace where, it may be truly said, he died of a broken heart. On the appearance of the English fleet under Hertford in the Firth of Forth in the early days of May 1544, the Regent Arran issued letters calling upon 'all maner of man betwyx sexte and sextene to meit my lord governour upon the borow mure of Edinburcht, the fyft day of maii, to pas upoun the Ingliche men, under the painis contenit in the lettres past before upoun xxiiij houris warnyng.'¹ Arran's efforts, however, to restrain the marauding hands of the English, proved of little avail. There were thus at least six occasions on which the Scottish

¹ *L. H. T. Accounts*, viii. 294-5.

Army held its rendezvous for the invasion of England upon the Burgh Muir of Edinburgh.

In the middle of the sixteenth century the Burgh Muir was greatly broken up by footpaths and other unauthorised roadways, while the main use to which it was put was to extract or quarry out stones for building purposes. The Town Council laid down rules regulating the work of the quarriers and the prices to be charged for the stones.¹ The grass of the Muir was also leased out regularly, including the grass growing on the loanings and pathways. Even so late as 1621, William Napier of Wright's Houses had a lease of the grass on the Easter and Wester Muirs 'and the gates (roadways) of the loanings.' In 1594 Fairley, the Laird of Braid, and his tenants were discharged from flaying the turf of the Common Muir, under pain of warding, although, during the siege of the Castle in 1571, Kirkaldy of Grange stripped a large portion of the turf of the Muir for the purpose of strengthening the fortifications of the Castle by earthworks. In this case the Town Council had to recompense the lessees of the pasture for the loss they sustained. With these turfs Kirkaldy threw up a strong earthwork to protect the sally-port on the western side of the Castle. In the same year there was some fighting between a party of the Regent Lennox's troops and the Castillians, which took place on the Easter Burgh Muir. A small party of horse under the command of Captains Home and Ramsey entered the town from Dalkeith for the purpose of seeking recruits for the Regent's army. On the appearance of a stronger party of soldiers, sent by Kirkaldy, from the Castle, the two captains retired their force along the Dalkeith Road towards the Powburn, where, on being reinforced, they turned on their pursuers and a severe skirmish took place at the Lowsie Law, now forming part of the lands of Newington.²

¹ *Burgh Records*, ii. 193.

² *Historie of King James the Sext*, p. 74; *Diurnal of Occurrents*, p. 210.

It was the occasion of the Great Plague of 1585 that turned the attention of the Council to the feuing of both the Wester and the Easter Muir.

The Great Plague of 1585 threw the revenues of the burgh into a condition verging on bankruptcy. The Council Minutes make no mention of this fact, but of this the preamble of a Feu Charter granted by the magistrates on 3rd October 1586 furnishes ample proof. It is there narrated that 'the exhaustion of their treasury in former years by giving money to the King, by public works, and the pressure of this last pestilence, relieving the poor and saving the city, empty of citizens, and that in the meantime the common moor, though in various parts pastured and cultivated by those in its vicinity, yields little or nothing. We have, therefore, determined to lease it, and have appointed some prudent citizens, that, reserving the rough, hard, and stony places for masonry and the use of the pest, they should measure the arable parts and divide them in convenient portions.'¹ The Council by this time had departed entirely from their original intention of feuing out the Muir in separate lots each of three acres. On 20th July 1586 the Council agreed to feu out certain portions of the Wester Muir, and on 2nd August the following feus were apportioned by auction, in presence of the Provost and Town Council:—

- Lot 1. The Lands of Baglap, containing 14 acres, to John Young, Tailor, and Agnes Sword, his spouse, for an annual feu duty of 20 bolls bear, and 500 merks for entry money.
- Lot 2. 3 acres 1 rood to Thomas Paterson, Merchant, and Christian Nicolsoun, his spouse, for 6½ bolls bear, as feu duty, and 123 merks entry money.
- Lot 3. 3 acres 3 roods to William Rig, Merchant, and Katherine Row, his spouse, for 7 bolls bear as feu duty.

¹ *Lairg Charters*, No. 1131.

- Lot 4. 26 acres to Andrew Naper, Merchant, and Janet Kyle, his spouse, in liferent, and Archibald Naper their son in fee, for feu duty of 22½ bolls bear, and 500 merks of entry money.
- Lot 5. 8 acres and other two small pieces to Thomas Aikinheid, Merchant, and Marioun Bannatyne, his spouse, in liferent, and James Aikenheid his son in fee, for feu duty of 11 bolls 3 firlots bear, and 13s. 4d. ; entry money, 318 merks 10s.
- Lot 6. 18 acres to Andrew Stevinsoun, Merchant, in liferent and Andro Stevinsoun his son in fee, for a feu duty of 30 bolls 3 firlots bear; and £432, 10s. for entry money.

Of these six lots the lands of Baglap, forming lot 1, were incorporated, as previously mentioned,¹ with the sergeantry lands of Bruntisfield. The remaining lots, the 2nd, the 3rd, the 5th, and 3 acres of the 6th, became parts of the Estate of Greenhill; while the 26 acres² in the 4th lot formed ultimately the lands of Morningside, situated to the west of the Morningside Road, and the remaining 15 acres of the 6th the lands now known as Easter Morningside. On the 2nd of August 1586, therefore, our civic authorities feued out nearly the whole of the Wester Muir.

It was the 5th lot to which the name of Greenhill was originally given, and it is described in the Feu Charter as consisting of 8 acres, hitherto waste between 'the common western highway leading to the burgh on the west, certain fixed or march stones and quarries (reserved to the burgh) of Andrew Stevenson and William Rig on the south, William Rig on the east, and the Common Muir and quarries thereof on the north, along with other two small pieces of ground, the first of half an acre between the highway on the east, the lands of Merchiston, called the Dowcroft, on the west, the road

¹ *Supra*, p. 27.

² Termed *per incuriam* 20 acres in the printed *Burgh Records*, iv. p. 469.

to Merchiston on the north ; and the second, of a piece of the Muir consisting of 30 ells by 48 ells adjoining said first piece.¹ The half acre above referred to was situated at the apex of the angle formed by Colinton and Morningside Roads, and also became known, together with the subjects lying to the south, under the general name of Burghmuirhead. It remained in the possession of the proprietors of Greenhill down to the year 1735, when Adam Fairholm of Greenhill feued out to John Mann, gardener at Foulbriggs, by charter dated 20th February 1735, two cot-houses on part of this ground. By disposition, dated 20th October 1801, Thomas Wright of Greenhill disposed to Elizabeth Mann, daughter of said John Mann, the remaining portion of this ground. She married Thomas Steel, surgeon, Burghmuirhead, and under their settlement their trustees completed a title by Sasine, recorded 27th July 1819.² This therefore completes, down to that date, the history of this portion of lot 5.

This lot 5 remained in the possession of the Aikenheads until the year 1636,³ when it was sold by James Aikenhead to John Livingston, merchant burghess of Edinburgh, and Elizabeth Rig, his spouse,⁴ and in a title dated 19th September 1666, lot 3 is stated to be bounded on the north by 'Thomas Aikenhead's lands, now commonly called the acres of Greenhill.' We may assume, therefore, that the designation Greenhill was originally applied by this John Livingston to the 8 acres and the second of the two small portions of land comprised in lot 5. Livingston died in 1645, the year of the second Great Plague, when most of the

¹ *City Chart.*, i. 119, *O.S.*

² *P. R. of S. Edin.*, vol. 859, f. 253.

³ [Date blank] Charter to Thomas Aikenhead [the surname is Aikenhead, not Atkinhead] and Marion Bannatyne his spouse, in liferent, and James Aikenhead in fee. *City Chart.*, i. 119, *O.S.*

24 September 1619. Charter to David Aikenhead ; on resignation by Alexander Aikenhead. *Ibid.*, i. 308, *O.S.*

30 April 1623. Precept of C. C., of James Aikenhead as heir of Thomas Aikenhead. *Ibid.*, ii. 13, *O.S.*

⁴ *City Chart.*, 22 July 1636, i. 191, *N.S.*

citizens, including the soldiers in the Castle and the prisoners in the Tolbooth, fled the city in terror. He was probably one of the unfortunate victims, and, like other sufferers among the residents of the Muir at that time, was buried, in the absence of all outside help, within the precincts of his own ground. In a private garden in Chamberlain Road, there is still to be seen the tombstone which his widow, Elizabeth Rig, erected over his grave. It is ornamented and bears three of the usual sepulchral verses peculiar to the seventeenth century.¹ Livingston had two sons, the elder of whom, John Livingston, joined the medical profession, while his brother, William, was a writer in the city.

The Doctor succeeded his father in 1666,² but, by this date, he had also acquired lots 2 and 3, three acres of lot 6, and 1 acre feued to William Rig by charter dated 24th August 1593. In this way the lands of Greenhill³ were increased in extent to

¹ 'Sculptured Stones of Edinburgh,' John Geddie, *Book of Old Edinburgh Club*, iii, pp. 197-8.

² *City Chart.*, ii, 100, *O.S.*

³ Lot 2.—

3 Oct. 1586. Feu Charter to Thomas Paterson and his spouse Christine Nicolson. *Ibid.*, i, 75, *O.S.*

24 August 1593. Charter, William Rig and spouse; on resignation by Thomas Paterson. *Ibid.*, i, 184, *O.S.*

29 Dec. 1619. Precept of C. C., William Rig as heir of William Rig, his father. *Ibid.*, ii, 3, *O.S.*

10 August 1642. Charter to John Tweedie; on resignation by John Mitchell, who acquired from William Rig. *Ibid.*, ii, 55, *O.S.*

10 Sept. 1666. Precept of C. C., John Tweedie, heir of John Tweedie. *Ibid.*, ii, 98, *O.S.*

19 Sept. 1666. Charter to Dr. John Livingston, son of John Livingston; on resignation by John Tweedie. *Ibid.*, ii, 101, *O.S.*

[Blank.] Charter to William Livingston; on resignation by Dr. John Livingston. *Ibid.*, ii, 105, *O.S.*

Lot 3.—

3 Oct. 1586. Feu Charter, William Rig and Catherine Row. *Ibid.*, i, 88, *O.S.*

29 Dec. 1619. Precept of C. C., William Rig as heir of his father, William Rig. *Ibid.*, ii, 2, *O.S.*

10 August 1642. Charter to John Tweedie; on resignation by John Mitchell, who acquired from William Rig. *Ibid.*, ii, 55, *O.S.*

10 Sept. 1666. Precept of C. C., John Tweedie as heir of John Tweedie. *Ibid.*, ii, 98, *O.S.*

19 Sept. 1666. Charter to Dr. John Livingston; on resignation by John Tweedie. *Ibid.*, ii, 101, *O.S.*

[Blank.] Charter to William Livingston; on resignation by Dr. John Livingston. *Ibid.*, ii, 105, *O.S.*

19 acres ; and under a charter expedite on 19th September 1666, he infefted his mother, Elizabeth Rig, in the whole of these lands in liferent and himself in fee. The Doctor was succeeded by his brother William, some time before the year 1670. His title in the Chartulary is undated,¹ but it conveys 'the lands of Greenhill, with the manor place of Greenhill and houses and other buildings recently built and constructed upon said lands of Greenhill, in which enclosure there is also a fish-pond.' The mansion-house must, therefore, have been erected by either the Doctor or his brother William. The Livingstons terminated their connection with Greenhill in 1670, when John Kennedy, apothecary and burghess of Edinburgh, acquired the lands under charter dated 4th May 1670.² Three years later they passed into the hands of Adam Gairdin, surgeon burghess of Edinburgh, who resigned them for reinfestment to himself in 1700.³ Gairdin's grandson, named Adam Fairholm, who succeeded in 1720, was the recipient of the feu charter from the magistrates in 1762, of the 6 acres 1 rood 4 falls, forming the southern portion

Lot 6.—

- 10 January 1587-8. Feu Charter to Andrew Stevenson in liferent, and Andrew Stevenson, his son, in fee, in 18 acres. *Ibid.*, i. 123, *O.S.*
 18 April 1617. Precept of C. C., Andrew Stevenson as heir to his father, Andrew Stevenson. *Ibid.*, i. 272, *O.S.*
 25 Nov. 1657. Charter to Dr. John Livingston, of 3 acres, northern part of 18 acres [Lot 6]; on resignation by Andrew Stevenson. *Ibid.*, ii. 83, *O.S.*
 [Blank.] Charter to William Livingston; on resignation by Dr. John Livingston in said 3 acres. *Ibid.*, ii. 105, *O.S.*

Rig's 1 acre—

- 24 August 1593. Feu Charter, William Rig and spouse. *Ibid.*, i. 184, *O.S.*
 29 Dec. 1619. Precept of C. C., William Rig as heir of his father, William Rig. *Ibid.*, ii. 1, *O.S.*
 10 August 1642. Charter to John Tweedie; on resignation by John Mitchell, disponee of William Rig. *Ibid.* ii. 55, *O.S.*
 10 Sept. 1666. Precept of C. C., John Tweedie as heir of John Tweedie. *Ibid.*, ii. 98.
 19 Sept. 1666. Charter to Dr. John Livingston; on resignation by John Tweedie. *Ibid.*, ii. 101, *O.S.*
 [Blank.] Charter to William Livingston; on resignation by Dr. John Livingston. *Ibid.*, ii. 105, *O.S.*

¹ *City Chart.*, ii. 105, *O.S.*

² *Ibid.*, ii. 110, *O.S.*

³ *Ibid.*, ii. 124, *O.S.*; ii. 386, *N.S.*

of Bruntsfield Links; and it was the discontent among the citizens at this grant that had the happy effect of causing the stabilisation of Bruntsfield Links. Adam Fairholm was succeeded by his son George,¹ who, in 1790, sold to Thomas Wright, residing in George Square, Edinburgh, the whole of these lands, then described as 'the village and lands of Greenhill, as the same were possessed by the deceased Adam Fairholme, father of said George Fairholme, consisting of 19 acres, with the grassy holes in the middle of said acres, and acquired by the deceased Adam Garden from divers persons, all as now enclosed by a stone wall, excepting a little piece upon the south-east; also another little piece with the smiddy upon the west [east?] of the highway, with the manor place, etc. '; also 6 acres 1 rood and 4 falls, part of Bruntsfield Links.² In this conveyance there is a special reservation to the said George Fairholme of 'the liberty and privilege of burying the dead of his own family, or such of his relations to whom he, during his own lifetime, shall communicate such privilege, in the family burial place built upon the said lands, and reserving access to him and his heirs to repair the said burial place from time to time, when they should think proper, upon their own expense.' This reference must surely relate to the burial place of John Livingston, who died of the plague in 1645. Wright died in the early years of last century, and his trustees, who completed their title by sasine, recorded 19th March 1805,³ sold the property in 1806 to William Forbes, afterwards Sir William Forbes of Pitsligo, the well-known Edinburgh banker, in whose title the above reservation of the burial place again appears.⁴ By disposition, dated 7th December 1814, the magistrates sold the superiority of these lands of Greenhill to Sir William, who

¹ *City Chart*, v. 65, *N.S.*

² Sasine, 23 Feb. 1790, *P. R. of S. Edin.*, vol. 343, f. 65. See arrangement by Excambion of the northern boundary of Greenhill with Bruntsfield Links, and plan, *infra*, pp. 251-2.

³ *P. R. of S. Edin.*, vol. 537, f. 101.

⁴ *Ibid.*, 8 Mar. 1806, vol. 560, f. 8.

thereupon completed his title by sasine, recorded 3rd March 1815, proceeding on Charter of Resignation under the Great Seal.¹

Turning next to lot 6 in the roup of feus of 1586, it is perhaps necessary to point out that in the print this lot is stated to consist only of the 18 acres feued to Andrew Stevenson, merchant burghess of Edinburgh² in liferent and his second son, Andrew, in fee. The old City Chartulary, however, shows that the Stevensons were infefted on 10th January 1587-8, in *two pieces of the Muir*, described as (1) 'piece of the common West Muir between six fixed stones placed between the said part and the broad way towards the common quarries and the lands of William Rig and Thomas Patersoun on the north, the highway of 24 ells on the east, a pathway on the south, and another highway 24 ells wide on the west'; and (2) 'another piece of waste ground of the said muir, between the said western highway on the east, the lands of Merchimstoun on the west, a piece of land belonging to Thomas Aikenheid on the north, and the said way and common muir on the south.'³ From this description it is evident that the first subjects are situated to the east of Morningside Road, while the second subjects lie to the westward of that road. Now, the *first of these subjects*, afterwards known as the lands of *Easter Morningside*, consisted originally of 18 acres, of which, as above mentioned, Stevenson's son, Andrew, then designed one of the Regents of the College of Edinburgh, who succeeded his father in 1617,⁴ sold 3 acres to Dr. John Livingston in 1657, which thereby became merged in the lands of Greenhill.⁵ *This* Andrew Stevenson, at the same time, sold the remaining portion of 15 acres to Thomas Beg, merchant, and his son, Thomas Beg, junior.⁶ John Beg, son of the younger Thomas, completed his title to

¹ *P. R. of S. Edin.*, vol. 750, f. 245.

³ *City Chart.*, i. 123, O.S.

⁶ *Ibid.*, ii. 83, O.S.

² *Burgh Records*, iv. 469.

⁴ *Ibid.*, i. 272, O.S.

⁶ *Ibid.*, ii. 81, O.S.

inter alia these lands by charter dated 21st September 1673,¹ and John Kein, baker, succeeded as heir of John Beg on 27th May 1696.² The property then passed successively into the hands of William Menzies, merchant, afterwards Sir William Menzies of St. Germain's, Mr. Thomas Menzies of Letham, Advocate, Gavin Baillie, merchant in Edinburgh (who built the present mansion-house), and Margaret Aitkine his spouse, William Murray, Deputy Receiver of Customs, and his daughter, Margaret Murray of Pitkeathly, afterwards wife of William Mercer of Aldie, Alexander M'Millan, W.S., Edinburgh, and Duncan M'Millan, writer, his cousin, whose creditors disposed the lands to Alexander Houstoun, in 1786. The titles are noted below.³

The subjects *second described* of lot 6, which were feued to the first Andrew Stevenson, were situated on the west side of the Morningside Road, and latterly became known under the name of *Burghmuirhead*. This portion of the Wester Muir lay, to a large extent, outside the historical events which agitated the remainder of the Burgh Muir. This roadway, and that of Whitehouse Loan, formed the two leading highways in the Wester Muir, and were both, by orders of the Town Council, given the spacious width of 24

¹ *City Chart.*, ii. 127, O.S.

² *Ibid.*, ii. 133, O.S.

³ 30 June 1697. Charter to William Menzies; on resignation by John Kein. *City Chart.*, ii. 353, N.S.

8 Sept. 1725. Precept of C. C., Thomas Menzies, heir of Sir William Menzies. *Ibid.*, iii. 183, N.S.

18 Oct. 1727. Charter to Gavin Baillie and Margaret Aitkine; on resignation by Thomas Menzies of Gledstones. *Ibid.*, iii. 208, N.S.

6 Mar. 1754. Charter to Mrs. Margaret Murray of Pitkeathly, of the 15 acres of Easter Morningside, 'with the Mansion House built by the deceased Gavin Baillie.' *Ibid.*, iv. 102, N.S.

4 May 1763. Charter to Wm. Mercer; on disposition by his spouse Margaret Murray. *Ibid.*, iv. 186, N.S.

2 Dec. 1767. Charter of Resignation to Alexander M'Millan. *Ibid.*, iv. 297, N.S.

19 June 1786. Sasine, Alexander Houstoun; on disposition by said Alexander M'Millan to Duncan M'Millan, and Disposition by Trustee for Creditors of the latter. *P. R. of S. Edin.*, vol. 299, f. 282.

ells. The ex-Regent Morton, after his fall in 1580, was conveyed along the Morningside Road as a prisoner, on his way to Dumbarton Castle; and an attempt at rescue made by his friends, who had assembled among the rocks of the Braids, proved abortive. Then in the rainy month of August 1650, the Braids were occupied by Cromwell and his forces, and his cavalry outposts were pushed down the old Braid Road towards the city. It must be admitted that the inhabitants of the Muir suffered only trifling damage through the proximity of the Ironsides when on a war footing. The crops in a few cases, such as that of John Paip [Pope] in the South Muir, were carried off for the use of their horses; but in other instances—Samuel Johnston of Sciennes, and John Dickieson, the lessee of the Burgh Loch—the damage is stated to have been caused either by ‘the troubles of the times,’ or, ‘through the grass having been destroyed by our own army.’¹ The Town Council seem to have compensated the losers by making suitable reductions in their feu duties or rents. Cromwell, on this occasion, restrained the destructive hand of war. Indeed, his sole quarrel with the Scots lay in their support of the royal cause, and he lingered on the Braids, in the hope that his friends in the Scottish camp would succeed in seducing them from their allegiance. The ministers—at least the Commission of the General Assembly—met daily in the West Kirk [St. Cuthbert’s], and employed themselves in the congenial task of ‘purging the roll’ of the unorthodox in the army; and, on 13th August 1650, the Commission passed a resolution that, unless King Charles ‘subscribe and emit the Declaration offered unto him by the Committee of Estates and Commissioners of the General Assembly,’ they will ‘with convenient speed take in consideration the papers lately sent unto them from Oliver Cromwell.’²

¹ *MS. T. C. M.*, xviii. 1, 75.

² *Official Contemporary Minute*. Printed by Evan Tyler, Printer to the King’s most Excellent Majestie, 1650. *Probably unique*.



West-kirk the 13. day of August, 1650.

THE Commission of the Generall Assembly considering that there may be just ground of stumbling from the Kings Majesties refusing to subscribe and emit the Declaration offered unto him by the Committee of Estates, and Commissioners of the Generall Assembly concerning his former carriage and resolutions for the future, in reference to the Cause of God and the enemies and friends thereof; Doth therefore declare that this Kirk and Kingdom doe not own nor espouse any Malignant party or quarrell or interest, But that they fight meely upon their former grounds and principles, and in defence of the Cause of God and of the Kingdom, as they have done these twelve years past: And therefore as they doe disclaim all the sinne and guilt of the King and of his house, So they will not own him, nor his interest, otherwise then with a subordination to God, and to farre as he ownes and profesures the Cause of God, and disclaims his and his Fathers opposition to the Work of God and to the Covenant, and likewise all the enemies thereof; And that they will with convenient speed take in consideration the papers lately sent unto them from OLIVER CROMWEL, and vindicate themselves from all the falsehoods contained therein, especially in those things, wherein the quarrell betwixt us and that partie is mis stated, as if we owned the late Kings proceedings, and were resolved to prosecute and maintain his present Majesties interest, before and without acknowledgement of the sinnes of his house and former wayes, and satisfaction to Gods people in both Kingdomes.

A. Ker.



13. of August, 1650.

THE Committee of Estates having seen and considered a Declaration of the Commission of the Generall Assembly anent the stating of the quarrell whereon the Armie is to fight, Doe Approve the same, and heartily concurt therein.

Tho: Henderson.

EDINBURGH
Printed by *Evan Tyler*, Printer to the Kings most Excellent Majestic, 1650.

This threat had the desired effect, and Charles, no doubt as a matter of expediency, signed the document. Sixteen years later it was down the Old Braid and Morningside Roads that the unfortunates from Rullion Green were driven into the city at the point of the sword by Dalyell's savage troopers. The Morningside Road and the Dalkeith Road are linked up by the Grange Loan, along which Prince Charlie and his Highlanders marched on 17th September 1745, when on their way to Holyrood.

The original feu charter, dated 10th January 1587-8, of the lands at Burghmuirhead, in favour of Andrew Stevenson, and his son's title in 1617, have already been mentioned; and under a Precept of Clare-Constat, dated 2nd November 1668,¹ Dr. Archibald Stevenson—afterwards Sir Archibald Stevenson, M.D.—succeeded his father, Andrew Stevenson, minister of Dunbar. Two years later, the subjects were acquired from Dr. Stevenson by John Scoon, mealmaker in Gorgie, and Bessie Borthwick, his spouse.² The small lands of Burghmuirhead consisted of a narrow strip of ground which now forms a portion of the west side of Morningside Road, and occupied a commanding site with views to the east, south, and west; and it was this John Scoon, the Gorgie mealmaker, who recognised the possibilities of his purchase as a desirable place of residence. He built a number of houses there, and in 1692 he disposed the southern portion to William Archibald, a writer in Edinburgh, and described the subjects, apparently for the first time, as situated in the Burghmuirhead. Archibald followed Scoon's example in erecting other dwelling-houses there, and it was thus, in the last decade of the seventeenth century, that the village of Burghmuirhead took its rise. Archibald sold his property to James Russell, and it was ultimately sold in 1742 by his creditors to Edward Horseman, Supervisor of Excise for the Canongate district,

¹ *MS. City Chart.*, ii. 13, *N.S.*

² *Ibid.*, ii. 31, *N.S.*

who received a Charter of Adjudication from the magistrates on 20th July 1763.¹ These subjects remained in the Horseman family until 1802, when they were sold by Mary and William Horseman to James Howden, a well-known Edinburgh watchmaker, and Elizabeth Morison, his spouse, who completed their title by Sasine, recorded on 28th February 1803.²

In the meantime Scoon had sold to William Jamieson, slater, the northern portions of his property, consisting of 'that high house covered with slate in the Burrowmuirhead, with cellar and little close built within the great close adjoining to said high house on the south, bounded by the King's high way on the East; also the dwelling houses built by the deceased John Scoon, upon the north side of said high house, with the area of land or yeard pertaining thereto, and lying at the back or west side of said houses,' and from Jamieson they passed to Adam Craig, musician,³ whose children sold them in lots. Ultimately the northern portion, after passing through many hands, came, during the years 1799 and 1800, into the possession of James Howden, the watchmaker, who completed his title by Sasine also recorded on 28th February 1803. In a subsequent Feu Charter by George Watson's Hospital in favour of Matthew Brown and John Welsh, recorded in 1876, it is stated that these three subjects at the Burghmuirhead were then known as one property by the name of the villa and grounds of Grangebanc. On 24th July 1816 the Town Council sold, *inter alia*, their superiority over the lands of Burghmuirhead to Archibald Mackinlay, merchant, Edinburgh, who completed his title by Sasine on 5th August following.⁴

The last remaining lot in the roup of the Wester Muir in 1586, is that of lot 4, feued to Andrew Napier, merchant,

¹ *City Chart.*, iv. 201, N.S.

² *P. R. of S. Edin.*, vol. 497, f. 189.

³ Charter of Resig. and Conf., 6 September 1727, *City Chart.*, iii. 212, N.S.

⁴ Sasine, *P. R. of S. Edin.*, vol. 784, f. 72.

brother to Sir Archibald Napier of Edenbilly, and Janet Kyle his spouse, in liferent, and Archibald Napier their son, in fee. It is described as consisting of '26 acres of the West Muir, having the common way leading to the Burgh on the east, march stones and a pathway near the land of Briggs on the south, and a pathway of six ells near the lands of Tipperlyn and Merchimstoun on the west and north.' The land of Briggs above referred to was part of the Estate of Braid, lying south of the Jordan, and so named after the little bridge over that diminutive stream. The Feu Charter of lot 4 appears in the old Chartulary under date 3rd February 1586-7. These subjects seem to have been acquired by John Cant of Morton, whose youngest son, Lodovick, was confirmed therein by the magistrates on 29th October 1656,¹ from whom they passed, in the following year, into the hands of Thomas Beg, elder, merchant, in liferent, and Thomas Beg, younger, in fee.² John Beg, son of this Thomas Beg, acquired the lands under charter dated 21st September 1673,³ and he was succeeded by his heir John Kein, baker in Leith, in 1696.⁴ In the following year William Menzies, the proprietor of Easter Morningside, acquired the 26 acres, and was succeeded in both subjects by his son, Thomas Menzies. Thereafter the 26 acres remained in the hands of the proprietors of Easter Morningside down to the year 1764, when they were acquired by John Orr, tenant in Morningside. His eldest son, Peter, thereafter sold the 26 acres, now called the lands of Wester Morningside, to John Mosman, merchant, from whose nephew, Hugh Mosman of Auchtyfardle, they passed in 1789 into the hands of Francis Garden of Troup, and late of Gardenstone, one of the senators of the College of Justice. His nephew, also named Francis Garden, disposed Wester Morningside to David Deuchar, seal engraver, in 1801, and he was succeeded fifteen years later by his youngest son, William Deuchar.

¹ *City Chart.*, ii. 78, O.S.

³ *Ibid.*, ii. 127, O.S.

² *Ibid.*, ii. 79, O.S.

⁴ *Ibid.*, ii. 134, O.S.

The titles are noted below.¹ In 1816 the city disposed their superiority of the 26 acres, called Wester Morningside, to Andrew Bonar, banker, Edinburgh, in liferent, and John Bonar, his eldest son, in fee.

There are three remaining portions of the Wester Burgh Muir to be found in a sasine recorded 24th February 1803,² in favour of the governors of George Watson's Hospital, vesting them in the whole Lands and Barony of Merchiston. These portions of the Muir are described as :

- (1) Piece of waste ground in the Wester Common Muir, containing in length from the east to the north 38 ells and a half, and in breadth 32 ells from south to north, contiguous to the yard and croft of Merchiston, called Lady Acres³ towards the south-east, betwixt the said croft upon the east and north, the common passage leading from Merchiston to the Burgh upon the south, and the West Muir and a certain small loch respective upon the east.⁴
- (2) Piece of waste ground lying upon the west end of the Common Muir, containing in length south and

¹ 15 August 1764. Charter of Resignation ; John Orr. *City Chart.*, iv. 232, *N.S.*
 25 March 1789. Charter of Confirmation ; Hugh Mosman of Auchtyfardle. *Ibid.*, vii. 3, *N.S.*
 18 November 1789. Charter of Confirmation ; Francis Garden. *Ibid.*, vii. 15, *N.S.*
 6 November 1793. Sas. on Precept of C. C., Francis Garden as heir to his uncle, Francis Garden. *P. R. of S. Edin.*, vol. 384, f. 180.
 16 September 1801. Sasine, David Deuchar ; on Disposition by Francis Garden. *Ibid.*, vol. 475, f. 112.
 1 May 1816. Sasine, William Deuchar. *Ibid.*, vol. 776, f. 254.
² *P. R. of S. Edin.*, vol. 497, f. 176.
³ The Lady Acres were situated between the mansion-house of Wright's Houses and the Morningside Road.
⁴ 10 October 1617. Precept of C. C., Sir Arch. Napier of Merchingstoun, as heir to Sir Arch. Napier, of Edenbellie, his father. *City Chart.*, i. 280, *O.S.*
 17 February 1647. Precept of C. C., Arch. Lord Napier as heir to his father Arch. Lord Napier. *Ibid.*, ii. 59, *O.S.*
 9 February 1666. Precept of C. C., James Lewis as heir of Ninian Lewis of Merchinstoun. *Ibid.*, ii. 94, *O.S.*

north 120 ells, and in breadth 8 or 9 ells, and is now a part of the inclosure made by deceased James Lowis of Merchiston, bounded by Lands of Little Merchiston on north, the Lady Butts on the west, the piece of waste ground before mentioned on the south and west, and the common muir and little loch on the east.¹

- (3) Piece of ground containing 3 acres and 1 rood on north side of Merchiston Loch and west side of the high road from the city to Linton, with said loch of Merchiston itself; bounded the said piece of ground and loch with the Hospital's other lands on the south and north, the park dykes of Merchiston partly on the south and west, and by said high road on the east.²

It is to be remembered also that on 18th March 1583-4, the Town Council 'at the desyre of Sir Archibald Naper of Edinbellie, Knycht, laird of Merchinstoun, and for the guid will and favour borne and schawin be him to the guid town at all tymes, hes condiscendet and agreitt to sell and dispone to him a littill peice waist and improffitable rowm . . . lyand contigue to his lands of Merchinstoun, for compleitting out of the form and fassioun of his yaird, in just proportioun of the four nuiks thair of, he payand thairfore to the guid town and thair thesaurer in thair name the sowm of fiftie merks.'³ This transaction (4) was probably of the nature of a purchase and not a feu.

From the above it is evident that lots (1), (2) and (4) may form part of the Burgh Muir; but the 3 acres and 1 rood forming lot 3 above mentioned, although not stated definitely to form part of the Muir, were situated on the west side of the road to Morningside. Probably the whole four

¹ 20 July 1670. Charter, James Lowis. *City Chart.*, ii. 34, *N.S.*

² 19 September 1759. Disposition by magistrates to George Watson's Hospital. *Ibid.*, iv. 158, *N.S.*

³ *Burgh Records*, iv. p. 329.

filled up gaps between the two Estates of Merchiston and Wright's Houses.

Previous to the year 1586 there existed immediately behind the lands of Morningside the ancient village of Tipperlinn, and the villagers, like their compatriots in other rural parts of the country, held their cottages and annexed yards merely on lease from their superiors. The Wester Muir was roused for feuing purposes by the Town Council on 2nd August 1586, and on the 17th of that month they ordained that 'in designatioun of the bounds of the pairt of the Wester Mure sett in few to Androw Naper, that thair be left furth thair of and reservet for ane passage the quantitie of ane fall of breid fra Merchinstownis Buts to the Tipperlyn quhill it cum to the hiegaitt besyde the Brighous called Browms of the Brigs.'¹ The Council evidently regarded this road as the western boundary of the Muir, and it extended southward along the western side of the 26 acres of Morningside down to the Jordan Burn. In the Riding of Marches of 1701 the Council reported that they proceeded 'to Merchistoun where the Council observed y^t ye Laird of Merchistoun neither attended nor payed his dewes required, but that he had encroached upon the entrie to Tipperlin Loan by setting a row of trees upon the said Loan; Thence alongest Tipperlin Loan until the south end yrof where the Council was stopped by a dyke built by Baillie Menzies which takes in the whole Loan where the Council were informed that the same was about six elnes broad at the narrowest part yrof and that the old march stones were removed and built in the new dyke.'² But the servitude has been continued in the titles of the lands of Myreside, acquired in 1842 by the Royal Lunatic Asylum.³ It is there stated that the Myreside lands are bounded on the east by Tipperlinn Lane or Loaning, partly by ground belonging to John Deuchar of

¹ *Burgh Records*, iv. 471.

² *MS. T. C. M.*, xxxvi. 804.

³ 21 January 1842. *Sasine, P. R. of S. Edin.*, vol. 1643, f. 166.

Morningside, and partly by property belonging to the Asylum, under servitude of the road or footpath leading from the village of Tipperlinn, along the east boundary of said grounds to the south, claimed by the inhabitants of Tipperlinn and other proprietors in that quarter. The village itself was comprised within these 26 acres of Morningside, and therefore within the bounds of the Burgh Muir. The 'Bore Stone' erected on a pedestal in front of the Morningside Parish Church stood, originally, on the east side of the Morningside Road, opposite the entrance to the road to Tipperlinn, formerly known as the Dow or Dove Loan, now Albert Terrace. Tradition asserts that it was on this stone that the Royal Standard was erected at the assembling of the Scottish army on the Burgh Muir for the Flodden campaign; while Maitland identifies it as the Hare Stone, on which the Lairds of Penicuik saluted the King when passing to the hunt. In 1770 Dr. Thomas Steel of Burghmuirhead, for himself and on behalf of Walter Neilson of Bothwelshields, late merchant in Edinburgh, and Thomas Gladstones, merchant in Leith, under the firm of Steel, Gladstones and Company, manufacturers of oil and vitriol, feued from John Orr, farmer in Granthill and of Morningside, 1 acre and 1 rood of ground at Tipperlinn, where they established a large chemical factory, known as the Tipperlinn Chemical Works.¹ This piece of ground was acquired in 1853 by the Royal Edinburgh Asylum for the Insane. Dr. Steel also feued from William Mosman of Canaan, in 1797, three acres forming part of the park in which the farmhouse of Canaan was situated, bounded by Morningside Road on the west, and Canaan Lane on the south, on which he erected magnesia works.²

Perhaps the largest and most beneficent building ever erected on the Burgh Muir of Edinburgh was the Edinburgh Lunatic Asylum, now largely expanded and known under the

¹ Sasine, 17th May 1771, *P. R. of S. Edin.*, vol. 192, f. 360.

² Sasine, 18th July 1797, *ibid.*, vol. 423, f. 126.

designation of the 'Royal Edinburgh Asylum for the Insane.' The earliest building was the old Asylum, or East House, erected on four acres forming the southmost part of Francis Troup's 26 acres of the lands of Morningside, which he had feued on 20th December 1793 to Catherine Burnett, spouse of Alexander Forbes, younger of Shivas.¹ These four acres were disposed by Mrs. Forbes to the Asylum in 1808, but owing to the omission of a signature in the deed, the sasine was not expedite until 1842.² But it was in consequence of the efforts of the public-spirited Dr. Andrew Duncan, senior, induced through witnessing the harrowing sufferings of the unfortunate Robert Fergusson, the Edinburgh poet, that ultimate success was obtained in establishing one of the first asylums for the insane in Scotland. The story, although of more than general interest, is a painful one, and we have transcribed the following detail with its footnotes, from a Memorandum³ prepared by the distinguished Sir Arthur Mitchell:—

'The lunacy of Fergusson the poet first led the philanthropic Andrew Duncan to feel that Edinburgh ought to have an asylum for the insane.⁴ Dr. Duncan found Fergusson in a state of furious insanity, living in the house of his mother, an old widow in straitened circumstances. Her feeble state, the situation of her house, and other things, made it impossible to treat Fergusson or secure his safety while he remained at home; and after fruitless efforts to have him provided for in a more suitable place, he was removed to the City Bedlam,⁵ where death ended

¹ 13 June 1794. Sasines, *P. R. of S. Edin.*, vol. 391, f. 47.

² 21 January 1842. Sasines, *ibid.*, vol. 1643, f. 173.

³ Memorandum by Dr. Arthur Mitchell on the Position of the Royal Edinburgh Asylum for the Insane. 28th December 1882.

⁴ *A Letter to His Majesty's Sheriff-Depute in Scotland*, by Dr. Andrew Duncan, Edinburgh, 1818, p. 4. The Dr. Duncan referred to in this Memorandum was, and still is, commonly spoken of as Dr. Andrew Duncan, *senior*.

⁵ 'An old Minute Book of the Charity Workhouse shows that Fergusson's death was reported, among other deaths, at a meeting held on 18th October 1774, and the chilling record stands thus:—"Mr. Ferguson, in the Cels." Of the other persons whose deaths were reported to that meeting, the Christian names are given and no prefix. It

his sufferings on the 16th of October 1774, his last days being spent among pauper lunatics, whose situation at the time is described as "deplorable" and "a disgrace to the community." From the date of Fergusson's illness, Dr. Duncan tells us that his endeavours were steadily turned to the erection of a Lunatic Asylum near Edinburgh. The existing Asylum is the ripe fruit of these endeavours. Dr. Duncan was moved to the action he took by finding himself unable to provide for a man of Fergusson's culture and habits, when overtaken by insanity, otherwise than in association with paupers. "In my opinion," he says, "it is impossible to conceive a more interesting object of charity than the man of genius when a pauper lunatic."

It was long after Fergusson's death, however, that Dr. Duncan's idea was carried out. In 1792 an appeal was made by the Lord Provost of Edinburgh and others for funds; but the state of the country was unfavourable for the moment. In 1806 the Trustees of the projected Asylum obtained a grant of £2000 from Parliament out of the Forfeited Estates fund, and this led to the purchase of the four acres, for which the sum of £1420 was paid. In the following year a Charter of Incorporation was obtained, and on 8th June 1809 the foundation stone was formally laid, although it was not until 19th July 1813 that the first patient was admitted. Robert Burns has immortalised the poetic genius of poor Fergusson by the erection of the well-known monument over his grave in the Canongate Churchyard; and it may be asserted that the sufferings of Fergusson have been mainly

was probably without conscious intention that the writer of the minute showed that poor Fergusson was *uncomfortable* with the others on the list. Thomas Summers, in his *Life of Fergusson* (Edin. 1803), calls the Bedlam "a dreary and sequestered mansion," and says that the poet slept on "loose uncovered straw, on a stone floor." The building of a Bedlam was resolved on by the Magistrates and Council of Edinburgh on the 15th of June 1698. The Hospital of St. Mary of Bethlehem was bestowed on the City of London in 1545, and not long after this all places for the reception of the insane were called Bedlams, and a Bedlamite became another name for a lunatic. There was no Bedlam in Scotland till 1698. This at least may be inferred from the note appended by Fountainhall to the case of Alexander Burton in 1681, to the effect that, as there was no Bedlam in Scotland, the better sort of lunatics were committed to the training of doctors, and the poorer sort to the prison and the scourge.'

instrumental in ameliorating, since his day, the unhappy condition of the mentally afflicted. In 1853 the Asylum purchased from Isabella Steel, relict of Walter Oliphant, bookseller, Edinburgh, the 1 acre and 1 rood at Tipperlinn on which Dr. Steel's Chemical Works stood,¹ and in the course of the succeeding four years they acquired the remaining portions of the village of Tipperlinn as then existing, comprising 4 falls feued to Henry Murray, weaver, in 1775; 8 falls feued to Henry and George Murray, weavers, in 1791; 6 falls feued to Alexander Monach, weaver, in 1768; also two old houses and a piece of ground enclosed with a timber rail, measuring $13\frac{1}{2}$ falls, all bounded on the west by the Tipperlinn Road,² which, as previously explained, forms the western boundary of the Burgh Muir. It was in 1839 that the Asylum expanded itself outwith the bounds of the Burgh Muir, by acquiring from George Watson's Hospital 49 acres 3 roods $16\frac{1}{4}$ falls Imperial, of the farm of Myreside, part of the Estate of Merchiston, and on this ground in the following year the West House was erected. The right of way, established in 1586, which traversed the space between the East and West Houses, was felt to be so well founded that these two asylum buildings were connected by an underground passage running beneath the roadway. Since those days the East House has disappeared, and its site occupied by modern buildings. Further, the beautiful, artistic Craighouse, with its villas and homes—built on what has been described as 'the finest site in Edinburgh'—has been added, and the Royal Edinburgh Asylum for the Insane, if not the largest of its kind in Scotland, can at least claim to be the most progressive in the treatment of insanity. During the present year (1918) no fewer than 950 patients find shelter and kind treatment within its walls.

¹ 21 November 1853. Sasine, *P. R. of S. Edin.*, vol. 1975, f. 204.

² 29 May 1854 and 27 May 1857. Sasines, *ibid.*, vol. 1992, f. 97 and vol. 2093, f. 115.

XIV. THE EASTER MUIR

After dealing with the Wester Muir in this drastic fashion, the magistrates, along with William Little the Provost, on 9th August 1586, 'convenit in the Eister Mure of this burgh for rowping and setting of the waist pairt thair of according to the proclamatioun maid the iij of August instant.' It was arranged to divide the feuable lands into sections, and for that purpose they fixed the width of the four roadways in the neighbourhood, viz. the Dalkeith Road to be twenty-four ells wide, the Liberton Road to be eighteen ells wide, what now forms the East and West Preston Streets to be nine ells wide, and the roadway known as Cant's Loan, and afterwards as the Mayfield Loan, to be also nine ells in width. The land contained within these four roadways is described in the Record as the 'body of the Muir,' and was divided into six sections running from north to south, each consisting of $8\frac{1}{2}$ acres, and were disposed of as follows:—

The first part to William Stewart, Clerk Depute, yearly feuduty 14 bolls 3 firlots 2 pecks bear.

The second part to John Robertson, yearly feuduty 18 bolls 1 peck.

The third part to William Stewart, yearly feuduty 14 bolls 3 firlots 2 pecks bear.

The fourth part to John Hucheson, Merchant, for 17 bolls meal yearly.

The fifth part, known as Lowsie Law, to Alexander Slowman in name of David Williamson, for 18 bolls 1 peck meal yearly, and

The sixth part to Alexander Slowman, for 18 bolls 1 peck bear yearly.

According to their usual practice, the magistrates dealt liberally in the matter of the mensuration of the ground.

They ordained that each of the six sections should 'contene aucht acre and ane half of the *lairger mesure* be ressoun the samyn is waist and vnteillet lands, and ilk pairt to haif ane half elne for their balk ; and the twa dykes to be biggett, to wit, the eister and wester dykes to haif, ilk ane, ane elne for the said dyke.'

At the same time the magistrates also feued out certain portions of the Muir lying to the south of the Mayfield Loan, viz. (1) plot of 8 acres towards the Powburn to Andrew Stevensoun for 14 bolls bear yearly, and (2) what were termed the 'twa guschatts' extending to 4 acres, to William Stewart, Depute Town Clerk, for a yearly duty of six bolls bear.

In addition to the yearly duty, there was exacted for entry money in every case a sum of 50 merks per acre.

Turning then to the lands of Newington, and the six sections of the Muir of which it is comprised, it will be noticed, from the *précis* of titles given below,¹ that five of these sec-

¹ SECTION I. (WILLIAM STEWART.)

- 29 Sept. 1587. Feu to William Stewart, Depute Clerk of Edinburgh, and Katharine Bannatyne, his spouse, in liferent and Ludovic Stewart in fee—of the first new east piece of the Muir. *City Chart.*, i. 116, *O.S.*
- 28 Nov. 1628. Charter to Margaret Sluman or Ker, spouse of Robert Ker of Brumelands, and heir of Alexander Sluman, her grandfather ; on resignation of said Ludovic Stewart. *Ibid.*, ii. 20, *O.S.*
- 3 Aug. 1636. Charter to Nicolas Uddert and Janet Loch, his spouse ; on resignation of the Kers. *Ibid.*, ii. 30, *O.S.*
- 14 Sept. 1639. Charter to John Hamilton of Boghall, and others in $\frac{1}{2}$ parts ; on resignation of Nicolas Uddert. *Ibid.*, ii. 46, *O.S.*
- 16 Sept. 1639. Charter to Alexander Elleis of Mortounhall, in $\frac{1}{2}$ part ; on resignation of Nicolas Uddert. *Ibid.*, ii. 50, *O.S.*
- 27 June 1649. Charter to Alexander Elleis of Newington ; on resignation by John Hamilton and others. *Ibid.*, ii. 60, *O.S.*
- 18 Feb. 1653. Charter to John Lauder, Merchant, and Isobell Eleis, spouses ; on conveyance in security by Alexander Eleis in 1652. *Ibid.*, ii. 63, *O.S.*
- 19 June 1713. Charter to Dr. William Lauder ; on resignation of his father, Sir John Lauder, Elder of Fountainhall, in terms of Contract of Marriage between said William Lauder and Rachel Winram dated 12 December 1679. *Ibid.*, iii. 58, *N.S.*
- 28 Feb. 1733. Charter to John Henderson, grandson of John Henderson of Leistoun ; on disposition by Dr. William Lauder to Alexander Pitcairn, W.S., in 1719 ; assignation to Archibald, Earl of Rosebery in 1720 ; disposition to John Henderson, Senior, in 1721 ; and disposition to John Henderson, the grandson, in 1733. *Ibid.*, iii. 237, *N.S.*

tions, viz. 1, 3, 4, 5, and 6, merged into the hands of the family of the Slowmans, evidently wealthy merchant burghesses of Edinburgh, who were the first feuars of lot 6. The second section, situated between Nos. 1 and 3, feued to John Robertson, merchant, had been meantime acquired by the family of Johnston, who owned the Sciennes, and who apparently refused to sell. Margaret, the granddaughter of Alexander Slowman, the original feuar, married Robert Ker of Broomlands, and she made up title to these five sections by charter dated 28th November 1628. Eight years later she sold these properties to Nicholas Uddert, from whom they passed into the hands of certain creditors who conveyed them, by charter dated 27th June 1649, to Alexander Ellis, formerly of Mortonhall, and designing himself as of Newington. Apparently Ellis had been financed by John Lauder, merchant, and his wife Isobel Ellis, and

- 27 Oct. 1762. Charter to John Henderson of Leiston, confirming the writs in the immediately preceding minute. *City Chart.*, iv. 183, *N.S.*
- 23 May 1770. Charter of Confirmation to William Crichton, Merchant, London, and Alexander Crichton, Coachmaker in Canongate; on disposition by John Henderson to Patrick Crichton dated 28 December 1751. *Ibid.*, iv. 329, 334, *N.S.*
- 11 Feb. 1784. Precept of Clare Constat, Alexander Crichton as heir of William Crichton, in one half. *Ibid.*, vi. 58, *N.S.*
- 27 Nov. 1799. Charter of Resignation to Alexander Wood, Surgeon, Edinburgh; on disposition by Trustees for Creditors of Alexander Crichton, dated 15 November 1799. *Ibid.*, viii. 65, *N.S.*

SECTION II. (JOHN ROBERTSON.)

- 3 Oct. 1586. Charter to John Robertson in liferent and John Robertson, his son, in fee. *Ibid.*, i. 80, *O.S.*
- 3 Sept. 1617. Charter to Samuel Johnstoun, second son of Archibald Johnstoun, Merchant, and to Helen Moresoune, his future spouse. *Ibid.*, i. 275, *O.S.*
- 11 Sept. 1661. Precept of Clare Constat of James Johnston as heir of Samuel Johnston of Shiens. *Ibid.*, i. 373, *N.S.*
- 16 May 1673. Charter to Rachel, Henrietta, and Ann Johnston; on disposition by said James Johnston. *Ibid.*, ii. 84, *N.S.*
- 10 June 1691. Charter to Alexander Hamilton, Merchant and Bailie of Edinburgh; on decret of apprising against James Johnston of Shiens. *Ibid.*, ii. 291, *N.S.*
- 13 Feb. 1734. Charter to Sir James Johnston of Westerhall; on disposition by said Alexander Hamilton in 1698, and Contract of Marriage between Major John Johnston of Westerhall and said Rachel Johnston, dated 1 March 1700. *Ibid.*, iii. 245, *N.S.*
- 4 Dec. 1751. Charter of Confirmation to John Henderson, younger, of Leiston; on disposition by Sir James Johnston, dated 3 August 1734. *Ibid.*, iv. 71, *N.S.*

The subsequent writs are the same as Section I.

ultimately the five sections came into the possession of their grandson, Dr. William Lauder, son of the celebrated Senator of the College of Justice and historian, Sir John Lauder of Fountainhall. From Dr. Lauder the five sections then passed to John Henderson of Leistoun, whose grandson, John Henderson of Leistoun, and afterwards designed as of Newington, succeeded to them in 1733. He likewise acquired section 2 from the Johnstons in the following year, thereby becoming proprietor of the whole lands of Newington. They remained in the hands of the Hendersons until 1751, when they were conveyed to Patrick Crichton, saddler in Edinburgh, the creditors of whose son Alexander sold them to Dr. Alexander Wood in 1799.¹ By disposition recorded

SECTION III. (WILLIAM STEWART.)

Same progress of writs as Section I.

SECTION IV. (JOHN HUTCHESON.)

- 3 Oct. 1585. Feu to John Hutcheson, Merchant. *City Chart.*, i. 85, *O.S.*
 5 Dec. 1596. Charter to Alexander Slowman, Merchant and Burgess, and Mariota Keyne, spouses; on resignation of John Hutcheson. *Ibid.*, i. 207, *O.S.*
 26 Oct. 1627. Precept of Clare Constat, Margaret Slowman, as heir to her grandfather, Alexander Slowman, and resignation by her to her husband, Robert Ker. *Ibid.*, ii. 17, *O.S.*
 3 Aug. 1636. Charter to Nicolas Uddart and Janet Loch, spouses; on resignation by said Robert Ker. *Ibid.*, ii. 30, *O.S.*
 14 Sept. 1639. Charter to John Hamilton and others; on resignation by said Nicolas Uddart. *Ibid.*, ii. 46, *O.S.*
 27 June 1649. Charter to Alexander Eleis of Newington; on resignation of said John Hamilton and others. *Ibid.*, ii. 60, *O.S.*

The subsequent writs are the same as Section I.

SECTION V. (DAVID WILLIAMSON.)

- 3 Oct. 1586. Feu to David Williamson, Merchant, in the fifth part of the East Muir called the Lousielaw. *Ibid.*, i. 71, *O.S.*
 11 Aug. 1602. Charter to Alexander Slowman and Mariota Keyne, spouses; on resignation of David Williamson. *Ibid.*, i. 236, *O.S.*
 26 Oct. 1627. Precept of Clare Constat, Margaret Slowman, heir to her grandfather, Alexander Slowman; and resignation by her to Robert Ker, her husband. *Ibid.*, ii. 17, *O.S.*

The subsequent writs are the same as Section I.

SECTION VI.

- 3 Oct. 1586. Feu to Alexander Slowman and Mariota Keyne in liferent, and David Slowman their eldest son in fee. *Ibid.*, i. 68, *O.S.*
 26 Oct. 1627. Precept of Clare Constat, Margaret Slowman, as heir to her father, David Slowman, and resignation by her to Robert Ker, her husband. *Ibid.*, ii. 19, *O.S.*

The subsequent writs are the same as Section I.

¹ Sasine, *P. R. of S. Edin.*, vol. 451, f. 54.

27th July 1816, the city disposed to James Cheape of Strath-tyrum *inter alia* the superiority of the whole of the lands of Newington.¹

South of the six sections forming the modern estate or district of Newington is another block of properties known as the lands of Powburn, Newlands *alias* Mayfield, and Rosebank, which are now generally referred to as the lands of Mayfield. This block formed the south-east corner of the Burgh Muir, and was bounded by the Liberton Road on the west, the Powburn on the south, the lands of Cameron—now represented at this point by Newington Cemetery—and the Dalkeith Road on the east, and the Mayfield Loan on the north. It so happened that in 1530 the first six feued portions of the Muir—‘the auld feuit pairts’—were contained within this block, and the magistrates in August 1586 were able to feu off only the remaining portions consisting of the eight acres situated on the western side to Andrew Stevenson, and what are called ‘*twa guschatts*’ situated on the eastern side—‘the ane lyand besyde the Preistisfeyld, and the uther besyde the Cameroun, estimatt to foure aiker or thairby’²—to William Wilson. These two gushets are somewhat difficult to localise. The western was the Cameron Gushet, which was situated to the north of the triangular northern boundary of Newington Cemetery, and was bounded on the east by the Dalkeith Road; while the east or Prestonfield Gushet lay to the eastward of the Dalkeith Road at the junction of that road with the old highway to Peffermill. Hence, the first gibbet was erected on the Cameron Gushet so as to face the two roads. Centuries later, it was succeeded by the Grayfield Toll. The ‘descriptions’ of the Prestonfield Gushet in the earlier titles are quite unrecognisable; but, in the later deeds, it is styled the ‘Gushet of Rosehall,’ bounded by said road to Peffermill upon the east, the Dalkeith Road on the west, the lands of Sir Alexander Dick of Prestonfield and

¹ *P. R. of S. Edin.*, vol. 783, f. 165.

² *Burgh Records*, iv. 470.

march baulk upon the south, and the parting of the two highroads upon the north parts.¹ This gushet was, therefore, formed at the angle caused by the junction of the two roads, and was the only part of the Burgh Muir that lay to the east of the Dalkeith Road. It was by this Peffermill highway and the Dalkeith Road that the unfortunate Queen Mary, after her surrender to the associate lords at Carberry Hill, was taken, weeping and her person dishevelled, with the dreadful picture of her murdered husband—carefully prepared beforehand—carried in front of her, on her way to the Provost's house. It was remarkable that the sad procession in the course of its journey should pass Craigmillar Castle, where the plot for Darnley's murder was hatched. The old highway to Peffermill was abolished about a century ago, and the present roadway from Peffermill to Cameron Bridge² substituted in its place.

Stewart, the Depute Town Clerk, who had feued the two gushets, soon found his right to the Cameron Gushet fiercely contested by David Preston, the laird of Craigmillar, who claimed the land as forming part of his estate of Cameron. Litigation followed, but it was only by a decree, dated 26th January 1593-4,³ that the Court of Session ordained 'David Prestoun of Craigmillar to haif done wrang in the wrangus molestatioun and trubling of the saids provest, baillies, counsale, and communitie of the said burt, in thair possessioun, and bruiking of thair said commoun mure in proper commontie recentlie, the tyme above written, in manner forsaid, and to desist, and ces thairfra, and from all forder molestatioun and trubling of the saids provest, baillies, counsale, and communitie, thair tennents, and servands in thair names in thair possession, and bruiking of thair said common mure in proper commontie within all the bounds

¹ Sasine, John Home, recorded 10 June 1774, *P. R. of S. Edin.*, vol. 213, f. 270.

² The old highway appears in Kirkwood's Map of 1818.

³ *Reg. of Acts and Decrees*, vol. 145, f. 229.

thairof forsaied, and to suffer tham thair tennents and oysr in thair names peceable possess, bruik, and jois the same as thair proper commontie.' Accordingly, the Town Council passed an order on 8th May 1594¹ in favour of Stewart to enter into full possession of the Cameron Gushet under his original feu right.

Putting aside the Prestonfield Gushet, this block, as bounded by the Liberton Road on the west and Dalkeith Road on the east, consisted in 1586 of eight different properties or feus :—

- (1) The Powburn feu of 8 acres ; (2) John Dougall's feu of 3 to 4 acres ; (3) the feu of William Simpson of 4 acres ; (4) that of John Robertson of 4 acres ; (5) that of Walter Chepman, the introducer of the art of printing into Scotland, of 4 acres ; (6) that of David Heriot, Lytster (Dyer), of 4 acres ; (7) Patrick Fleming's feu of from 3 to 4 acres ; and (8) the Cameron Gushet of, say, 2 acres.

Now, we learn from the titles to Dougall's feu (No. 2) that it was originally bounded on the west by the ancient road to Liberton, and we gather that it was in 1586 that the magistrates, in order to form the Powburn feu of 8 acres, first straightened that roadway into the line which it presently occupies. The feus marked above from No. 2 to No. 7 inclusive, were probably the six earliest feus given off of the whole of the Muir—of the first three there can be no doubt—and their presence lends an additional interest to this block. Unfortunately, the first of the City Chartularies has disappeared in the troubles of the sixteenth century ; while the two remaining sets are incomplete. The progresses of the different properties are, in consequence, somewhat difficult to follow. A few of the original feu charters have been preserved in the Laing Charters in the University, particularly

¹ *MS. T. C. M.*, ix. 252.

those belonging to the feu of Patrick Fleming, and dating back to the year 1550.

Stevinson, who was a merchant in Edinburgh, was infefted in liferent, and his nephew, John Stevinson, in fee in the 8 acres of the Powburn by charter dated 3rd October 1586. John was the son of John Stevinson of Pitroddie, and was succeeded by his brother Andrew designed as apparent of Pitroddie in 1600. The progresses of the eight lots are noted below.¹

¹ 1. THE POWBURN FEU.

- 3 Oct. 1586. Charter, Andrew Stevinson in liferent, and John Stevinson in fee. *City Chart.*, i. 64, *O.S.*; *Laing Charters*, No. 1131.
- 17 Mar. 1600. Retour, Andrew Stevinson, heir of John Stevinson. *Laing Charters*, No. 1393.
- 17 Feb. 1615. Precept of Clare Constat, George Dewar, heir of his father, George Dewar, Burgess. *Ibid.*, No. 1719.
- 24 Feb. 1615. Charter confirming Letters of Sale, dated 10 Aug. 1614, by George Dewar to James Crawford, Goldsmith. *Ibid.*, No. 1720.
- 24 June 1636. Charter, Wm. Hog, eldest son of John Hog of Drylaws, and Margaret Crawford his spouse. *City Chart.*, ii. 35, *O.S.*
- 17 Nov. 1654. Charter, John Pape, eldest son of John Pape, Advocate. *Ibid.*, ii. 77, *O.S.*
- 28 Dec. 1660. Charter, John Davie, Indweller in Pleasance in liferent, and his son, James Davie, in fee. *Ibid.*, ii. 87, *O.S.*
- 15 Aug. 1684. Charter, John Davie, Portioner of Pleasance, and Isabella Crawford, spouses. *Ibid.*, ii. 245, *N.S.*
- 30 July 1718. Charter, Sir William Johnston of Westerhall. *Ibid.*, iii. 131, *N.S.*
- 13 Feb. 1734. Precept of Clare Constat, Sir James Johnston of Westerhall. *Ibid.*, iii. 251, *N.S.*
- 1 Oct. 1759. Sasine, John Home, Coachmaker, Edinburgh. *P. R. of S. Edin.*, vol. 154, f. 361.
- 10 June 1774. Sasine, said John Home and Agnes Young, his wife, in liferent, and Alexander Home, their son, in fee. *Ibid.*, vol. 213, f. 270.
- 30 March 1805. Sasine, Agnes Home, spouse of James Cleghorn, M.D., Dublin, and Margaret Alexander Home, spouse of Isaac Weld of the City of Dublin. *Ibid.*, vol. 538, f. 37.

2. JOHN DOUGALL'S FEU.

- 25 Feb. 1596. Charter, John Adamsoun, Merchant Burgess, on resignation of John Dougall, son of John Dougall, Burgess. *City Chart.*, i. 210, *O.S.*
- 18 Jan. 1622. Precept of Clare Constat, John Adamsoun, Advocate, as heir to said John Adamsoun, his father. *Ibid.*, i. 59, *N.S.*
- 17 Jan. 1662. Charter, William Hastie, Mealman. *Ibid.*, i. 377, *N.S.*
- 9 June 1665. Charter, Robert Adamson, Writer, and Mariota Nisbet his wife in liferent, and James Orme, her eldest son of first marriage, in fee. *Ibid.*, ii. 89, *O.S.*
- 16 Mar. 1683. Precept of Clare Constat, Henry Gillespie, as heir of said James Orme. *Ibid.*, ii. 132, *O.S.*
- 30 July 1718. Charter, Sir William Johnston of Westerhall, formerly William Johnston of Sheens. *Ibid.*, iii. 131, *N.S.*

The subsequent titles are the same as the Powburn feu.

The first common proprietors of the lands of Powburn, Dougall's 4 acres and Fleming's 3 acres, were John Davie,

3. WILLIAM SIMPSON'S FEU.

- 25 Sept. 1618. Charter, Nathaniel Uddert, son of Nicolas Uddert, Merchant. *City Chart.*, i. 293, *O.S.*
 7 Mar. 1634. Charter, Nicolas Uddert of Newington, and Janet Loch, his wife. *Ibid.*, ii. 28, *O.S.*
 27 June 1649. Charter, Alexander Ellis of Newington. *Ibid.*, ii. 60, *O.S.*
 18 Feb. 1653. Charter, John Lauder, Merchant Burgess, and Isobell Ellis, spouses. *Ibid.*, ii. 63, *O.S.*
 12 Dec. 1679. Contract of Marriage, Dr. William Lauder and Rachel Windram. *Sheriff Court Books.*
 22 Mar. 1704. Sasine, Walter Porterfield, Surgeon; on disposition by Dr. Lauder. *P. R. of S. Edin.*, vol. 67, f. 277.
 7 June 1749. Charter of Confirmation, Mary Menzies, relict of Alexander Menzies of Coulterallers. *City Chart.*, iv. 16, *N.S.*
 31 May 1799. Sasine, John Loch of Rachan. *P. R. of S. Edin.*, vol. 441, f. 39.
 6 Nov. 1802. Sasine, Agnes Home, or Cleghorn, and Margaret Alexander Home or Weld; on disposition by said John Loch, 21 Nov. 1801. *Ibid.*, vol. 493, f. 43.

4. JOHN ROBERTSON'S FEU.

5. WALTER CHEPMAN'S FEU, and

6. DAVID HERIOT'S FEU.

- 30 Aug. 1609. Charter, John Cant of Sanct Gillie Grange, son of Walter Cant. *City Chart.*, i. 245, *O.S.*
 29 Mar. 1637. Charter, William Dick of Braid, and Elizabeth Morrison, spouses; on resignation of John Cant. *Ibid.*, ii. 37, *O.S.*
 4 Jan. 1704. Sasine, Walter Porterfield, Surgeon; on disposition by Wm. Dick of Grange. *P. R. of S. Edin.*, vol. 67, f. 116.
 In 1704 these three feus were combined with Simpson's feu to form the lands of Newlands or Mayfield. The subsequent titles are the same as Simpson's feu.

7. PATRICK FLEMING'S FEU.

- 31 Jan. 1550. Charter to Alexander Fleming, son and heir of Patrick Fleming. [For this and other titles to Fleming's Feu, see the *Lairg Charters*, No. 557, etc. In 1612 it came into possession of James Crawford, Goldsmith, who purchased the Powburn feu two years later. The subsequent titles are the same as the Powburn feu.]

8. CAMERON GUSHET.

- 29 Sept. 1587. Feu to William Stewart, Depute Clerk of Edinburgh, and Katherine Bannatyne, spouses, in liferent, and their son, Ludovic, in fee. *City Chart.*, i. 116, *O.S.*
 11 Jan. 1622. Charter to Robert Telfer, Mealman and Janet Meikle, spouses; on resignation of Ludovic Stewart, dated 29 Dec. 1609. *Ibid.*, i. 59, *N.S.*
 14 Mar. 1666. Charter to Elizabeth and Jean Lyell, daughter of John Lyell in Pleasance. *Ibid.*, ii. 95, *O.S.*
 This gushet came into the hands of John Dalling in Leith, who married this Jean Lyell, and the property was subsequently known as Dalling's acres. They were appraised by Thomas Kennedy, Merchant, from John Dalling in 1681.
 12 July 1698. Sasine, Sir Thomas Kennedy of Kirkhill. *P. R. of S. Edin.*, vol. 58, f. 289.
 18 Mar. 1712. Disposition to William Fulton. *Reg. of Deeds, Dal.*, 101.
 16 June 1757. Sasine, John Henderson of Leiston. *P. R. of S. Edin.*, vol. 149, f. 313.
 10 June 1774. Sasine, John Home, Coachmaker. *Ibid.*, vol. 213, f. 270.
 The later titles are the same as the Powburn feu.

indweller in the Pleasance, and his son James Davie. The family of Davie acquired Powburn and Fleming's acres in 1660, to which in 1697 they added Dougall's 4 acres, and the three properties remained in the hands of their successors down to 1759, when John Home, coachmaker, Edinburgh, was infefted by Sasine dated 1st October, in which deed these three lots are stated to extend to 16 acres. Home also added to these possessions the western gushet, at that time called Rosebank, in 1774, thereby becoming proprietor of lots 1, 2, 7, and 8. The intervening sections, Nos. 3 to 6 inclusive, were combined in 1704, in the person of Walter Porterfield, surgeon apothecary and burges of Edinburgh, to form what became known as the lands of Newlands or Mayfield, the earliest mention of which appears in a disposition by Porterfield to his wife, dated in 1735. In 1739 these lands of Newlands or Mayfield were purchased from John Loch of Rachan by Agnes Home, spouse of James Cleghorn, M.D., Dublin, and Margaret Alexander Home, spouse of Isaac Weld of Cambden Street, Dublin. These ladies werè daughters of the before-mentioned John Home of Powburn, and on the death of their brother, John Home, coachmaker, they succeeded to their father's lands of Powburn and Rosebank by Sasine recorded in 1805. The whole block of ground as bounded by the Liberton Road on the west, the Mayfield Loan on the north and the Dalkeith Road on the east, therefore, merged in the early years of last century into the hands of these two ladies, whose successors, Agnes Cleghorn or Moore, Mary Cleghorn or Harden, and Lieut.-Col. Alexander Learmonth of Dean, joint proprietors in 1863, sold to Duncan M'Laren of Newington House, Edinburgh, for the sum of £16,000, Home's lands of Powburn and Rosebank, as well as the lands of Mayfield *alias* Newlands. By disposition dated 24th July 1816, the City disponded the superiority of *inter alia* the lands of Mayfield to Sir William Arbuthnot, at that time Lord Provost of Edinburgh. Included in the sale was the superiority of the Common Myre, which was burdened

with a payment of ten merks to the church of Musselburgh. This burden had been lost sight of at the time of the sale, and in 1829 his lordship made claim for repayment with interest.¹

On 4th April 1595 the Town Council set in feu 30 acres of the southern portion of the West Muir,² consisting of—

1. $7\frac{1}{2}$ acres and a half acre put into a road, of which the 'east march is an old dike in the loan (viz. the Grange Loan) passing north and south directly south fra the corner of the west dike of the lands of St. Geillie Grange, the south march is the auld feuit pairts of the Muir, the north march is the Whitehouse lands, the west march is the stones infixed in the Muir passing north fra the east dyke of St. Roch's Kirkyaird to the lands of Whitehouse.' These acres were feued to Robert Graham of Sheens for a duty of 2 bolls 3 pecks bear the acre.
2. 8 acres set to Herbert Maxwell, 'besides the passage of 6 ells broad to be agreed upon between him and the Laird of Braid,' the south march is the Braid Burn, stones betwixt said part and the Muir on the north, and feued parts of the Muir on the east, and the other part following belonging to himself on the west, at 2 bolls per acre.
3. $4\frac{1}{2}$ acres also set to Herbert Maxwell, bounded by his easter part above mentioned on the east, the west by the 'wester hiegate—Morningside Road—to be left 4 fall braid as the rest of the gait benorth the said part,' the burn on the south, and by the strip between said part and the Common Muir on the north; for 6 firlots 2 pecks per acre.
4. 10 acres feued to William Rig, the west march being the wester hiegate—viz. Morningside Road—east march the Muir, the southern Maxwell's wester part,

¹ MS. T. C. M., 19 February 1829.

² *Ibid.*, x. 26, 29.

and northern the lone (Newbattle Terrace) between this part and Andrew Stevenson's lands (Easter Morningside), six ells broad; for 7 firlots 2 pecks per acre.

On 28th January 1595-6, Mr. Robert Graham also feued from the magistrates another piece of ground extending to $3\frac{1}{2}$ acres of the West Muir, having his own lands on the east, the dike of Whitehouse on the north, the dike of St. Roche's kirkyard on the south, and march stones from the west dike of Whitehouse to the cunzie nook of the west stane dike of St. Roche's on the west.¹ Graham failed to take infetment on either of his two feus, and twelve months later—on 24th February 1596-7—he resigned them back into the hands of the magistrates by whom they were assigned to Bailie Roger M'Naught.² In March of the following year the 'tongue' in the west end of the land at St. Gillie Grange was ordered 'to be eikit to the pieces of the Muir tane by Roger M'Naught at the last rousing, reserving the passages therein.'³ But, three weeks later, the Bailie renounced his right to the three pieces in favour of the Society of Brewers, from whom they passed, by Charter of Resignation dated 18th August 1613, to William Rig.⁴ Finally, the three pieces were described as extending to 12 acres, and were acquired in 1734 by John Davidson of Whitehouse, and afterwards sub-divided between the lands of Whitehouse, Canaan, and Blackford.⁵ Of Herbert Maxwell's two feus and that of William Rig's other 10 acres—afterwards conveyed as 12 acres—it is sufficient to note that these lands were ultimately incorporated in the Estate of Canaan.⁶

In January 1597-8, the magistrates passed an act reserving a passage of 12 ells broad to and from the Braid Burn (Pow Burn) down along the old dike in the east end of Herbert Maxwell's feu 'for the use of the town in time of pest and

¹ *MS. T. C. M.*, x. 66.

² *Ibid.*, x. 110, 151.

³ *Ibid.*, x. 174.

⁴ *Ibid.*, xii. 128.

⁵ *Supra*, p. 49.

⁶ *Supra*, p. 182.

all other times as has been of auld.'¹ The passage here referred to has long been known under the designation of the Blackford Avenue.

This 'sale by auction' of parts of the Burgh Muir was the last undertaken by the magistrates, the remaining portions—of which the lands of Canaan were the largest—being disposed of under what may be termed private arrangement. It is apparent, therefore, that the great scheme, commenced in 1510, to divide the Muir among the citizens in small lots of three acres each must have proved a disappointment to the magistrates. The feu-duty—five shillings per acre, equal to five pence in modern valuation—was not exorbitant, but the great deterrent was undoubtedly the provision for the erection of kilns and barns. Even a century later we find John Cant of St. Gillie Grange ordered to pay £5 for each part of his feued lands on which he had not maintained a kiln and barn according to his infeftments.² It was the practice of the magistrates to inflict these fines on the application for entry to the lands by a new vassal.

Now, of the twenty-seven feus of three acres each, originally granted in 1530, six were situated south of the Mayfield Loan, and became part of the local estate of Mayfield. The remaining twenty-one feus, all situated to the south of the Grange Loan, stretched westward from the Liberton Road as far as what now forms the Estate of Canaan. These twenty-one feus were all acquired, during the heyday of his prosperity, by Sir William Dick of Braid from John Cant, his predecessor in the Estate of Grange. They, in fact, formed an addition to that estate, and were known as the lands of Nether or Wester Grange. These lands also suffered in the action taken at the instance of the Cromwellians against Sir William, and were only saved to the family by his daughter-in-law, Janet M'Math or Dick. In December 1703, William

¹ *MS. T. C. M.*, x. 163.

² 13 January 1611. *MS. T. C. M.*, xii. 157.

Dick of Grange disposed to James Forrest, M.D., and Jean Muir his wife in liferent, the lands and acres of the Burgh Muir, forming parts of the lands called Wester Grange, the manor place and mansion-house of Wester Grange, barn-yard, barn, and office houses, and yard enclosed with a high stone wall, and also an acre of land, amounting in total measurement to 40 acres.¹ In the following year Dr. Forrest also purchased from Catherine Whyte or Grieve and her family a piece or particate of land adjacent to the barn of Wester Grange, extending to 100 falls, and forming part of the twelve acres which lay between the lands of Whitehouse and St. Roque's Chapel.² By disposition, dated 9th May 1719, Dr. Forrest sold to Archibald Brown of Greenbank (Wester Plewlands) the whole of these 40 acres and the particate, with the exception of two acres on which the mansion-house of Wester Grange stood.³ John Forrest, merchant in Edinburgh, the Doctor's heir and successor, completed his title to the mansion-house of Wester Grange, as well as to a piece of ground lying in the common loan of Grange, adjacent to the mansion-house, which was disposed by the magistrates to Dr. James Forrest to be enclosed by him with a stone dyke for payment of 6s. 8d. Scots of feu-duty, conform to disposition dated 1st August 1716. These subjects were afterwards sold by the Forrests to James Laidlaw, W.S., in the year 1800,⁴ from whom, twelve years later, they passed to Alexander Ramsay of the East India Company's service.

In 1723 Archibald Brown gifted the 38 acres and the particate to his nephew, Archibald Brown, along with the lands of Blackford, Greenbank and Over Plewlands, and thereafter they became known as part of the general estate of Blackford.

¹ 9 January 1704. Sasine, *P. R. of S. Edin.*, vol. 67, f. 132.

² 2 September 1704. Sasine, *ibid.*, vol. 68, f. 255; *infra*, p. 182.

³ 10 June 1719. Sasine, *ibid.*, vol. 89, f. 400.

⁴ *P. R. of S. Edin.*, vol. 452, f. 95.

The nephew's title was ratified by the magistrates by charter dated 1st April 1741, and in 1760 he sold the 38 acres and the particate to Henry Trotter of Mortonhall,¹ who, in the following year, conveyed them to his brother Thomas Trotter, merchant, Edinburgh;² while Henry Trotter of Mortonhall, second son of the above-mentioned Thomas, was vested by Sasine recorded in 1809.³ This Henry Trotter purchased the right of property in 3 acres 1 rood and 30 falls, and a small piece of ground on the north side of Grange Loan, from George Watt, surgeon, Edinburgh.⁴ These subjects formed part of the 12 acres acquired in 1734 by John Davidson of Whitehouse, by whom they were disposed to Robert Dick, writer, Edinburgh, under Feu Contract dated 13th June 1744.⁵ They were successively acquired by William Gordon, bookseller in Edinburgh, in 1783; by Robert Gordon, also bookseller, in 1800; by Hugh Warrender of Bruntsfield, in 1811; and Sir George Warrender, his general disponee, from whom George Watt purchased the two properties,⁶ which now constitute a part of Trotter's lands of Blackford. These lands, so far as they form part of the Burgh Muir, are bounded by the Blackford Avenue on the east, and the villas of Morelands and Southbank with their grounds on the west; and they include the park recently utilised as a Ladies' Golf Course. The small piece of ground above referred to is situated at the south-east corner of Kilgraston Road, and extends to only $\frac{86}{1000}$ parts of an acre.⁷

By the sale of the 40 acres to Dr. Forrest, the Dicks

¹ 5 December 1760. Sasine, *P. R. of S. Edin.*, vol. 157, f. 70.

² 20 November 1761. *Disp. Books of C. and S.*, 18 February 1763.

³ 30 April 1792. Sasine, Trustees of Thomas Trotter, *G. R. of S.*, vol. 501, f. 225.

28 June 1809. Sasine, Henry Trotter, *P. R. of S. Edin.*, vol. 638, f. 54.

⁴ 23 November 1836. Sasine, *P. R. of S. Edin.*, vol. 1487, f. 3.

⁵ Feu right recorded in *Books of C. and S.* 4 April 1782, Mack., vol. 231, f. 521.

⁶ 9 June 1800. Sasine, Robert Gordon, *P. R. of S. Edin.*, vol. 454, f. 219.

16 March 1815. Sasine, Hugh Warrender, *ibid.*, vol. 751, f. 179.

29 December, 1824. Sasine, George Watt, *ibid.*, vol. 1042, f. 197.

⁷ *Supra*, p. 53.

reduced their holding of the 'auld feuit pairts' of the Muir to 23 acres. These remained in the possession of the Dicks, and subsequently of the Dick Lauders of Grange and Fountainhall, down to 1885, when Sir Thomas North Dick Lauder, by disposition recorded 24th July of that year, conveyed a portion, extending to $9\frac{7\frac{2}{5}}{1000}$ acres, to the Edinburgh Suburban and Southside Junction Railway Company. The remainder is in course of being laid out for villas.

XV. THE FELLOWSHIP AND SOCIETY OF BREWERS OF ALE AND BEER IN EDINBURGH

In the early years of the sixteenth century, William Dunbar, the great Scottish poet, praised Edinburgh as a place for 'merriness' and for good living. King James IV. had shown a marked predilection for Stirling and its Grey Friary—a fact which greatly displeased his courtiers and the members of the Roman hierarchy who hung about the precincts of Holyrood—and their feelings found expression in a comic poem in the form of a dirge, in which Dunbar parodied a portion of the funeral service.¹ The Grey Friary with its meagre fare he terms purgatory or Hell, and he beseeches the King to leave it and return to Edinburgh, the 'mirry toun'—

'Ze may in Hevin heir with ws dwell,
To eit swan, cran, pertrik, and plever,
And every fische that swymis in rever,
To drynk with ws the new fresche wyne
That grew upoun the rever of Ryne,
Ffresche fragrant clairrettis out of France,
Of Angerss and Orliance,
With mony ane cours of grit dyntie ;
Say ze Amen, for cheritie.'

¹ *Domine . . . meos dirige in conspectu tuo viam meam.*—Psalm v. verse 8.

And he, therefore, urges him to

‘ Cum hame and dwell no moir in Striuilling ;
Frome hiddous Hell cum hame and dwell.’¹

But, despite this apparent plenitude of the fresh Rhenish wines and the fragrant clarets, the taste for the humble beer prevailed among the burghers of Edinburgh during the whole of the sixteenth century. Hence the city fathers, as already narrated, imposed by their Act of 1510 an obligation on all feuars of portions of the Burgh Muir to build kilns for the manufacture of beer ; and this Act continued in force for many long years. It was also the practice of the magistrates, before the Reformation, to pay the Black and the Grey Friars an annual *pension* each of six barrels of sowens beer—beer of poor quality in which fluff or the refuse of oatmeal was mixed—in return for their services in preaching in the open streets of the burgh. This was a drink greatly relished by the poorer classes ; and these friars, although famous scholars, lived under the vow of poverty. Lastly, at the end of the sixteenth century, there was established in Edinburgh under the auspices of the Town Council a public company for the manufacture of beer on a large scale. This was the first commercial public company to be incorporated in Scotland—the second being the unfortunate African or Darien Company—and as its operations extended over the Burgh Loch, Bruntsfield Links, and several portions of the South Muir, it is, perhaps, necessary to include a brief account of its story.

This company for the brewing of beer bore the somewhat pompous title of ‘ The Fellowship and Society of Ale and Beer Brewers of the Burgh of Edinburgh,’ and the magistrates were its promoters and exponents. Despite their efforts by way of proclamation by tuck of drum, only nineteen of the

¹ Dunbar's Poems, ed. *Scott. Text Soc.*, 1893, ii. p. 122. Doubtless the friars ‘received the poem with laughter and loud applause when the King communicated it to them in the refectory.’—*Altenglische Metrik* von Dr. J. Schipper.

leading burghers were found willing to join the new Society ; and, on the 20th February 1597-8, a formal contract or agreement was entered into between the Right Honourable Henry Nisbet, the provost, the bailies, and other members of the Town Council, and the deacons of the various crafts, for themselves and in name and behalf of the whole Body and Community of the said Burgh, on the one part ; and ' the hail nineteen persons afternamed, all Freemen and Burgesses of the said Burgh trafficking, indwelling and having actual Residence within the same, to witt, George Herriott Goldsmith elder, Alexander MacMath Merchant, Francis Napier of Pitliver, Patrick Somerville Merchant, Alexander Napier, John MacNaught, Andrew Craig, John Lawrie, Hugh Brown, Thomas Lumisden, James Ker, Patrick Morrice, William Balfour, John Johnston of Newbie, Thomas Hunter, Samuel Burnet, James MacMath, William Mauchan, Merchants, James Herriot Baxter, for them their Heirs and Assigneys as representing the under written Society and Fellowship of Brewers of Ale and Beer within the said Burgh, on the other part.' ¹ This Contract was followed by a Charter, dated 2nd March 1597-8, granted by the Town Council in favour of the Society, which again was confirmed by James VI. on 8th September 1599.² These writs are too lengthy for insertion, but notice is here taken of their more interesting features.³ It was intended to establish, at the croft or piece of arable ground at the Grey Friars Port from which Sister Beatrix Blacater drew her rents, and henceforth known as the ' Society,' the necessary vats and other houses in connection with the work of brewing, and to bring thither the water from the Burgh or South Loch in leaden pipes by means of one or

¹ Contract recorded 27th May 1598 in *Register of Deeds*, Gibson, vol. lxiii.

² *Great Seal*, vi. 959.

³ It may be mentioned that among the Society papers in the City Chambers there is an excellent transcription of all the deeds and papers of the Society which were handed over to the Council at its dissolution in 1619.

more windmills. To carry out this undertaking the city fathers conveyed to the Society—

(1) All and Hail the Lands or Croft of arable land belonging to the Common Good of said Burgh and which formerly pertained to the Nuns of the Seynis, lying within the common walls of said Burgh between the street or passage of 18 foot breadth at the head of the said Croft near the Town Wall on the South, the dykes of the Yeads of David MacGill, James Harlaw and certain others on the north, the yeard dyke of John Adamson on the east, and the public way leading to the Grayfriars Port on the west.

(2) All and Hail the lands and bounds as well within as without the said Burgh on the west of the said highway betwixt the great port of the Kirkyeard and the South Loch of the said Burgh :

(3) All and Hail the said common South Loch called the Burrow Loch lying betwixt the arable lands of Archibald Graham and a piece of land of the Common Muir on the south, the arable lands of Herbert Maxwell and Lawson of Boghall on the north ; the lands of David Crichton of Lugtoun on the east, and the common passage leading from the West Port to the Lands of Wrights Houses and to the Common Muir and Lands of . . . on the west parts.

(4) All and Hail that piece of land of the Common Muir of said Burgh lying contigue to the said South Loch, on the south thereof, betwixt the said arable lands of Arch^d. Graham on the East, the said common way leading from the West Port to the lands of Wrights Houses and to the great stone quarries near to the Lands of Brownfield on the west, the dyke of the said Lands of Brownfield on the south and the said Loch on the north parts. Together with the grass of said Kirkyeard and Inclosure thereof and with the use and conveniency of the East Wall or Dyke of said Kirkyeard. Reserving to the magistrates (1) a common passage or public street of 30 feet breadth to be laid with stones leading in

length from said Great Gate of the Kirkyeard to the said Loch, with the said Grayfriar Port and the Wall of the Burgh situate within the bounds and lands before described; (2) another way and back passage going from west to east without and along the said Town Wall to the Port of the Kirk of Field (now called the Potterrow Port); (3) the entry or passage or back way also going from west to east by the head of the arable land called Herbert Maxwell's on the north thereof; (4) the lands ways and roads in the east part of the public way and street leading from Kirk of Field Port to said Loch with the street on the east of said Loch; and (5) a common gate in the head of said Kirkyeard near the said Town Wall to be used in all time coming as it then was by the said Provost, Bailies, Council and Community and their successors, and the said Society of Brewers, with free ish and entry through the same for a convenient passage for horses and carts to the Milns to be built upon said Town Wall within the said Kirkyeard in the South West Round Tower of the said Town Wall.

For the croft and arable lands within the burgh, the Society undertook to pay 100 merks annually during the first four years, and thereafter, annually, 19 bolls of *charity* victual—half wheat, half beer—as well as an augmentation of the sum of 6s. 8d. Scots annually. For the Burgh Loch, the piece of the Muir (Bruntsfield Links) and other lands foresaid, the Society was to pay an annual duty of 20 merks; but they were forbidden to alter the run of the water of the Loch, the superplus of which was to be adapted for the inhabitants. It will be noticed that the portion of Bruntsfield Links included on the east, that on which Meadow Place, with part of Roseneath Place and of the Meadow Walk, are now built, and that it extended as far westwards as the James Gillespie Higher Grade School. The Society, however, was restricted in its use of the Links to cleansing out the springs or wells of water found therein, searching for quarries, and 'casting' or forming one or two sewers for conveyance of the water from said

quarries to the Loch. The Society further agreed to pay 10 merks Scots yearly for the grass of the Greyfriars Burial Ground, except during the period when burials of infected persons took place.

A portion of the old Flodden Wall which was erected from the Potterrow Port towards the Greyfriars or Bristo Port can still be seen, with houses built on it, in the *cul-de-sac* now designated Bristo Port, and it extended through the aperture in Forrest Road to the south-western corner of Greyfriars Churchyard, where it was strengthened by a round tower.¹ Now, the eastern wall of the Greyfriars Churchyard at this date joined the Flodden Wall at a point near the middle of the entrance to the present Forrest Road, and here, under the Contract, it was intended to make a gateway, common to both the Council and the Society for 'a convenient passage for horses and carts to the milns to be built upon said Town Wall within the said Kirkyeard on the south west round Tower of the said Town Wall.' No windmill or mill of any kind was ever built on this or any other portion of the Flodden Wall; but the notice is of importance as the first distinct official statement that the Flodden Wall, with the south-western tower, formed the southern boundary of the graveyard.² Nor was any gateway ever erected at the place above indicated on the eastern wall of the churchyard.

The Greyfriars or Bristo Port was a simple, unpretentious structure, and the *cul-de-sac* above referred to is what may be termed a fragment of the roadway, 30 feet wide, mentioned in the Contract. North-east of the Port was the quarry hole in which, during the first half of the sixteenth century, some women were executed by drowning for concealment of the plague.

¹ 'The Flodden Wall,' by W. Moir Bryce, *Book of Old Edinburgh Club*, ii. pp. 75, 76, and map; the round tower 'at the Greyfreris' is referred to in *Burgh Records* of 1578.

² It strengthens the accuracy of the map in vol. ii. of the *Book of the Old Edinburgh Club*.

From the Port the track for the leaden pipes proceeded along the southern side of Bristo Place, Bristo Street, and Chapel Street; and the graveyard attached to the Buccleuch Parish Church now forms the site of the windmill which pumped up the water from the Loch as well as of the cistern in which it was stored. This cistern measured 180 feet in circumference, and the details appear in a charter, dated 24th August 1768, granted by the Town Council in favour of the Kirk Session of the St. Cuthbert's Church, of which the Buccleuch Church formed what was then known as a chapel of ease. In that writ¹ there is conveyed—'the ground right, area, and property of the Reservoir or Well for reserving and preserving the water which runs from the Burrow Loch or Meadow, with space of ground around said well whereon the Windmill, now demolished, was built, and which area and Reservoir extended in circumference without the wall of said Windmill to 180 feet, lying south from Edinburgh on the west side of that street which leads from Hope Park to the streets of Potterrow and Bristo opposite to the west front of the dwelling house purchased from William Reid, Merchant; only to be used as Burying Ground in all time coming; and said Kirk Session shall erect no buildings thereon or upon any part of the adjacent Church yeard which may obstruct the view of the Dwelling House in Chapple Street belonging to the Earl of Glencairn fronting said Church yeard and stance of said Windmill; but have right to build Tombs over the graves of common and ordinary dimensions.' The grant was authorised by Act of Council on 24th June 1768, for an annual payment of sixpence. The windmill to which reference is made—the only one known to have been erected—was built at the expense of the City under the terms of the Contract. In this cemetery several citizens of note have found their last resting-place, including Dr. Thomas Blacklock, the blind poet, on whose invitation our national poet, Robert

¹ *City Chart.*, iv. p. 306, *N.S.*

Burns, made his visit to the Scottish capital, and Mrs. Alison Cockburn, the authoress of the more popular version of the 'Flowers of the Forest.' Within recent years an ugly mission hall has been erected over the centre of the graveyard, despite the restricting clause in the above conveyance, but a high rough rubble wall mercifully shuts out the enormity from sight. Both hall and wall are an offence to the *culture* to which our City lays claim. Of the rights granted to the Society of the Burgh Loch and Bruntsfield Links full descriptions have already been inserted.

While the liberality of our city fathers to the Society erred, perhaps, on the material point of view, it was in their arrangements *quoad* the rights of the burghers that the elements of failure soon appeared. It was mutually agreed, *inter alia*, that

- (1) no other Fellowship or Society for the brewing of ale or beer be permitted within the burgh ;
- (2) the sale or purchase by freemen or other inhabitant except from the Society be forbidden ; contraveners to be fined £5, of which the Society was to receive one half, and the magistrates the other half ;
- (3) freemen, or freemen's wives be forbidden to sell in greater quantity than a pint or quart, under a similar fine ;
- (4) victual arriving at Leith be first offered to City Treasurer, then to inhabitants, whom failing to Society ;
- (5) the magistrates appoint visitors, searchers, and officers to uplift fines ;
- (6) the magistrates grant Letters of Bailiery to said Society to hold courts and punish and fine all contraveners of their Acts, and to apply the fines and unlaws to their own profit and utility ;
- (7) the magistrates, at the end of four years, or sooner if asked, discharge or forbid topping of outlandish ale and Scottish beer ; and that the Society furnish good and sufficient ale to all burghers willing to buy at the prices set down by the magistrates.

In addition to the lands conveyed under the Contract and Charter by the Town Council, the Society of Brewers acquired from Roger M'Naught, one of the bailies, three pieces of the Muir at St. Geillie Grange. The bailie's title to these subjects was incomplete and therefore does not appear in the City Chartularies, and the deed takes the form of a renunciation, dated 22nd March 1597-8, by him of all his rights in favour of the Society, to whom 'infestment is to be given.'¹ The subjects are afterwards described as 'their twa pieces of waste lands of the Muir now arable, and also little piece land in the east end of same, and on the west part of the common passage called the Loaning (Grange Loan) near St. Gillie Grange containing eleven acres.'² It is entered also as situated near St. Roque's Chapel. The Society's charter is not on record, and of nineteen other small feus that they purchased no details have been preserved. As the Loch, under the operations of the Society, decreased in size, its banks, and particularly the southern bank, became known as the 'Society's grass,' and in the summer of the year 1604, the southern bank was let to one Peter Home, a carter. As elsewhere mentioned, this man generously assigned his lease, with the consent of the Society, to the magistrates for the purpose of erecting huts or 'ludges' in which to place the plague-stricken burghers.³ In the following year the magistrates obtained from John, the Commendator of Holyrood-house, a nineteen years' tack of the teinds of certain feued out portions of the Muir, including the eleven acres near St. Roque's Chapel,⁴ for which, two years later, the City Treasurer became security.⁵ The Society, however, sold the eleven acres in 1613 to William Rig,⁶ at that time an extensive dealer in Burgh Muir feus, and thereby terminated their holding. A difficulty occurred in 1617 in regard to the vicarage teinds due by the Society for the Loch

¹ *MS. City Chart.*, x. 179, *N.S.*

³ *MS. T. C. M.*, xi. 151.

⁵ *Ibid.*, ii. 10.

² *Ibid.*, xii. 128.

⁴ *MS. Inv. of City Charters*, etc., ii. 5.

⁶ *Supra*, p. 222. 18th August 1613.

and its banks to the two ministers of St. Cuthbert's kirk. The Society had paid 400 merks for their other lands; but the ministers frankly acknowledged that on no previous occasion had they or their predecessors ever received 'any rent or profit of the Burrow Loch of Edinburgh, now called the South Meadows.' With the view of avoiding legal action to enforce their claim, the ministers agreed to set in tack to said Society the small vicarage teinds due to them as 'Vicars of St. Cuthbert's Kirk of the bounds and lands of the Burrow Loch or South Loch and Meadow of Edinburgh with the piece of muir adjacent there.' The tack was to run in cycles each of three years during the lives of the said vicars at the nominal sum of 5s. Scots, 'which was more than ever was paid for same past memory of man.'¹ The Loch was now beginning to disappear, and its name altered into 'Meadows.'

In the meantime, as was to be expected, a bitter feud raged between the high contracting parties respecting the fulfilment of the singular conditions in the Contract. In 1602, the Society took the extreme step of presenting a Supplication and Petition to the Ministers of Edinburgh—at that time a great power in the land—asserting that for three years they had made, without avail, repeated applications to the magistrates for the due performance of their share of the conditions. To this complaint the magistrates made reply, pointing out certain high-handed actions by the Society, and, in particular, that 'the *common good* is hurt by that clause of the Contract prohibiting any person to sell ale or Scots beer except bought from the Society.' The battle waxed furious, and with the advance of time the magistrates were able to add several further charges against the Society. Their marches of the piece of the Muir besouth the Loch—Bruntsfield Links—had been broken, and they had, without the Council's consent, enclosed with a stone dike 'almost as much more of the Muir to the west.' Their feu of the eleven acres at St. Roque's

¹ *MS. Inv. of City Charters, etc.*, ii. p. 11, 4th August 1617.

Chapel had, in a similar manner, been unwarrantably extended ; while they had conveyed and drawn away almost the whole of the water of the Loch, causing it to run into the Water of Leith, instead of bringing it into the Burgh for the town's use. Halbert Maxwell and Laird Lawson, the proprietors on the northern shore, and John Robertson on the southern, had been permitted to usurp a great portion of the Loch without the consent of the magistrates ; and the Society had done wrong ' in tilling and labouring (the shores of) the Loch, and in not leaving room about the same for recreation of the inhabitants.' But it was the great question of the beer and its price that stirred the deepest feelings in the hearts of our city fathers—' The Society daily contravened the Acts by selling the ale above twelve pennies the pint ; and what man of sense could think that the inhabitants could buy ale from the Society at thirteen pennies the pint, and sell it again for twelve ? Besides, their ale and small drink was not of sufficient strength relative to the price.' It was this pathetic touch that, no doubt, led the members of the Society to see the error of their ways, and like ' men of sense,' they offered no further opposition to the action of the magistrates. By Act of Council of 24th March 1618, it was agreed that the Society be dissolved and their lands bought in again for the common good, and this resolution was carried out under a contract of dissolution, dated 30th April, etc., 1619.¹ Entry was taken as at 1st May 1619, and the City paid over to the Society the sum of £26,666, 13s. 4d. Scots. There also followed a disposition of all the plenishings, looms, etc., of the brew and other houses, as well as assignations of the teinds and the smaller teinds. It is pleasing to notice the friendly terms with which the magistrates parted with the members of the Society. They admit that the Society had built several great works, had brought water to the brewhouse and cistern beside same, dried the Loch—from which a large yearly rent was now derived—

¹ Recorded in Books of Council and Session, 1st July 1619.

and had brought the work of brewing within Edinburgh to great perfection. Fellowship in the Society was, under a penal clause in the Contract, confined to men of substance and good behaviour and manners, and in 1599 they expelled a member, Francis Napier, who had fled to London, after having been apprised and put to the horn for debt. In these early days the word *share* in the stock was not understood ; and so we find it laid down in the contract of dissolution ‘ that the said Society which consisted of before originally of nineteen parts should be drawn and reduced to fifteen parts and a half, and two parts of a haill part.’ The partners at the dissolution and their respective shares or parts were as follows :—

George Herriot Jeweller and Servant to His Majesty,
eldest lawfull son and Heir to the deceased George
Herriot, Goldsmith, Burgess of Edinburgh—one part.

John MacNaught, Merchant—one part.

Hugh Brown, Merchant—one part.

James Nisbet, Merchant—one part.

Patrick Morrice, Merchant—one part.

James MacMath, Merchant—one part.

Alexr. Herriot, Merchant—one quarter part.

Alexr. MacMath, Merchant } one and a third parts.
Ninian MacMoran, Merchant }

George Overtane, Merchant—one and a third parts.

Isobel Mauchan or Livingstoun as eldest daughter and heir
of William Mauchan, Merchant, her father—one part.

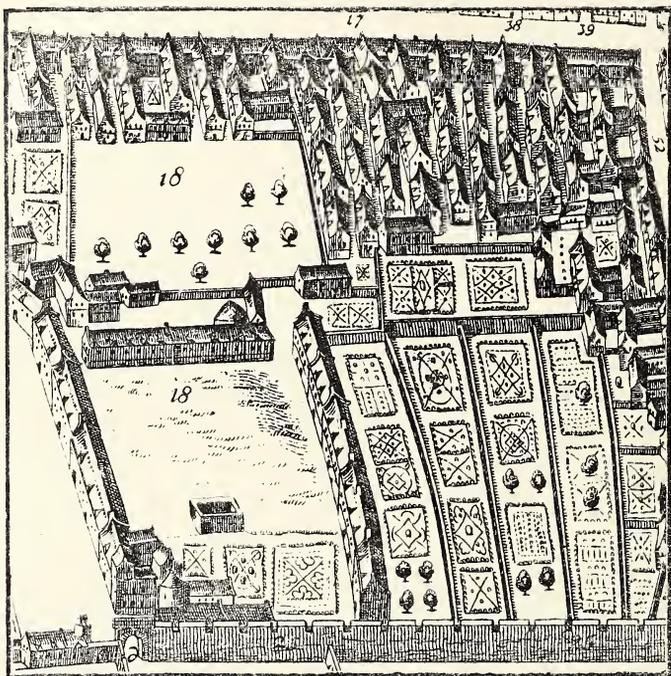
George Todrig, elder, Merchant—one part.

Robert Napier, Merchant—one part.

Sarah Miller, only lawful daughter and heir of Alexander
Miller, Master Taylor to His Majesty—now wife of
Thomas Fleming—one part.

William Rigg, elder, Merchant—a half part
and

Dame Marion Somerville, only daughter and heir to Patrick
Somerville, Merchant, and her husband Sir Lewis Craig



PLAN OF THE 'SOCIETIE' AND GREYFRIARS PORT

from Gordon's map of 1647.

The parts marked 18 represent the 'Societie,' and the gateway marked ∂ Greyfriars Port.

possest by Sir Magnus Prince, late Lord Provost, and his subtenants since the date of his Tack, which is 7th March 1677, with the haill parts within the Gates of the Society, with the house sometime possest by John Johnstoun, Piper, in the north end of the west work entering without the Gates of the Society, and opposite to the Grayfriar Yeard Tombs, with the main miln at the South end of the Potterrow commonly called the Wind-Mill of the Society, excepting the Horse-Miln.' With this tack the voluminous 'Society Papers' in the City Chambers terminate; and the only echo now left to us of the Fellowship and Society of Brewers of Ale and Beer in our ancient burgh is the name, 'Society,' which still adheres to the principal scene of its operations—now a sad, unsavoury slum. We may add that the Council by Act of 11th April 1739 paid the above mentioned Andrew Gairdner the sum of £10 'as a gift towards making a foot walk from the Meadow to the Windmill.'¹

In Gordon of Rothiemay's plan of the year 1647, there is a view of the Society's croft and buildings.

XVI. BRUNTSFIELD LINKS

The Links which, from their proximity to the old sergeantry lands of Bruntisfield, have for many centuries been designated the Bruntsfield Links, occupy an area of some 35 acres. This area forms the last unfeued portion of the once spacious Burgh Muir now remaining in the possession of the Town Council and the community of Edinburgh, and its preservation as a place of public recreation may be truly attributed to the rocky nature of its surface, and not to the fatherly care of our municipal rulers. From an early period—at least shortly after the grant, by James IV., of the charter of 6th October 1508—these Links were handed over to profes-

¹ MS. T. C. M., lx. 80.

sional quarriers, and were soon indented with large holes or quarries from which the soft grey sandstone was extracted for building purposes in the city, in Leith, and in the neighbourhood. The vacant intervals then became utilised by the citizens in pursuit of the popular game of golf, the quarries with their mounds of débris acting in place of the usual bunkers. Golf was, therefore, also a factor in its preservation.

Reference has already been made to the extraordinary clause in the agreement of 20th February 1597-8, under which the Town Council¹ practically handed over to the Fellowship and Society of Brewers nearly half of the Links, and to the unwarrantable seizure by the Society of almost the whole of the remaining portion, round which they erected walls in sign of their ownership. Even thirty years after the dissolution of the Society, we find the Links designed by the city officials as 'All and hail the *Societie Muire* per-tening to the good toune, commonly callit Bruntfeild Lynks.'² Seventy years later the Town Council entered into a similar ill-advised agreement—this time with the tacksmen of the Burrowloch and Bruntsfield Links. By an Act, dated 25th December 1695,³ the Council agreed that the tacksmen, *inter alia*, should have liberty to make choice of 'ane aiker' of any part of the Links for a quarry, where no other person shall get liberty to dig, 'the said aiker always being at ane distance from the place where the neighbours play at Goulf.' The acre chosen on this occasion 'did lye betwixt the Quarrie presently wrought by Alexander Govenlocks upon the west, the old Quarrie near to Bruntsfields Lands on the south, and the dyke thereof on the east, and the north corner of the said dyke to the way leading to Alexander Govenlock's Quarrie upon the north.' The Council Minute, therefore, furnishes a fair description of the wretched condition of the Links at the end of the seventeenth century, and although the system

¹ *Supra*, p. 228. ² Tack to Straittoun of the Burgh Loch, *MS. T. C. M.*, xix. 306.

³ *Ibid.*, xxxv. 225.

of utilising the Links as a quarry did not cease until the middle of the eighteenth century, a desire arose in the Council to fill up the open quarries and to feu out a large portion of the ground. The city fathers failed to recognise that, by means of these feu-rights, the Links would, in course of time, entirely disappear.

The first feu to be mentioned is that granted by the Town Council on 27th April 1687, in favour of John Marshall, merchant burgess, of a piece of ground which became afterwards known as the lands of Valleyfield.¹ These lands consisted of a marshy piece of ground lying at the west end of the Burgh Loch, and although probably never utilised for golfing purposes, originally formed a part of the area comprised within the Bruntsfield Links. Within their northern boundary they now include the buildings situated on the south side of Tarvit Street. In the feu charter these subjects are described as

‘ that piece of outfield ground on the north side of the Bruntsfield Links or Foir Burgh Muir of Edinburgh, extending in length from the head of the loch of said burgh commonly called Broad Meadows towards the west as far as the casey leading from said burgh to Wrightshouses, and in length from the thorn hedge at the south side of the yeards of Drumdryan towards the south as far as the great round stone lying at the west end of the lang ditch leading from one end to the other of the said loch called the Burgh Loch or Broad Meadows, and then from the said round stone straight towards the west by the side of said piece of waste land to a fixed stone standing in said Links, and from thence on to said calsay, and then towards the north as far as the west end of said dike of said yeards of Drumdryan—extending in all to 36 ells.’

Marshall sold the property to Robert Thomson, writer, who assigned it to Alexander Galloway, also described as a writer; and in the charter by the magistrates, dated 25th July 1705, it is stated that Marshall had erected a great

¹ *City Chart.*, ii. 259, *N.S.*

house or tenement on the south-west corner of the ground.¹ James Galloway was the next proprietor, and against William Galloway, his son and heir, a decret of adjudication, dated 25th June 1755, was obtained; and under a charter of adjudication, dated 12th March 1760, the trustee for William and Helen Wilson, children of the deceased William Wilson, mason and burghess, was duly infeted in the property.² It is unnecessary to follow the progress of titles further, beyond stating that the magistrates sold the superiority of Valleyfield, by Disposition dated 24th July 1816, to Archibald M'Kinlay, merchant, Edinburgh.³

At right angles to the south-west corner of Valleyfield is a narrow strip of ground densely covered with buildings of various kinds from the Barclay U.F. Church, with its stately spire, to those of a commonplace type, which for many years have been known under the name of Wright's Houses. The lands bearing that designation are situated further to the west—on the other side of the highway; but, in John Lawrie's map published in 1766, as well as that by Armstrong of the year 1773—inserted in Arnot's history, and corrected to 1778—a block of houses is shown on *each* side of the road, a little south of the Toll-bar, to which the name of Wright's Houses is attached. We may assume, therefore, that the original village of Wright's Houses lay on the west side of the then roadway, and that the whole group on both sides of the road acquired that designation. The buildings on the western side were demolished, as aftermentioned, in 1792, so that the name remained attached only to the eastern half. An incident that occurred during the siege of the Castle in 1571, as related in the *Diurnal of Occurrents*,⁴ makes reference to Wright's Houses.

A party of a hundred horsemen under Lord Ruthven and Lord Methven, his 'guid broder,' started from Leith with

¹ *City Chart*, ii. 428, N.S.

² *Ibid.*, iv. 160, N.S.

³ Sasine, 5th August 1816, *P. R. of S. Edin.*

⁴ P. 260.

the intention of intercepting a smaller force sent out by Kirkaldy of Grange, for the 'inbringing of vivers'—a foraging party, in other words. The opposing forces met on the Burgh Muir, but, 'efter viewing (each other) a short space upon the Mure, and everie horseman preikand at uther,' the Leith party turned to the right-about and retired through the Seynis and across Bruntsfield Links towards Wright's Houses, whence they turned northward. In passing homewards through Broughton, Lord Methven was struck by an unlucky shot from the Castle, and killed—'the vehemence quhair of pairtit his bodie in twa pairtis, and his richt arme fra him, and his horss heid alsua, and wes slane, quhair of the sicht wes sorrowfull, he being ane man not passand xxiv yeiris of age.'

In the beginning of the eighteenth century the ground on which Wright's Houses now stand was simply a bare patch of what our ancestors delighted to call waste lands, with the usual quarry in the middle; and on 14th June 1716 the magistrates feued to James Brownhill, wright and burgess, the northern portion, described in the charter as a piece of waste land lying in the field, commonly called Bruntsfield Links, opposite the houses called Wright's Houses, and extending to one-fourth part of an acre. Among the boundaries there is express mention of an old quarry hole on the south,¹ and Brownhill was forbidden in his charter to erect breweries upon the said piece of waste ground. This restriction, however, did not prevent him from building a house in 1717, which he converted into a tavern or public-house and designated the Golfhall. At this date the Town Council had the right to levy a duty or impost upon wines of every description within the city and its liberties—French, Spanish, Portuguese, Rhenish, Madeira, and Canary as well as brandy, mum beer—a heavy beer—and other imported ales. The collection of this impost was entrusted to certain

¹ Sasine recorded 14th November 1719, *P. R. of S. Edin.*, vol. 90, f. 236.

tacksmen who paid for the privilege an annual sum of 20,000 merks; but in the tack or lease granted by the magistrates certain exceptions were made in which the liquors were permitted to pass free of duty. Thus, in the tack dated 23rd October 1717, for the following year, five exceptions are mentioned, the last being 'the Impost on such wyne as shall be vended and consumed in the house on the Bruntsfield Links built in the current year by James Brownhill called Golfhall.'¹ No explanation appears in the Council Minutes for the extension of duty free liquors to Brownhill, and we may surmise that the favour was granted entirely as a convenience to the golfers. This Golfhall was the earliest tavern on Bruntsfield Links on record, although in a recently published *History of the Edinburgh Burgess Golfing Society* it is claimed that 'charters show that the Golfers' Tavern stood at Bruntsfield in 1456.'² Some people say it was established in 1399.'³ This is an entire mistake, as there is no charter evidence to that effect. By an Act dated 1592, the Town Council ordained 'in the name of the Provest and baillies that na inhabitants of the samyn be sene at ony pastymes or gammis within or without the toun upoun the Sabbith day, sic as golf.'⁴ There is no mention of Bruntsfield Links in the Act; but as they were situated within the liberties of Edinburgh, and therefore within the jurisdiction of the magistrates, the prohibition against Sunday golfing on the Links became applicable under the clause 'without the toun.' The Edinburgh Burgess Golfing Society, whose home, down to a recent period, was Bruntsfield Links, claims to be the oldest golfing club in Scotland, and is certainly 'one of the most flourishing in Britain.' In the last decade of the

¹ *MS. T. C. M.*, xlv. 24-5.

² The Charter of 1456 relates solely to the lands of Over Merchiston—not Wright's Houses—and even in that deed there is no mention made of any tavern whatever. *Charters of St. Giles*, p. 107.

³ Reprinted from *Edinburgh Evening Dispatch*, 14th and 21st April 1906, p. 4.

⁴ *MS. T. C. M.*

eighteenth century this Club raised the sum of £70 for the improvement of the Links, towards which the Council contributed ten guineas, and in a petition to the magistrates for an additional subscription towards the completion of the work, the Society stated that the 'interest of the community has been very much benefited by the addition of upwards of two acres of good pasture ground which were formerly waste and useless.' The Council, by Act of 3rd August 1796, thereupon granted an additional sum of fifteen guineas.¹

In the tack for the year 1718-19, the list of exemptions from payment of the impost on wines, etc., was reduced to three, which it may not be amiss to quote :—

'Excepting also furth and from this present Tack the Impost of the wyne and other liquors accustomed to be given to the Lord Provost, and the wine which shall happen to be brought into this Citie this year to be used at the Sacrament. Excepting also the Impost of such wines as shall be vended and consumed in the house on Bruntsfield Links built by James Brounhill called Golfhall.'²

The position of the Lord Provost as one of the exceptions in the tack from and after this date is open to doubt because, two months earlier, on the 10th September 1718, the following Act of Council was passed :—

'Having found that the money ordinarily paid to the Lord Provost for wines, house rent, Burgess Tickets, etc. does not exceed the sume of £200 Sterling pr annum, and, including Acknowledgments and Gratuities may be reckoned to exceed the sume of £300 when taken at a medium of years. And, considering how reasonable it is the Lord Provost should be enabled to support the character and defray the necessary expense of his office. . . . That a certain sume be agreed on to be annually paid to the present Lord Provost and his successors in office in lieu, place, and stead of all emoluments, ordinary and casual, the Ordinary fee of £20 Scots excepted, which have or may pertain to the office of Lord Provost, particularly in lieu and place of the money paid for wines, house rent, Burgess Tickets, Earnest

¹ *MS. T. C. M.*, cxxvi. 20-3.

² *Ibid.*, xlvi. 93.

Money, etc. . . . Do statute and ordain that the sume of £300 Sterling be paid to William Neilson, Esquire, Present Lord Provost in name of salary for the year Michaelmas 1717 to Michaelmas 1718.'¹

This sum of £300 was the genesis of the annual honorarium of £1000 at present allowed to the Lord Provost to enable him to maintain the dignity of his office.

On 10th September 1718, the Town Council agreed to give Brownhill, in feu, an extra piece of ground next to Valleyfield, under the condition that he should level up the quarry on the left hand and immediately south of the first [golf] hole.² This offer Brownhill did not accept, but in the following year he feued from the magistrates the remaining piece of waste ground situated to the south of his first feu,³ and extending to 70 ells in length. Brownhill, even in his new character of publican, does not seem to have been a successful man of business, and at his death his properties at Wright's Houses became the subject of much litigation.⁴

On 15th April 1719, the Council feued out to James Nimmo, Deacon of the Tailors, that piece of Bruntsfield Links situated 'be-east the Easter Golf hole, consisting of 120 falls or three-quarters of an acre, and bounded by the lands of Sheens on the east, the stagnat or ditch of the Burrow Loch on the north, Bruntsfield Links on the west, and the common passage from the said Links to the Sheens on the south.' This area, upon which tenements have recently been erected, is that situated between

¹ *MS. T. C. M.*, xlvi. 46-8.

² *Ibid.*, vol. xlvi. 32-9.

³ Charter dated 2nd September 1719, *City Chart.*, iii. 140, *N.S.*

⁴ 1754, [blank]. Charter to John M'Clure, Writing Master, in Reid House. *Ibid.*, iv. 104, *N.S.*

1760, 23 July. Charter of Adjud., David Baptie, tenant in Bruntsfield, and Thomas Comb, Clubmaker in Wrightshouses, equally, of great house with the court, bowling green and garden called Foftoun. *Ibid.*, iv. 162, *N.S.*

1763, 10 August. Charter of Adjud., John Brown, Merchant, of piece of ground with tenement. *Ibid.*, iv. 203, *N.S.*

1763, 24 August. Charter of Adjud., John M'Clure, Writing Master, in the Reid House. *Ibid.*, iv. 210, *N.S.*

the South Meadow Walk and Roseneath Place, and faces the links under the name of Meadow Place. Roseneath Place was, under this feu charter, to be kept 'twenty foot broad from Sir George Warrender's dyke to the petitioner's bounding,' and the feu-duty was fixed at £6 Scots.¹ It was always the custom of the Town Council to lease the Links to herdsmen for the use of their cattle; and in 1723 the lessee was one John Paterson, wright in Burrowmuirhead. In the tack to this man, our civic rulers displayed their zeal in protecting the rights of the public in the Links so far as Paterson was concerned. They reserved the right to play golf, walk on the Links, and other diversions; to dry clothes on the bushes, and use the springs of water; while, in case of infection—'as God forbid'—the Council maintained their right to erect huts and bury the dead on the Links. The Council also retained the right to muster the Town's train bands, the City Guard, militia, and other fencible men on the Links; while the last clause provided that 'neighbours have power, where Council shall appoint, to dig quarries, but, when one quarry is worn out they shall fill in the old one with rubbish before they open a new one.'²

The next feu grants by the magistrates of portions of the Links were, as previously narrated,³ the lands of Viewpark, consisting of 1½ acres and 2 falls Scots in favour of James Fyfe, and the 1 acre 1 rood 13 falls Scots feued to George Warrender. But a greater encroachment on the dimensions of the area of the Links occurred in 1762 when the city fathers, in their anxiety for the public weal, feued out 6 acres 1 rood and 4 falls of the Links to Adam Fairholm of Greenhill.⁴ These subjects are described in the feu writ as having the lands of Greenhill on the south, the road from Wright's Houses to the Burrowmuirhead on the west, and the Links on the north

¹ *MS. T. C. M.*, cexvi. 148; *MS. City Chart.*, iii. 368, *O.S.*

² *MS. T. C. M.*, i. 171.

³ *Supra*, pp. 29, 30.

⁴ Feu Charter, 10th March 1762, *City Chart.*, iv. 178, *N.S.*

and east. This grant by the magistrates was the cause of considerable discontent among the citizens, particularly when Fairholm was permitted to straighten his marches, as was alleged, to his own advantage.¹

During the last two decades of the eighteenth century the Burgess Golfing Society became the most capable defender of the rights of the citizens in their use of the Links. In the beginning of the year 1791 this Society defeated and set to nought a most insidious attempt to destroy the Links as a place of recreation for the inhabitants. The Parliamentary Trustees of the Wright's Houses District of High Roads had solicited the Council for a free grant of 'that piece of ground fronting the houses at the head of Bruntsfield Links, running southward to Borrowmuirhead'—in other words, the Trustees intended to carry the main highway round the east side of the present Wright's Houses and thence southward through the links to Burghmuirhead. To this proposal the Burgess Society offered the most strenuous opposition, and in their memorial they declared that the passing of such a grant would deprive them 'and the inhabitants at large of the only spot about the city, where this diversion (golf) can be taken, and which the memorialists have ever been taught to believe was held sacred to this amusement.' After consideration the Council decided to decline the application of the Road Trustees, on the ground that 'however willing they may be to oblige the Trustees for the High Roads, that on account of the health of the inhabitants the Links so near the city ought to be preserved.'² Twelve months later the Town Council contributed the sum of £150 towards the cost of the road to be made on the west side of Wright's Houses, on behalf of the citizens who 'use the exercise of the golf.'³

The condition of the roadway on the west side of Wright's Houses had been the subject of severe comment by the

¹ See pamphlet referred to, *supra*, p. 30.

² *MS. T. C. M.*, cxvii. 44.

³ *Ibid.*, cxix. 150.

Trustees for the High Roads above referred to. In their Minute dated 15th December 1790, it is stated that complaints had been 'made by travellers of the narrowness and badness of the road through the village of Wright's Houses which the Trustees are sensible is the worst and most inconvenient of all the entries into Edinburgh, and which must always be the case while it is carried through so narrow and dirty a village inhabited by so many low people.'¹ In the summer of 1792, the Trustees were forced to carry the road on its present lines, and to purchase the houses and the ground 'situated along the causeway or highway which leads from Edinburgh to Merchiston.' In the process of widening the roadway the whole of the buildings on the west side of the village of Wright's Houses were swept away, leaving its ancient designation to the more recently erected buildings on the eastern side.

Now among the exceptions in Paterson's tack of 1723 is the right to permit troops to muster on the Links. Such a power had been exercised by the Council in olden times: for example, in 1644, during the Covenanting period, the Laird of Lawers's troop of horse were permitted to muster there under Major Fraser, so as to enable 'the Commissary, William Thomson, to pay them a mounthes meines'—*i.e.* a month's pay.² In 1797 it was recognised that the presence of horses and carriages acted injuriously to the Links as a golfing ground, and on 29th March of that year the magistrates issued directions to the tacksmen of the pasturage to take steps to prevent further destruction by the tramping of horses as well as by carriages. Placards to that effect were ordered to be placed on the Links and advertisements to be inserted in the newspapers.³ During the time of the Peninsular War there were several volunteer infantry battalions raised in Edinburgh for the defence of the country, and these

¹ *MS. T. C. M.*, cxvii. 36.

² Balfour's *Annals*, iii. 176.

³ *MS. T. C. M.*, cxxvii. 158.

regiments were permitted to carry out their training on the Links. There was also a volunteer cavalry regiment called the Royal Edinburgh Light Dragoons, in which Walter Scott—afterwards the celebrated Sir Walter Scott—held a commission as quarter-master. Scott also acted as secretary to the regiment, and, in that capacity, he made a formal application to the Council, dated 31st October 1798, for the occasional use of the Links for drilling purposes.

‘My Lord Provost, By directions of the Committee of Management of the Corps of Royal Edinburgh Light Dragoons [raised in 1797], I have the honour to address your Lordship, and through you the Magistrates of the City, upon a subject of importance to their Discipline. As it is difficult to obtain in the neighbourhood of Edinburgh a place of occasional accommodation for the exercise of the Corps, when the Tide does not answer at Leith, the Committee are desirous that the privilege of occasionally drilling upon Bruntsfield Links shall be extended to the Cavalry, as well as to the other Volunteer Corps of the City. As the Committee observe that the Links are at present about to be let, and as they are well assured of your Lordship’s and the Magistrates’ zeal for the Volunteer Service, they are induced to hope that a reservation of permission to the Edinburgh Corps of Cavalry to ride upon the Links during their exercise, or when in attendance upon other Corps, may be inserted in the new Lease. The Committee in this application beg your Lordship to observe that it is neither their wish to make the Links the usual place of drill, nor to use the permission requested in such a manner or at such times as may interfere with other Corps, nor, finally, in such weather as may render the ground in degree unfit for the Infantry. The damage to the Pasture from such occasional duty can be but trifling, but should it be found to be an objection the Committee are willing to treat with the Magistrates for a reasonable compensation to the City.’

The Council in their reply stated that ‘having read and considered the foregoing letter, and a Memorial from the different Golfing Societies, they, with regret, think it incumbent on them to refuse the foregoing application.’¹

¹ *MS. T. C. M.*, cxxix. 305. Sir Walter’s letter is still extant.

In the year 1800 the Burgess Society applied for and obtained what is known as a Seal of Cause from the magistrates, by which they became an incorporated body acting under the ægis of the city fathers; and in their numerous fights for the freedom of the Links, the Society attributed great importance to the possession of this document. In the course of time the prohibition against the exercise of horses on the links became disregarded by the proprietors of the riding school known as the Royal Manège, and in 1812 the Society found it necessary to raise an action of interdict against the proprietor and one of his men. The action was successful, although the Sheriff in his interlocutor wandered considerably from the legal aspect of the case. By Section 54 of the Edinburgh Improvement Act of 1827, the erection of buildings of any kind was prohibited either upon the Bruntsfield Links or upon the Meadows; ¹ and under the Improvement Act of 1831 power to enforce this right was extended to all proprietors or householders within the city bounds. Section 56 of the latter Act also created the prohibition a permanent right in favour of the citizens.² The decision by the magistrates to hold the annual fair, known as Hallow Fair, in November 1843, once more set up the Burgess Society in defence of the Links, and in answer to their memorial they obtained a decisive opinion from Andrew Rutherford, afterwards the well-known Lord Rutherford, the great conveyancer of the period. The magistrates fortunately departed from their intention, and the rights of the citizens in the Links were maintained.

The boundary line between the Links and the lands of Greenhill was of an extremely irregular shape, and in 1845 an excambion, originally arranged in 1832, was finally carried out between the magistrates and Sir John Stuart Forbes of Pitsligo and Fettercairn, the proprietor of Greenhill, whereby the line was straightened. Each party contributed ground

¹ 7 and 8 George iv., c. 76.

² 1 and 2 William iv., c. 45.

to the extent of 36,750 feet,¹ and this explains the present shape of Bruntsfield Terrace and Bruntsfield Crescent. The pieces of ground affected by the excambion are clearly marked out on the accompanying plan. Mention has been made of the recent addition to the Links of the narrow strip with the old trees growing thereon on the north-west side of the lands of Bruntsfield, in return for the right to form the access to these lands now known as Meadow Place.²

But, even since these comparatively recent times, a change has come over the spirit of the famous home of golf. The erection of numberless streets and tenements on the east, south, and west made the exercise of golf on the Links a source of danger to the lieges, and the Town Council found it necessary to transfer to the Braid Hills the practice of the game which the citizens had enjoyed for centuries. The ancient cry of 'fore' is now no longer heard on the Links, although two short hole courses have been provided for the valetudinarian, as well as gymnasia for the children. In the absence of bushes, the right of drying clothes is still carried on by the aid of iron poles; while during the awful war of 1914-18, history has repeated itself. The Bruntsfield Links have again been utilised as a place for the training of our heroic soldiers, as they were during the Napoleonic wars, and in the days of yore when Scotland was an independent kingdom, and when the Links formed a component part of the Burgh Muir.

XVII. THE SOUTH OR BURGH LOCH

With the Bruntsfield Links our story of the Burgh Muir terminates, but it is thought advisable to include in our notice a brief account of the South or Burgh Loch. In the

¹ 20 May 1845. Sasine, Sir John Stuart Forbes. *P. R. of S. Edin.*, vol. 1748, f. 150.

² 3 June 1845. Resig. ad rem. in favour of the Magistrates. *Ibid.*, vol. 1750, f. 75.

³ *Supra*, p. 34.

course of time the Loch was drained and, generally speaking, is now represented by the area designated the Meadows. The Loch, however, occupied originally a slightly larger area than the present Meadows, which are stated to extend to 63 acres. At the eastern end, which was the deepest part, the Loch included the ground bounded on the north by Meadow Lane and on the east by Buccleuch Street and Hope Park Crescent, on which the Archers' Hall, Melvin's Brewery, and some wretched tenements have subsequently been built. During the Plague of 1645 the magistrates erected lodges for the infected on this piece of recovered ground, but by an Act dated in July of the same year, they were taken down and burned. It was also ordained that 'na housses be built there in that pairt yrefitir in na tyme comeing.'¹ The ground recovered from the Loch was, at first, set in lease, the principal tackholder being Andrew Gairdner, the brewer, of whom mention has already been made, and in 1765 the Council paid him the sum of £22 for 'filling up the Loch at his house and making a ditch with stone and lime walls.'² By charter dated 11th December 1771,³ his holding was converted into a feu right in favour of himself in liferent and his son John Gairdner, also a brewer, in fee; and in this writ the subjects are described as consisting of three pieces of ground extending respectively to (1) 1 rood 38 falls 31 ells, (2) 3 falls and 3 ells, and (3) 29 falls and 16 ells. The Royal Company of Archers also feued from the city, by charter dated 18th February 1789, two pieces of ground situated to the west of Gairdner's feu, and extending in all to 1 acre 5 falls 19 $\frac{3}{4}$ ells. On this site the Archers have erected a handsome hall, which has been ornamented with valuable paintings, and in their charter provision is made for a public road to the Meadows of a breadth of at least 20 feet between their feu and that of George Gairdner. The present narrow

¹ *MS. T. C. M.*, xvi. 56.

² *Ibid.*, lxxxi. 17.

³ *City Chart.*, iv. 360, *N.S.*

winding roadway is the result of this arrangement. The opposite, or southern shore was very shallow, and in summer the water receded and laid bare a long strip of ground facing the lands of Sciennes, on which grass, called in the record 'gyrs,' grew, and wild birds made their nests. It became the practice of certain poor women, described as 'gyrs women,' to cut this grass for the use of their cattle, and to harry the birds' nests; but on 19th April 1581, the Council issued a proclamation 'that na gyrs women nor utheris pas within the South Loch to cheir the gyrs thairof, hary the burd nestis, tak away the eggis of the saming before Midsymmer nixt, under the payne of skurgein (scourging).'¹ This is surely the earliest 'wild birds' protection act' on record. The west end was known as the head of the Loch, and here, in 1700, there was a stank or ditch 'at the Fleck Yett at the head of the Loch.' The outlet of the Loch was at the north-western corner, and is marked on Kirkwood's map. It was provided with a 'clowse' or sluice for the regulation of the outflow of the water; while the stream itself was known as the Lochrin—that is, the rin or run of the Loch.

In 1842 Hugh Miller wrote a delightful sketch of the South or Burgh Loch mainly from a geological point of view, but, alas, thanks to the destructive hands of our 'auld enemies of England,' our municipal records, so far as they relate to the Loch, date only from the year 1500. It was, as usual, a time² when the Plague hung over the city, and the Council issued regulations to the cleansers forbidding the washing of infected clothes at the South Loch and certain other places.

During the sixteenth century the Loch became the main source of the supply of water for the burgh, and many regulations were issued for the shutting of the clowse in the Lochrin in view of the prevailing scarcity of that commodity. Notices in the extant Burgh Records for reinforcing 'the dike made for

¹ *Burgh Records*, iv. 557.

² 19th February 1499-1500, *Burgh Records*, i. 77.

inhaling the South Loch,' appear in the year 1553;¹ and on 10th November 1568 John Lawson of Hieriggs complained to the Council that the building of a 'heid dike' upon his ground had 'thairthrough stoppit the watter passage of their South Loch through his landis in all times past.'² The Council maintained that the dike was built on their own lands of the Loch for the purpose of holding in the water for the use of the city wells of the Cowgate. Four days later, it appears, Lawson 'and his complices, upoun Sounday at evin last, within silence of nycht,' pulled down the dike, so as to permit the water to overflow his lands. The magistrates thereupon issued a proclamation charging 'all the inhabitants of this burgh, merchants, craftsmen, and all utheris without exceptioun,' each armed with 'schole and mattock and spaid,' to pass with the bailies to the South Loch 'for reformyng of the said wrang, the occasioun thairof, and all uther wrangis within thair boundis and fredome.' Measures had also to be taken in the year 1570, and again in 1581, to prevent the escape of the water 'to the hurt of the toun in this tyme of drowth'; while, three years later, the Treasurer received instructions to enclose sufficiently and substantially the 'ryn of the South Loch, that the water become nocht scant in tyme of drowth.' In the years 1575 and 1582, the water became so scarce that the brewers were prohibited from using water from the town's wells, 'but to fetch what they had occasion for from the South Loch.'³ Behind the clowse at the 'ryn,' a man named Edward Galbrayth had a house—'laitlie biggit be him at the clous and ryn of the Burrow Loch'—in which he carried on the business of skinner or tanner. This house and the stone wall round it were destroyed in 1582 'be certane wickit persones,' and the merchants and crafts generously contributed the sum of 50 merks each towards his loss. Instructions were con-

¹ *Burgh Records*, ii. 283, 287, 289.

² *Ibid.*, iii. 257.

³ *Maitland*, 34.

stantly being issued regarding the retention of the water in the Loch, and by an Act, dated 1st September 1598, the Council found it 'bayt (both) necessar and proffitabill for the weill of the toun that the watter be brocht in fra the South Loch to the toun, to ryn at four fontaynes for serwins the toun, ane at Libertons wynd heid, ane at the Croce, the thrid at the Salt Trone, and fourt at the Freir Wynd, and the meynis be prosequat for effectuating thair of.'¹ The conveyance of the Loch in 1596 to the 'Fellowship and Society of Brewers' had the ultimate effect of arresting to a large extent the use of its water for drinking purposes; and at the dissolution of the Society in 1619, it was found that the Loch had become considerably reduced in area, and its waters muddy. The citizens, therefore, formed a design, in 1621, to 'bring sweet water from the country to supply themselves in the City with that precious element.'² Parliamentary sanction was obtained, but it was not until the year 1672 that the scheme was realised by the introduction in leaden pipes of water from the springs at Comiston. Even in 1619 the magistrates ordered the *run* of the Loch to be closed to 'supply the scarcity of the water,' while John Maxwell was imprisoned for 'casting down the march dyke.'³ The water of the Loch continued to recede, and a large extent of ground was laid bare, which, under the name of the grass of the Loch, was let annually to tacksmen, provided they did not alter the course of the water.⁴ In 1637, Samuel Johnstoune of Curriehall, the laird of the lands of Sciennes, undertook under a bond dated 6th September of that year, to leave a common walk on the south side of the south ditch of the Loch, and thereby originated what is now known as the South Meadow Walk. The tacksman for 1650, the year of the Cromwellian campaign, was relieved to the extent of 150 merks of his rent of 200 merks, 'seeing the grasse was

¹ *MS. T. C. M.*, xviii. 200.

³ *MS. T. C. M.*, x. 60, 89.

² *Maitland*, 205.

⁴ *Ibid.*, xiii. 94.

destroyed that year be our awen armie.'¹ Despite the efforts of the Council the water of the Loch continued to decrease in extent, and under an Act of 26th June 1657, the Council finally agreed that the Loch be drained, and for that purpose that stanks or ditches be dug round the entire Loch 'and through the same for making of four divisions yrof.'² In November of that year it was also agreed to maintain a 'watter pond at the east end of the Loch for wattering of horses, and that the auld Loch rin be made sufficient for letting out or holding in of the water as neid requires.'³ A patriotic citizen, John Straiton, merchant burgess, boldly took over the Loch and Bruntfield Links—the former designed as 'that lairge parcell of ground commonlie callit the Burrow Loche or South Loche,' and the latter as 'the Societie Muire . . . commonlie callit Bruntfield Lynks'—in 1658, under a nineteen years' lease for a tack duty of £1000 Scots.⁴ Straiton was also given 'the benefite of the fishing within the said loche and stanks thair of'; but the fish in the muddy waters of the Loch—perch and eels—were of the kind seldom seen on a Scottish dinner-table. Straiton did much towards improving the amenity of the *Loch*, which then became known as *Straiton's Park*, but his venture, financially, was not a success, and even after his death his son lodged a claim against the Council for the return of, at least, a portion of his father's losses. William Carfrae and five others took a lease of both the Loch and the Links in 1695, for twenty-seven years, at a yearly rent of £100 sterling;⁵ and under an arrangement with the Council they agreed to leave a walk 20 feet broad, together with an inside ditch round the whole Loch. They were also bound to plant ash, plane, or fir-trees round this walk. In 1722, when this lease was nearing expiry, there was evidently considerable controversy regarding the improvement of the Loch, and orders were issued to the

¹ *MS. T. C. M.*, xvii. 371.

² *Ibid.*, xix. 218.

³ *Ibid.*, xix. 260.

⁴ *Ibid.*, xix. 306.

⁵ *Ibid.*, xxxv. 221.

Treasurer to deepen 'the levell for conveying the water to the bridge at Bailie Gray's, commonly called Lochrin bridge.'¹ But at this juncture another patriotic citizen, in the person of the well-known Mr. Thomas Hope of Rankeillor, appeared, and under a fifty-seven years' lease,² dated 7th September 1722, he generously relieved our civic rulers from the difficult task of converting the muddy bottom of an ancient loch into an ornamental park for the use of the citizens. To attain this purpose, Hope stipulated that the citizens should be denied access to the Loch for a period of seven years. He was bound to leave a walk all round 'the Meadow' 33 feet broad, and to complete it with an inner ditch 5 feet broad; while each side of the walk was to be provided with a hedge and rows of trees. Across the middle of the Meadow was to be another walk likewise provided with ditches and trees on either side. The town also arranged that, 'in case the town purchase from Heriot's Hospital room for a walk cross the feilds north of the Meaddow for a common entry yrto and plant the same with hedges and trees,' the duty of the maintenance of these trees should fall upon the tacksmen. The ground for this 'walk cross the feilds'—now represented by the portion of the Middle Meadow Walk commencing at the 'meadow poles' at Lauriston and extending southward to the Meadows—formed part of the lands called Heriot's Croft, and was feued by the Hospital to the magistrates on 18th November 1737.³ At this point, in Hope's day, a bridge was placed over the ditch, while the same provision existed at the south end of the Middle Meadow Walk. A leading feature among the improvements was the provision of a large summer-house that figured prominently at that period under the name of 'The Cage,' which was situated at the south end of the Middle Meadow Walk. Of course, the building occasionally suffered at the hands of the unruly elements

¹ *MS. T. C. M.*, xlix, 288.

² *Ibid.*, xlix, 322.

³ Roll of Superiorities—Heriot's Hospital.

of the city, and ultimately the magistrates found it necessary to remove the leaden roof entirely. 'The Cage' was finally removed some time between the years 1821-8. The ground occupied by the ancient loch was then known by the name of the 'Hope Park,' and it was in answer to a petition to the Council in 1743 that the new entry through Heriot's Croft was thrown open to the public. In the petition it is stated that there was 'a universal complaint that this metropolis was destitute of any public walk reckoned in other parts as so necessary to the policy of a great town, and so conducive to the health and pleasure of its inhabitants.' The petitioners, therefore, beg the Council to 'make a gateway¹ through the Town Wall corresponding to the avenue leading directly to the Meadow.'

Robert Chambers tells us that William Burnes, the father of Robert Burns, our great poet, 'took part in laying out the Hope Park'—*i.e.* the Meadows—'in the south side of Edinburgh. This was probably about 1749. Next year he migrated to Ayrshire, having accepted the post of gardener on the estate of Fairlie, in the Parish of Alloway.'² That the poet's father came to Edinburgh, 'where he wrought hard when he could get work, passing through a variety of difficulties,' is vouched for by Gilbert Burns, the poet's younger brother.

In spite of all Mr. Hope's efforts, the work of draining the Meadows failed to attain the complete success he so much desired, and various notices, subsequent to the expiry of his lease, show the activity of the city fathers in this direction. In 1804 the Council, acting under the City Improvement Acts of 1785 to 1787, agreed to advance the Trustees for the South Bridge the sum of £1500 for draining the Meadows by means of a covered drain running eastward

¹ See illustration of this gateway in *Book of the Old Edinburgh Club*, vol. ii. p. 84.

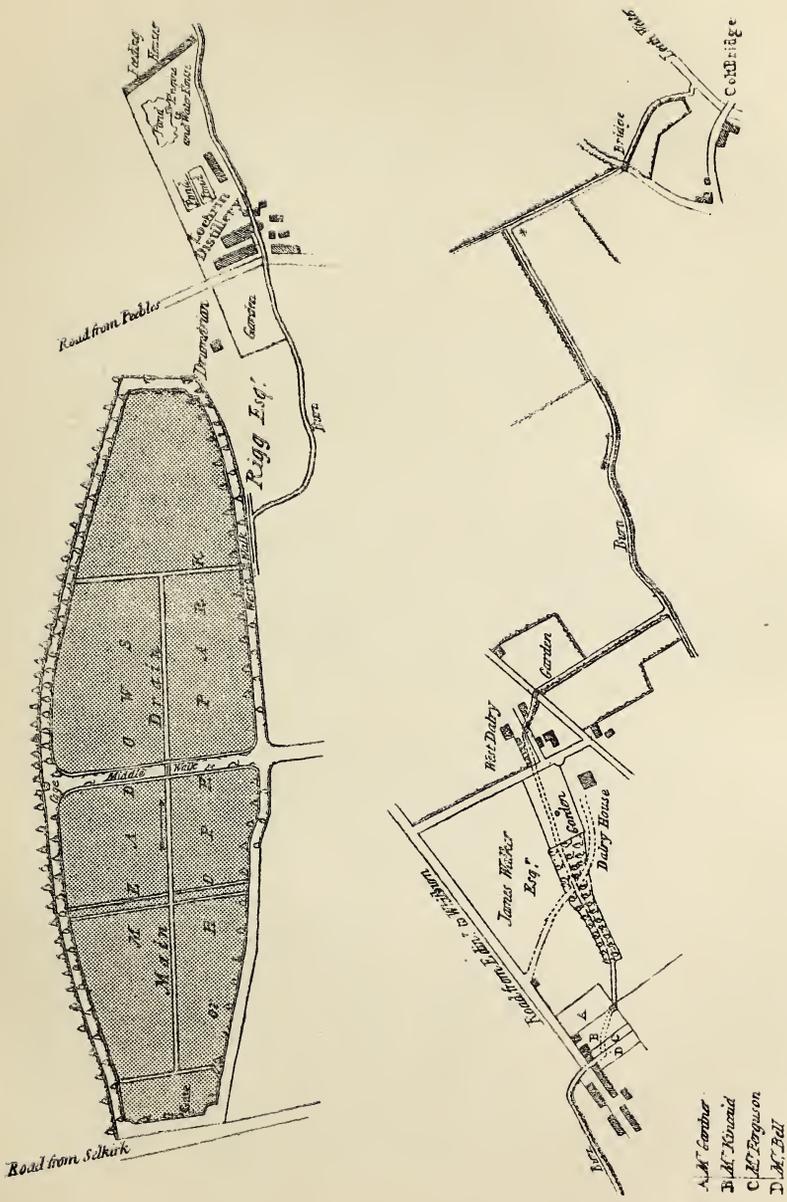
² Chambers's *Life and Works of Robert Burns*, N.E., vol. i. p. 27.

to the King's Park.¹ During the currency of his lease Hope of Rankeillor had cast a drain from the east end of the Loch, which, in the course of time, became choked. By the end of the eighteenth century the sewage from Buccleuch Place, George Square, and neighbouring buildings, was carried into the central drain in the Loch, and in 1804, as above mentioned, the Council commenced the work of carrying off the polluted water. Two years later Mr. James Haig of Lochrin Distillery contested the right of the magistrates to withdraw any water, whether pure or foul, by means of drainage from the east. This distillery, which was supplied by water from the Meadows by means of the Lochrin Burn, stood on some eight acres of the lands of Wright's Houses, now partly covered by tenements at the corner of Home Street and Gilmour Place; and Mr. Haig declared that the carrying out of this new work by the magistrates would 'totally destroy my distillery by taking away the water necessary for cooling my worms, etc., unless another supply of water was given to me.'² The litigation dragged its weary length until the year 1812, when the Court decided that the magistrates were entitled 'to carry off by drains the foul or other water which has been artificially conducted into the Meadows, eastward of the Middle Walk in the direction proposed by them'; but, as the natural outlet of the Meadows was by Lochrin, they were 'not entitled to divert from that natural course the spring or other water flowing into or rising in the Meadows, and rain water falling into the same.' The Lochrin Burn, it may be explained, flowed partly under ground in a north-westerly direction, until it joined the Water of Leith near Coltbridge.³ Hugh Miller, in his brochure, tells us of the nature of the drainage operations conducted in the Meadows in the year 1842, of the smashing of the huge boulder stones,

¹ *MS. T. C. M.*, cxi. 378.

² Bill of Suspension, *Haig v. Magistrates*, 14th Jan. 1806.

³ See accompanying plan.



THE MEADOWS, WITH ITS OUTLET OF THE LOCHRIN BURN, AS IN 1812

- A. M. Garbar
- B. M. Muiraid
- C. M. Ferguson
- D. M. Fall

and of the cutting of the peaty bottom of the Loch by Irish labourers. About twenty years later another series of operations for the same purpose was carried out, and the present-day citizens little realise the immense amount of money and labour that has been expended at the instigation of the magistrates in the formation of this useful lung of the city.

Now, the superiorities derived from the Burgh Muir form part of a municipal fund known as the Common Good, and of this fund an account, entitled 'Report of the Common Good of the City of Edinburgh,' was compiled in 1905 by Sir Thomas Hunter, the Town Clerk, and Mr. Robert Paton, the City Chamberlain. This work, with its accompanying maps, is of considerable value, and, because of its official character, the information it contains is likely to be accepted as historically correct. Hence it is necessary, before quitting the subject of the Burgh Muir, to examine, somewhat critically, a few points that undoubtedly impair the usefulness of this important document.

On turning, therefore, to page 18 of the Report, we find the following statement regarding the Warrènder Estate: 'A considerable portion of the Warrender Estate included in the ground feued by the Corporation (and therefore properly forming part of the superiority belonging to them which has not been alienated) is now said by the owner to be held of the Crown under charters by progress. On that account he claims he has now extinguished the Corporation's superiority in these lands. This is a legal question not discussed here.' Under this statement Sir Thomas and his coadjutor lay claim to the sergeantry lands of Bruntisfield as forming part of the Burgh Muir; but they fail to furnish any evidence upon which their assertion is founded. In reply the

law-agents for Warrender confine their answer to the fact that they were now entered with the Crown, and thereby had extinguished any claim by the Corporation in these lands. 'And this,' continue the reporters, 'is a legal question which is not discussed here.' But it is also a question of considerable historical interest. Indeed, had history been consulted by either of the contending parties, it would have shown that it was not until the year 1508 that the city had the right to feu off any portion of the Burgh Muir, and that the Warrenders and their predecessors have held these sergeantry lands of Bruntisfield directly from the Crown back to the year 1381, a period of nearly five and a half centuries. It is quite apparent that a fallacy underlay the views of the learned compilers of the Report regarding the dimensions of the ancient Burgh Muir. They seem to have regarded the whole of the ground, without exception, situated to the south of the Burgh Loch, as falling within the area of the Muir, and that therefore these sergeantry lands must have been originally feued out by the city. In like manner they have also included the whole of the Estate of Grange, the boundaries of which are stated to be 'difficult to define, but may be stated approximately as follows:—On the North by Sciennes Road, on the South by the Jordan Burn, on the East by Causewayside and Mayfield Road, and on the West by the Blackford Avenue, Kilgraston Road, and the back greens of the houses in part of Marchmont Road and Marchmont Crescent.' In this description the reporters have included the ancient Grange of St. Giles which has been held for so many centuries directly from the Prince and Steward of Scotland, and which at no time formed part of the Burgh Muir. Further, both the sergeantry lands of Bruntisfield and the whole Estate of Grange are coloured dark red on their map, thereby implying that these lands are 'still held by the Corporation in Property or Superiority.' The lands of Whitehouse find no place in this Report, but they are tinted

light red on the map, indicating that the superiority has been sold by the city. The original lands of Whitehouse, being the northern and larger portion of the present estate, never formed part of the Burgh Muir, and ought, like the sergeantry lands of Bruntisfield and the Grange of St. Giles, to have been left uncoloured on the map.

It is remarkable how history succeeds in many cases in thrusting aside the mass of tradition that so often clogs its path. The belief that the Burgh Muir comprised the whole of the land situated between the South Loch—now the Meadows—and the Pow or Jordan Burn, has for many years been universal, and yet the materials for history are still extant. Had the sergeantry lands of Bruntisfield, the Grange of St. Giles, or the provostry lands of Whitehouse formed at any time part of the Burgh Muir, the titles of the respective proprietors would have duly appeared in the City Chartularies: they appear—and have always appeared—in the Register of the Great Seal, in which charters flowing from the Crown are alone recorded. This is an additional proof of the truth of the old adage that charters form the skeleton or dry bones of history. Hence, also, the reason for the plethora of references in the present work to the City Chartularies and other records which may, perhaps, disturb the lay mind, but will, it is to be hoped, prove of interest to the true lover of Old Edinburgh.

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APPENDIX

TENTH ANNUAL REPORT

Etc.

Old Edinburgh Club

1917

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

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REPORT OF THE TENTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE TENTH ANNUAL MEETING OF THE CLUB was held in the Old Council Room, City Chambers, on the afternoon of Thursday, 31st January 1918, at 4 o'clock.

Mr. W. Moir Bryce, President of the Club, presided. There was a good attendance of Members, and Lord Rosebery, the Hon. President, was among those present.

Apologies were intimated from Sir Robert Usher, Sheriff John C. Guy, and Mr. John B. Clark.

The Annual Report and Abstract of Accounts which had been issued to the Members was held as read, and is in the following terms :—

The Council beg to submit to the Club the Tenth Annual Report.

During the year ending 31st December 1917 there were 19 vacancies in the membership. These have been filled up, and there still remain 15 names on the list of applicants for admission.

The following meetings were held :—

1. DALKEITH HOUSE AND ST. MARY'S CHAPEL

On the afternoon of Saturday, 26th May 1917, by permission of His Grace the Duke of Buccleuch and Queensberry, K.T., the Members visited Dalkeith House and St. Mary's Chapel. There were about 80 present.

2. SWANSTON COTTAGE

By permission of the Hon. Lord Guthrie, LL.D., the Members visited Swanston Cottage on the afternoon of Saturday, 16th June 1917. There was a very large number of Members present, and a pleasant afternoon was spent.

4 REPORT OF THE TENTH ANNUAL MEETING

3. PEFFERMILL HOUSE AND PRESTONFIELD HOUSE

By kind permission respectively of Robert Ramsay, Esq., and Sir W. S. Dick-Cunyngham, Bart., the Members visited Peffermill House and Prestonfield House on the afternoon of Saturday, 7th July 1917. There was a large number of Members present. Mr. W. Moir Bryce, Dr. Thomas Ross, and Mr. W. Forbes Gray acted as Leaders.

4. LECTURE

On the evening of Friday, 17th December 1917, Prof. G. Baldwin Brown delivered a Lecture in the Lecture Hall of the Royal Society of Edinburgh on 'Some Thoughts on Monumental Art as illustrated in Edinburgh and in Ancient Egypt.' Mr. W. Moir Bryce, President of the Club, occupied the Chair, and there was a good attendance of Members.

PUBLICATIONS OF THE CLUB

In last year's Report it was stated that the President's article on the Burgh Muir would appear in the Book of the Club for 1916. As Mr. Bryce proceeded with his article he found that he had under-estimated the amount of investigation required, and that more time would be necessary in order that the article might be as full and as accurate as possible. The Council therefore decided that this article should be postponed to form the volume for 1917, and that every endeavour should be made to hasten the completion of several articles which were in hand, so that they might be issued as the 1916 volume instead of that for 1917 as originally intended. It is regretted that this volume is not yet ready, but it is hoped to issue it very shortly. The volume will contain the following articles:—Old Edinburgh Engravers, by Sheriff Guy; a paper by Mr. R. K. Hannay embodying a number of unpublished extracts relating to events in Edinburgh during the ten years after Flodden; a further instalment of extracts from the Tolbooth Records, by Mr. J. A. Fairley; and an article on the Sedan Chair in Edinburgh, by Mr. J. H. Jamieson.

The CHAIRMAN, in moving the adoption of the Report, said, I have to offer my personal apology for my inability to finish my paper

upon the Burgh Muir in time for our volume. The amount of investigation it has entailed has far exceeded my expectations. The Council, therefore, kindly agreed to postpone my article so to form the volume for 1917, and to bring other material embodying the articles mentioned in the Report, in its place. This, I regret much, has been the means of delaying the issue of the 1916 volume for a few weeks. The article by Mr. R. K. Hannay, the Curator of the Historical Department of the Register House, deals with events relating to Edinburgh during the ten years succeeding the Battle of Flodden, and brings into prominence the upbringing of the boy king, James v., during his residence in King David's Tower in the Castle. Mr. Fairley will furnish a further instalment of his valuable extracts from the Tolbooth Records, the true value of which will be better appreciated when the next and concluding instalment, together with an index to the whole issue, has been completed. Sheriff Guy will also furnish an illustrated article on 'Old Edinburgh Engravers,' a subject which, as is well known, he has made peculiarly his own. The last paper is by Mr. J. H. Jamieson, upon the 'Edinburgh Sedan Chairs,' in which the regulations and licences relating to these, issued by the magistrates, will be detailed at length.

These contributions will, the Council hope, form a most valuable and interesting addition to the publications of the Club, and will be issued, we expect, within the next two months.

By the middle of the ensuing summer, the succeeding volume, that for 1917, containing my paper on the 'Burgh Muir,' will also, I hope, be issued, so as to bring our publications up to date.

In the course of last summer the Excursions Committee of the Club carried out, with great success, three excursions in the neighbourhood of the city. The first was to visit Dalkeith Palace and its many treasures; the second was to Swanston Cottage, the house of Robert Louis Stevenson, and here we met with kindly reception from the Hon. Lord Guthrie. His vivid description of the buildings with their mementoes of the great writer will, without doubt, live in the memories of those who had the great fortune to be present. The last excursion was a visit to Old Peffermill House and the mansion of Priestfield, and here the Club was much indebted for the illuminating descriptions of these places by Mr. Forbes Gray. We have also to notice a striking lecture which Professor Baldwin Brown delivered to the Members on 'Some Thoughts on Monumental Art as illustrated in Edinburgh and in Ancient Egypt.' Dr. Chrystal's photographs on that occasion dis-

6 REPORT OF THE TENTH ANNUAL MEETING

played in a delightful manner the picturesqueness and beauty of many parts of our old romantic town.

I must express my thanks to Professor Baldwin Brown, who, along with Drs. Ross and Chrystal, is preparing for the 1918 volume an illustrated article on the 'Tailors' Hall' in the Cowgate, one of the most interesting buildings in the city.

The Council are pleased to report the continued prosperity of the Club, both financially and numerically.

Now it will be within the knowledge of the Members that certain proposals have recently been made regarding the ancient Castle of Edinburgh. The first is to erect there some form of memorial to those who have made the supreme sacrifice in this dreadful war for liberty. With all respect, I do think the erection of any new building on the Castle Rock, for whatever purpose, would be a mistake. The Castle, or at least all of it that now remains to us, is the memorial of our ancient Scottish kingdom as it existed before the Union of 1707, and I would greatly reprehend the placing of any fresh building on the Castle Rock. Indeed it has recently been classed under Act of Parliament as an 'Ancient Monument.' On the Calton Hill there is a beautiful but unfinished memorial to Scotsmen who fell in a previous attempt on British liberty, and surely that building with its beautiful pillars might be found capable of being adapted by some clever Scottish architect, so as to combine a lasting memorial of the present struggle with that of the early part of last century. It is unnecessary to complete the building on the plan of the Parthenon at Athens or any Greek temple. This would be far too costly.

The second proposal seems to be to convert a portion of the Castle buildings into a War Museum, and should this proposal come to fruition I trust that use will be made of the huge tenement at the south-west corner of the Castle. A few years ago Mr. Oldrieve had a wooden model made, showing his proposed alterations, which would undoubtedly improve the skyline of this building.

In this connection it is well to remember the reason why Mons Meg is the only remaining piece of ancient ordnance in the Castle. About the end of the seventeenth century all the ancient brass guns, which were formerly in the Castle, were either sold as old metal or handed over to some needy individuals, who disposed of them for what they were worth. After the Rebellion of 1745 what was left, including Mons Meg, was carried off to London and Woolwich. Sir Walter Scott was

the means of the return of Mons Meg, and the authorities of the Tower of London were fairly generous in returning some of our Highland weapons which now adorn the walls of the Banqueting Hall in the Castle.

The great fear, however, is the entire withdrawal of the military from the Castle, and that, I hold, would be a disaster. It should be garrisoned by at least one or two companies of soldiers to keep up its association as a *place d'armes*. The Tower of London is both a museum and a barrack, and our Castle should be placed on the same footing. The Tower has never seen powder fired in earnest, while the Castle has been the scene of more military conflicts than any other spot in the United Kingdom.

A recent announcement indicates the presentation to the Castle Museum of a letter written by Mary Queen of Scots a few hours before her execution. This document is one of extraordinary human interest, although I humbly think that Holyrood, which was so much identified with her life, would form a more fitting place for preservation.

As the members are aware, the Ancient Service Book of Holyrood, known as the *Holyrood Ordinale*, which the Club published in their volume for 1914, has been for nearly a quarter of a century in my possession, and I may say that it has always been my intention to bequeath it to Holyrood. However, it has been suggested that this may be an appropriate time to hand over this interesting relic of our ancient abbey, and I propose within the next week or two to offer it to the nation to be returned to Holyrood after a separation of upwards of three and a half centuries. The lectern on which it stood was carried off in 1544 by Sir Richard Lee, and is now at St. Albans in Hertfordshire. Perhaps some effort might be made to induce our English friends to restore what was simply booty carried off during a war of the most ruthless description. These two articles—the Service Book and its Lectern—form the only relics now remaining of the historic abbey, and surely Holyrood is the proper place where these mementoes of its former greatness should be preserved.

The Report and Balance Sheet were approved.

Mr. Moir Bryce then moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, Professor Hume Brown, LL.D., Professor John Chiene,

8 REPORT OF THE TENTH ANNUAL MEETING

C.B., as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of Sheriff Scott Moncrieff, Mr. Moir Bryce was unanimously elected President of the Club.

Mr. William Cowan, Mr. Thomas Ross, LL.D., and Mr. Robert T. Skinner were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Mr. William Angus, Mr. Henry F. Kerr, Mr. W. W. Macfarlane, and Mr. David Robertson were elected Members of Council.

A vote of thanks was awarded to Mr. Robert Cochrane, Mr. John M. Rusk, Mr. John Russell, and Mr. James Wilkie, the retiring Members of Council.

Mr. William Cowan moved a vote of thanks to Mr. Moir Bryce for presiding.

The Meeting then terminated.

Old Edinburgh Club

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER

For the Year ending 31st December 1917

CHARGE		DISCHARGE	
I. Funds at close of last Account :—		I. Transactions :—	
On Deposit Receipt,	£430 0 0	Volume VIII.—Printing, Indexing, and Binding,	£179 19 0
In hands of Honorary Treasurer, . . . . .	. 24 18 2	Delivery, etc., . . . . .	. 10 6 0
	<u>£454 18 2</u>		<u>£190 5 0</u>
Less—Accounts outstanding, . . . . .	. 0 15 7	II. Expenses of Meetings, . . . . .	. 2 7 6
	<u>£454 2 7</u>	III. Printing and Stationery, . . . . .	. 7 13 0
Arrears of Subscriptions, . . . . .	. 14 14 0	IV. Miscellaneous—Postages, etc., . . . . .	. 9 7 0
	<u>£468 16 7</u>	V. Funds at close of this Account :—	
II. Subscriptions :—		On Deposit Receipt,	£444 0 0
For year 1917 (349 Members at 10s. 6d.),	£183 4 6	In hands of Honorary Treasurer, . . . . .	. 8 3 4
Less—Paid in advance in 1916, . . . . .	. 2 12 6		<u>£452 3 4</u>
	<u>£180 12 0</u>	Arrears of Subscriptions :—	
22 Libraries at 10s. 6d., . . . . .	. £11 11 0	For year 1915—	
6 Associates at 2s. 6d., . . . . .	. 0 15 0	3 Members, . . . . .	. £1 11 6
For year 1917 (in advance), . . . . .	. 2 2 0	For year 1916—	
4 at 10s. 6d.,	<u>14 8 0</u>	10 Members at 10s. 6d.,	£5 5 0
	<u>195 0 0</u>	2 Libraries at 10s. 6d., . . . . .	. 1 1 0
III. Associates' Subscriptions for 1916, collected during year,	0 5 0		<u>£6 6 0</u>
IV. Interest on Deposit Receipts, . . . . .	. 15 13 9	For year 1917—	
V. Transactions sold, . . . . .	. 0 10 6	18 Members at 10s. 6d.,	£9 9 0
	<u>£680 5 10</u>	2 Libraries at 10s. 6d., . . . . .	. 1 1 0
		1 Associate, . . . . .	. 0 2 6
			<u>10 12 6</u>
			<u>18 10 0</u>
			<u>470 13 4</u>

Note.—The above funds have to meet the cost of publication of two volumes.

THOMAS B. WHITSON, C.A., *Hon. Treasurer.*

EDINBURGH, 23rd January 1918.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1917, of which the above is an Abstract, and find them correctly stated and sufficiently vouched and instructed.
W. MELVILLE SYM, C.A., *Hon. Auditor.*

Old Edinburgh Club

1918

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBERY, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST OF EDINBURGH.
Sir JAMES BALFOUR PAUL, C.V.O., LL.D., Lyon King of Arms.
Professor P. HUME BROWN, LL.D.
Professor JOHN CHIENE, C.B.

President

WILLIAM MOIR BRYCE, Dunedin, Blackford Road.

Vice-Presidents

WILLIAM COWAN, 47 Braid Avenue.
THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.
ROBERT T. SKINNER, Donaldson's Hospital.

Honorary Secretary

LEWIS A. MACRITCHIE, 40 Princes Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Council

Hon. Lord GUTHRIE, LL.D., 13 Royal Circus.
Prof. G. BALDWIN BROWN, 25 Coates Gardens.
FRANK C. MEARS, 54 Canaan Lane.
JOHN GEDDIE, 16 Ann Street.
WILLIAM BAIRD, Clydesdale Bank House, Portobello.
A. H. CAMPBELL, Burgh Engineer, Parliament Square.
W. FORBES GRAY, 8 Mansionhouse Road.
CHARLES E. GREEN, 4 St. Giles Street.
WILLIAM ANGUS, Record Office, H.M. Register House.
HENRY F. KERR, 12 East Claremont Street.
W. W. MACFARLANE, J.P., 10 Tipperlinn Road.
DAVID ROBERTSON, LL.B., S.S.C., Town Clerk's Office, Leith.

Honorary Auditor

W. MELVILL SYM, C.A., 49 Castle Street.

REPORT OF THE ELEVENTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE ELEVENTH ANNUAL MEETING OF THE CLUB was held in the Old Council Room, City Chambers, on the afternoon of Thursday, 30th January 1919, at 4 o'clock.

Sir James Balfour Paul, C.V.O., LL.D., Honorary Vice-President of the Club, presided. There was a good attendance of Members.

Apologies were intimated from the Right Hon. Lord Strathclyde, Mr. R. T. Skinner, Mr. P. J. Mackie, Dr. Lowe, and Mr. Stuart Douglas Elliot.

The Annual Report and Abstract of Accounts which had been issued to the Members was held as read, and is in the following terms :—

The Council beg to submit to the Club the Eleventh Annual Report.

During the year ending 31st December 1918 there were 3 vacancies in the membership. These have been filled up, and there still remain 23 names on the list of applicants for admission.

The following meetings were held :—

1. LECTURE

A joint meeting of the Cockburn Association and the Old Edinburgh Club was held in Dowell's Rooms, 20 George Street, on the evening of Monday, 11th March 1918, when a lecture on 'Old Edinburgh (Architectural Notes on its Development : With a Plea for the Vanishing City)' was delivered by Mr. Henry F. Kerr, A.R.I.B.A. Professor Baldwin Brown presided over a large attendance.

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2. BUCCLEUCH PARISH CHURCHYARD, ARCHERS' HALL, AND SCIENNES HILL HOUSE

On the afternoon of Saturday, 27th April 1918, by permission of Rev. Neil Ross, B.D., and Sir Henry Cook, W.S., Secretary to Royal Company of Archers, the Members visited Buccleuch Parish Church and Archers' Hall. They also visited Sciennes Hill House. Rev. Neil Ross, B.D., Sir James Balfour Paul, C.V.O., LL.D., and Mr. W. Forbes Gray acted as Leaders.

3. LOCHEND HOUSE, MARIONVILLE, AND CRAIGENTINNY HOUSE

By permission of J. G. Purdie, Esq., Surgeon-General J. C. Culling, C.B., and George P. Blyth, Esq., the Members visited Lochend House, Marionville, and Craigentenny House on the afternoon of 1st June 1918. Mr. William Baird, J.P., acted as Leader.

4. NEWHAILES AND BRUNSTANE

By permission of Lieut.-Commander Sir David C. H. Dalrymple, Bart., and Robert Park, Esq., the Members visited Newhailes and Brunstane on the afternoon of Saturday, 13th July 1918. Rev. William Burnett, B.D., acted as Leader.

5. BATTLEFIELD OF PRESTONPANS

On the afternoon of Saturday, 21st September 1918, the 173rd anniversary of the battle, the Members visited the Battlefield of Prestonpans. Mr. Walter B. Blaikie, LL.D., acted as Leader.

All the excursions were well attended by Members and their friends, and the thanks of the Club are due to those who acted as Leaders, and also to Mr. R. T. Skinner, by whom the arrangements for the several visits were made.

THE ANCIENT SERVICE BOOK OF HOLYROOD

At the Annual Meeting of the Club on 31st January 1918 the President, Mr. William Moir Bryce, signified his intention to present to the nation the Ancient Service Book of Holyrood Abbey, to be

preserved in the Palace. The following is the correspondence relating to the transference of the MS. :—

Sir LIONEL EARLE, K.C.B.,
H.M. Office of Works,
Storey's Gate, Westminster.

22 YORK PLACE,
EDINBURGH, 30th October 1918.

DEAR SIR LIONEL,—I wish to present to the nation the Ancient Service Book of Holyrood Abbey, known as the *Holyrood Ordinale*, to be preserved in the Palace of Holyrood. As President of the Old Edinburgh Club, I mentioned my intention at our Annual Meeting last January, but doubts arose as to the advisability of such a place as the Palace for the preservation of such a document. However, I prefer that the MS., which dates at least from the fifteenth century, should be kept in the Palace as one of the few remaining relics of the Abbey. It may be within your cognisance that the Brass Lectern, on which this Service Book formerly stood, was carried off in 1544 by Sir Richard Lee, and is now preserved at St. Alban's Church. Their Majesties, when visiting Edinburgh in June 1914, commanded me to send the MS. to Holyrood for their inspection, and they specially permitted the Old Edinburgh Club to dedicate to them a transcription thereof made by Mr. Francis C. Eeles. I have pleasure in asking your kind acceptance of a copy of that work. Unfortunately Service Books dating to Pre-Reformation times are scarce in Scotland, and this MS. has, I know, in the eyes of my countrymen, a special historical value. Hence my desire that it should be returned to the historical place from which it was removed three and a half centuries ago.

I would suggest that it be placed in a case for public exhibition in the Picture Gallery.

I am prepared to hand over the MS. to your care on receiving your official acceptance.—I have the honour to be Your obedient servant,

W. MOIR BRYCE.

H.M. OFFICE OF WORKS, 1st November 1918.

DEAR MR. BRYCE,—I have received with the greatest satisfaction your letter of the 30th ultimo this morning, and hasten to convey to you the thanks of His Majesty's Government for the very patriotic and generous gift which you propose, in the shape of presenting the *Holyrood Ordinale* to be preserved in the Palace of Holyrood. I need

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hardly say that I accept this generous offer with gratitude, and the First Commissioner desires me also to express his most cordial thanks to you.

I thoroughly endorse your view that it should be placed in a case for public exhibition in the Picture Gallery, and directly I know the size of the book, I will have a suitable case prepared to receive it.

I will acquaint Their Majesties forthwith of your generous offer, as I am quite sure that they will be very interested in and very gratified by your action.

I thank you also for the transcription of the *Holyrood Ordinale*, which you have been good enough to send me, and which I shall place in the Library connected with this Department. I have already perused it with great interest.—I have the honour to be Yours very truly,
LIONEL EARLE.

H.M. OFFICE OF WORKS, WESTMINSTER,
4th November 1918.

DEAR MR. MOIR BRYCE,—I enclose a copy of a letter which I have received this morning from Lord Stamfordham, and which you may be gratified to see.

I will, in due course, take the necessary steps to prepare a suitable case for the housing of this valuable gift.—Believe me Yours very truly,
LIONEL EARLE.

BUCKINGHAM PALACE, 2nd November 1918.

MY DEAR EARLE,—I have laid before the King your letter of the 1st instant, intimating that Mr. William Moir Bryce, of Edinburgh, desires to present to the Nation the Ancient Service Book of Holyrood Abbey known as the *Holyrood Ordinale* to be preserved in the Palace of Holyrood.

The King and Queen have learned of this generous gift with the utmost satisfaction. Will you please convey to Mr. Bryce the expression of Their Majesties' high appreciation of his great kindness in handing over, for preservation in the Palace of Holyrood, this ancient and valuable record of the Abbey, and at the same time, give an undertaking that Mr. Bryce's wishes will be carried out with regard to the public inspection of the *Ordinale* in the Picture Gallery of Holyrood Palace?—Yours very truly,

STAMFORDHAM.

PUBLICATIONS OF THE CLUB

The ninth volume of the Book of the Club, being that for the year 1916, was issued to Members in May last. In regard to the issues for the years 1917 and 1918 the Council has been obliged to take into account the greatly increased cost of paper, printing, and binding at the present time. Because of this increase, the cost at present of producing a volume such as those already issued is considerably in excess of the amount available from *one* year's subscriptions. The Club has at its credit a balance from the surplus revenue of former years, but it is not desirable to encroach too largely on this balance. In view of these facts, and as the President's article on the Burgh Muir will make a volume larger than any of those already issued, the Council decided that this volume should form the issue for the years 1917 and 1918. The greater part of the volume is already printed, and it is expected that it will be in the hands of members by April next. The publications of the Club will thus be brought up to date, and it is not anticipated that, so far as the necessary funds are concerned, there will be any difficulty in the immediate future in continuing a yearly issue.

The Chairman, in moving the adoption of the Report, said :—

It is now some years since I had the honour of presiding at the annual meeting of the Old Edinburgh Club. Since then much history has been made, and we have come through anxious times. I do not suppose that since the days when Randolph Murray brought the disastrous news of Flodden to the city, the old street in which we now are has echoed more to lamentations of bruised and broken hearts than it has during the last few years. But during all this time of strain and stress our Club has, I am glad to say, continued its activities. Both the papers read before it and the excursions taken by its Members have been of the greatest interest and have been largely attended.

We miss among us to-day the presence of our Honorary President, Lord Rosebery, who would have more worthily filled the position I now occupy; he has been extremely ill, but I trust that we may on some future occasion have the privilege of hearing him address us again. One of our Honorary Vice-Presidents, too, has been taken from us, in the person of Professor Hume Brown, who took much interest in the Club, and whose wide learning was equalled only

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by his inherent modesty. He has left behind him a name as a Scottish historian which will not be soon forgotten.

Not the least interesting part of our Report is that which refers to the munificent gift to the nation of the Service Book of Holyrood Abbey, by our respected President of Council, Mr. Moir Bryce. I need not descant on its contents, as they must be familiar to you all through the scholarly transcription of it by Mr. F. C. Eeles, which was issued to the Club, with an erudite explanatory introduction. Within the last few days—this day week indeed—I came across an interesting circumstance in connection with the lectern on which this book used to stand, and which is referred to in Mr. Moir Bryce's letter. You may remember that this lectern was presented to Holyrood by George Creighton, Bishop of Dunkeld, who had been Abbot of Holyrood from 1515 to 1554. It was taken away as loot by Sir Richard Lee, an officer in Hertford's army during the invasion of 1544. Happening quite recently to be in correspondence with a gentleman in York, I was told by him that he had descent from both the Lees and the Creightons, and that some time in the eighteenth century a marriage took place which united, though in a somewhat indirect way, the blood of those families, both that of the spoiler and that of the spoiled.

It is gratifying to be able to say that while the Club, like so many similar associations, has been feeling the greatly increased cost of paper and printing in connection with the publication of its annual volume, it shows no diminution in its membership, and we have still a waiting list of persons wishing to join. The last volume issued was in no way inferior in point of interest to its predecessors. After two valuable historical articles by my friend, Mr. Hannay, we had an admirable article on the Edinburgh engravers by Sheriff Guy, who has an intimate knowledge of the subject; this was followed by a continuation of the extracts from the Old Tolbooth Records, which show us that the guardians of the peace did not in those days err on the side of clemency; the last paper, that by Mr. Jamieson on the Sedan Chair, would be to many of us the most interesting of them all, as a few of us can still recollect the vanishing remains of this quaint form of locomotion. This was the volume for 1916, and you will notice that the Council has been obliged through stress of circumstances to merge the volumes for 1917 and 1918 into one, which, however, will be an exceptionally thick volume, and will contain Mr. Moir Bryce's article on the Burgh Muir. Altogether, when we look back on what the Club has

done, we find that it has been the means of producing a series on the persons, places, manners, and customs of Old Edinburgh, which are simply invaluable to the student and antiquary, and which form a permanent record of the utmost importance to the history of the city.

Now that we are emerging from a great crisis in the history of the world, we are bound to have a new outlook and many changes. One of these will be that the Edinburgh of the future will be a very different place from the Edinburgh of the past, the question of housing is bound to have a great effect on the external appearance of the town. We shall probably have no more tenements with their rigid monotony of high walls and straight roofs. Let us hope we shall rise to our opportunities, and erect buildings on which it will be a pleasure and not an eyesore to look. We have got one of the most beautiful sites in the world. We have to some extent abused it in time past; let us now take care that our buildings are worthy of it. Let our houses have some character and individuality, and not be mere unending repetitions of monotonous regularity. When the New Town was built we did consider the taste of the time, rather creditably; indeed no town which has a Charlotte Square and a Royal Terrace can be altogether ashamed of its street architecture. We did not, however, keep up this high standard of excellence, and the modern districts of Dalry and some of the southern approaches to the town, just where a good impression should have been made, are things to weep over.

But while tenements in future may go—and there are many which should never have been put up—I trust those which have been consecrated by years of tradition will be allowed to remain. It would indeed be dreadful to see our High Street turned into a series say of flatted villas, however sanitary they might be. There is really nothing the matter with the houses themselves internally, as any of us who have visited them can testify. Their drawback of course is, that they are terribly overcrowded; but if you remove half the population you give the remaining half a chance of wholesome living, of cleanliness, of tidiness and self-respect.

As an enthusiastic member of this Club, then, I plead for the retention of Old Edinburgh. Much, far too much, destruction has been done already in the name of so-called improvement. Even if some of our historic houses were to remain unoccupied, it would, to put the

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matter on a very material footing, pay to keep them up. What do our numerous visitors come to see in Edinburgh? Not surely our classical public buildings, not our rows of modern and generally unlovely streets; it is of course the oldest parts of the town that have the principal attraction for them. It is quite a pleasure to see our stalwart overseas soldiers investigating the closes of the High Street, generally under the guidance of a lady, and I am told by persons who know them intimately, that Edinburgh is the town that is graven in their hearts, and that it is the place of which they will take back to their homes the most vivid recollection.

Let us then, ladies and gentlemen, do our best to influence those who are in charge of such matters, in order that any new Edinburgh may be conspicuous not only for hygienic salubrity, but also for beauty of design and that sincere craftsmanship which made so much of Old Edinburgh, and wove those tendrils which now bind themselves round the hearts of her sons and daughters both at home and abroad.

The Report and Balance Sheet were approved.

Mr. Moir Bryce then moved the re-election of Lord Rosebery as Hon. President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, Mr. W. B. Blaikie, LL.D., and Professor John Chiene, as Hon. Vice-Presidents, and the motion was cordially adopted.

On the motion of the Chairman, Mr. Moir Bryce was unanimously elected President of the Club.

Mr. William Cowan, Mr. Thomas Ross, LL.D., and Mr. Robert T. Skinner were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Hon. Secretary, Mr. Thomas B. Whitson, C.A., as Hon. Treasurer, and Mr. W. Melvill Sym, C.A., as Hon. Auditor.

Councillor John Harrison, Mr. James L. Ewing, LL.D., Mr. John A. Fairley, and Mr. J. Cameron Robbie were elected Members of Council.

A vote of thanks was awarded to Hon. Lord Guthrie, Mr. Frank C. Mears, Professor Baldwin Brown, and Mr. John Geddie, the retiring Members of Council.

Mr. William Baird referred to the visit paid by the Club to the Buccleuch Parish Churchyard, and said they could not help feeling depressed that something very abnormal and very outrageous had been committed there in the erection of a building which was not merely an eyesore but a disgrace to the city of Edinburgh.

Mr. Moir Bryce said the city had gifted the ground solely as a graveyard, and the kirk-session had no right to erect such a horrid building over the graves of their predecessors.

Mr. W. B. Blaikie moved a vote of thanks to Sir James Balfour Paul for presiding.

The Meeting then terminated.

Old Edinburgh Club

ABSTRACT OF THE ACCOUNTS OF THE HONORARY TREASURER

For the Year ending 31st December 1918

	CHARGE	DISCHARGE
I. Funds at close of last Account :—		
(a) In Bank on Deposit Receipt,	£444 0 0	£178 14 2
(b) In Hands of Honorary Treasurer,	8 3 4	4 5 1
	<u>£452 3 4</u>	<u>£245 9 3</u>
Arrears of Subscriptions,	18 10 0	7 8 3
	<u>£470 13 4</u>	<u>£245 9 3</u>
II. Subscriptions :—		
For year 1918 (345 Members at 10s. 6d.), £181 2 6	£181 2 6	12 13 9
Less—Paid in advance in 1917,	2 2 0	9 7 6
	<u>£179 0 6</u>	<u>2 2 0</u>
23 Libraries at 10s. 6d., . . . £12 1 6	£12 1 6	. . . . .
6 Associates,	0 15 0	. . . . .
For year 1919 (in advance), . . . 1 11 6	1 11 6	. . . . .
2 Subscriptions for 1917 (paid during 1918) which were not included in arrears at close of last Account,	1 1 0	. . . . .
1 Subscription for 1916 (paid during 1918) which was not included in arrears at close of last Account,	0 10 6	. . . . .
	<u>15 19 6</u>	<u>1 14 0</u>
195 0 0	195 0 0	. . . . .
13 17 8	13 17 8	. . . . .
1 1 0	1 1 0	. . . . .
£680 12 0	<u>£680 12 0</u>	<u>403 11 3</u>
III. Interest on Deposit Receipts,		
IV. Transactions sold,		
	<u>£680 12 0</u>	<u>£680 12 0</u>

DISCHARGE

I. Transactions :—	
Volume IX.—Printing, Indexing, and Binding,	£178 14 2
Delivery, etc.,	4 5 1
Volume X.—Paper purchased,	62 10 0
	<u>£245 9 3</u>
II. Expenses of Meetings,	7 8 3
III. Printing and Stationery,	12 13 9
IV. Miscellaneous—Postages, etc.,	9 7 6
V. Arrears written off,	2 2 0
VI. Funds at close of this Account :—	
(a) In Bank on Deposit Receipt,	£400 0 0
(b) Less—Balance due to Hon. Treasurer,	4 0 9
	<u>£395 19 3</u>
(c) Arrears :—	
For year 1915—	
1 Member,	0 10 6
For year 1916—	
2 Members,	£1 1 0
1 Library,	0 10 6
	<u>1 11 6</u>
For year 1917—	
2 Members,	£1 1 0
1 Library,	0 10 6
1 Associate,	0 2 6
	<u>1 14 0</u>
For year 1918—	
6 Members,	£3 3 0
1 Library,	0 10 6
1 Associate,	0 2 6
	<u>3 16 0</u>

THOMAS B. WHITSON, C.A., Hon. Treasurer.

EDINBURGH, 24th January 1919.—I have examined the Accounts of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1918, of which the above is an Abstract, and find them correctly stated and sufficiently vouched and instructed.
W. MELVILL SYM, C.A., Hon. Auditor.

Old Edinburgh Club

LIST OF MEMBERS

- AITKEN, ROBERT, 16 Hope Terrace.
Alexander, A., National Bank, 179 High Street. -
Alexander, James, 45 Cluny Drive.
Allison, James, 5 Ventnor Terrace.
Anderson, Mrs. Arthur, 31 Bellevue Place.
Anderson, Miss Helen Maud, 'St. Vincent,' Corstorphine Road.
Anderson, John, 4 Bruntsfield Terrace.
Angus, William, Record Office, H.M. Register House.
Armstrong, John Johnston, Millbrook, Eldindean Road, Bonnyrigg.
- BAIRD, WILLIAM, J.P., Clydesdale Bank House, Portobello.
Balfour, Prof. Isaac Bayley, D.Sc., Inverleith House.
Barclay, Oswald, 17 Gayfield Square.
Barnett, David, Corporation Museum.
Barrie, John A., 15 Abbey Road, Eskbank.
Baxendine, Andrew, 10 M'Laren Road.
Baxter, David, M.A., Elmhurst, Cramond Bridge.
Bell, Mackenzie, 11 Buckingham Gate, London, S.W.
Beveridge, Erskine, LL.D., St. Leonard's Hill, Dunfermline.
Birnie, George R., 67 Trinity Road.
Blaikie, Walter Biggar, LL.D., 11 Thistle Street. (*Hon. Vice-President.*)
Bolton, James B., C.A., 12 Blinkbonny Crescent, Blackhall.
Bonar, John J., 3 St. Margaret's Road.
Bonnar, William, 51 Braid Avenue.
Borthwick, A. E., 8 Merchiston Crescent.
Bowers, John, 75 Morningside Road.
Boyes, John, 40 Glendevon Place.
Brass, Andrew, 48 George Street.
Brock, Dr. Andrew John, 24 Braid Crescent.
Brotherston, G. M., 23 Jeffrey Street.

THE OLD EDINBURGH CLUB

Brown, Charles, 9 Bernard Terrace.
 Brown, Mrs. David, Willowbrae House, Willowbrae Road.
 Brown, Prof. G. Baldwin, 25 Coates Gardens.
 Brown, Miss Joan, 17 Gilmour Road.
 Brown, Prof. P. Hume, LL.D., 20 Corrennie Gardens.
 Bruce, Alexander, Clyne House, Pollokshields.
 Bruce, James, W.S., 16 Hill Street.
 Bryce, P. Ross, F.S.A.Scot., 33 Craigmillar Park.
 Bryce, William, 28 Park Avenue, Portobello.
 Bryce, Wm. Moir, F.S.A.Scot., Dunedin, Blackford Road. (*Pres.*)
 Burnett, Rev. W., B.D., Restalrig Manse, Lismore Crescent.

CALDER, Mrs. LOGAN, 60 Leith Walk, Leith.
 Calderwood, Rev. R. S., F.R.S.E., Cambuslang.
 Cameron, James M., 26 Melville Terrace.
 Campbell, A. H., Burgh Engineer, Parliament Square.
 Campbell, J. D. B., 25 Ainslie Place.
 Carbarns, Hugh, 25 Braidburn Crescent.
 Cargill, Alexander, J.P., 18 Wester Coates Gardens.
 Carmichael, James T., Viewfield, Duddingston Park.
 Carmichael, The Right Hon. Lord, of Skirling, G.C.I.E., K.C.M.G.,
 Murrayfield, Biggar.
 Carmichael, Thomas, S.S.C., 2 Strathearn Place.
 Carter, W. Allan, 32 Great King Street.
 Cassillis, Right Hon. The Earl of, Culzean Castle, Maybole.
 Chambers, C. E. S., Cardney, Dunkeld.
 Chiene, John, C.B., Aithernie, Davidson's Mains. (*Hon. Vice-Pres.*)
 Christie, Mrs., 7 Gordon Terrace.
 Chrystal, F. M., M.B., c/o Williamson, 5 Lauriston Park.
 Chrystal, Robert Neil, B.Sc., Entomological Branch, Berks Building,
 Ottawa.
 Clark, Alexander, Keeper, Register of Deeds, Register House.
 Clark, John B., M.A., F.R.S.E., Heriot's Hospital.
 Clarkson, James Copland, 20 Forth Street.
 Cochrane, James, 24 Moat Place.
 Cochrane, Robert, 4 Mardale Crescent.
 Cockburn, Harry A., 37 Royal Avenue, Chelsea, S.W.
 Cooper, W. Ross, M.A., 94 George Street.
 Cormack, D. S., 19 Dalziel Place, London Road.
 Cossar, Mrs. Isabella, Southview, Murrayfield.

LIST OF MEMBERS

23

Couper, Rev. W. J., M.A., 26 Circus Drive, Glasgow.
 Cowan, John James, Westerlea, Murrayfield.
 Cowan, William, 47 Braid Avenue. (*Vice-President*).
 Craig, Sterling, M.A., 130 Princes Street.
 Cranston, Brigadier-General Sir Robert, K.C.V.O., C.B., 54 Craigmillar Park.
 Crawford, Donald, M.A., K.C., 35 Chester Street.
 Crawford, George, 60 Marchmont Road.
 Crawshaw, Dr. Charles, Low Wood, Greenmount, Bury, Lancashire.
 Croal, Miss Caroline H., 14 Eyre Crescent.
 Crombie, David, 11 Rutland Square.
 Cullen, William J., 7 Howard Street.
 Cumming, David, 32 St. Alban's Road.
 Cunningham, J. H., 2 Ravelston Place.

DALGLEISH, JOHN J. (of Westgrange), Brankston Grange, Alloa.
 Dalrymple, Hon. Hew, Lochinch, Castle Kennedy, Wigtownshire.
 Darling, Alexander, J.P., 23 South Oswald Road.
 Dawson, A. B., 33 Royal Terrace.
 Deas, John W., S.S.C., 63 Frederick Street.
 Dobbie, Joseph, S.S.C., 26 Charlotte Square.
 Dobie, W. Fraser, St. Catherine's, Liberton.
 Donald, Alexander Graham, M.A., F.F.A., 5 Craighouse Terrace.
 Donaldson, Robert, M.B., Ch.B., F.R.C.S., 'Merchiston,' Eastern Avenue, Reading.
 Dott, Miss Margaret S., 215 Bruntsfield Place.
 Douglas, Alex. M'Laren, 26 Lauriston Gardens.
 Douglas, John, 6 St. Mary's Grove, Barnes Common, London, S.W.
 Douglas, L. MacQueen, 29 West Savile Terrace.
 Douglas, Robert E., 89 George Street.
 Doull, John, Argyle Brewery, Chambers Street.
 Dow, James, 53 Princes Street.
 Drummond, W. J. A., C.A., 10 Stafford Street.

ELLIOT, ANDREW, 17 Princes Street.
 Elliot, George H., 17 Princes Street.
 Elliot, Lieut.-Colonel The Hon. Fitzwilliam, 16 Royal Terrace.
 Elliot, Stuart Douglas, S.S.C., 40 Princes Street.
 Erskine, Henry, 27 Frederick Street.
 Ewing, James L., LL.D., Derreen, Murrayfield Drive.

THE OLD EDINBURGH CLUB

FAIRLEY, JOHN A., 3 Barnton Gardens, Barnton Gate.
 Ferguson, James Haig, M.D., 7 Coates Crescent.
 Ferguson, Mrs. Haig, 7 Coates Crescent.
 Ferguson, Miss Jessie, The Lodge, Forbes Road.
 Forbes, Miss Mabel C., 4 Grosvenor Crescent.
 Forrest, John L., 10 Warrender Park Crescent.
 Fortune, R., S.S.C., 35 Mansionhouse Road.
 Foulis, D. A., 15 Frederick Street.
 Fraser, Dr. John, 3 Darnaway Street.

GARVEN, JAMES, Pinkie Pans, Musselburgh.
 Geddie, John, 16 Ann Street.
 Gibb, James A. T., I.S.O., 7 Dalkeith Street, Portobello.
 Gibson, James T., W.S., 14 Regent Terrace.
 Gibson, Thomas, 7 Glengyle Terrace.
 Giles, Arthur, F.R.S.G.S., 191 Bruntsfield Place.
 Gilmour, Brigadier-General R. G. Gordon, C.B., The Inch, Liberton.
 Good, Mrs., Braefoot, Liberton.
 Goudie, Gilbert, 31 Great King Street.
 Graham, R. D., F.R.S.E., 12 Strathearn Road.
 Graham, William, Union Bank, George Street.
 Grant, John H., 41 St. Andrew Square.
 Grant, Robert, 31 George IV. Bridge.
 Gray, James, 29 Polwarth Gardens.
 Gray, Robert Collie, S.S.C., 10 Hermitage Drive.
 Gray, W. Forbes, F.R.S.E., 8 Mansionhouse Road.
 Green, Charles E., 4 St. Giles Street.
 Greig, Thomas B., Woodridge, Dalkeith.
 Guthrie, Hon. Lord, LL.D., 13 Royal Circus.
 Guy, John C., Sheriff-Substitute, 7 Darnaway Street.

HAMILTON, JAMES, Oakbank School, Aberdeen.
 Hardie, J. P., 15 Rothesay Place.
 Hardie, R. S. L., Ashley, Ratho.
 Harrison, John, O.B.E., Rockville, 3 Napier Road.
 Hay, William J., John Knox's House, High Street.
 Hewat, Fergus, M.B., Ch.B., 13 Eton Terrace.
 Highgate, James, 125 Constitution Street, Leith.
 Hogben, John, 9 Duddingston Crescent, Portobello.
 Hope, Thomas, 129 Paynes Road, Southampton.

LIST OF MEMBERS

25

Hunter, Andrew, 48 Garscube Terrace.
Hunter, Sir Thomas, W.S., LL.D., 54 Inverleith Place.
Hutcheson, Alexander, M.A., 4 Denham Green Avenue.

INGLIS, E. O., 27 India Street.
Inglis, Francis Caird, F.S.A.Scot., Rock House, Calton Hill.
Inglis, George, 1 Rillbank Terrace.
Inglis, John, 8 Wellington Street.
Inglis, Joseph, W.S., 110 George Street.
Inglis, Miss Margaret J., 39 Bruntsfield Place.
Ingram, Alexander, 12 Bright's Crescent.
Ingram, Hugh S., 53 Trinity Road.
Inman, W. C., 11 Newbattle Terrace.

JACK, THOMAS CHATER, 11 Greenhill Gardens.
Jameson, James H., W.S., 16 Coates Crescent.
Jamieson, James H., 12 Sciennes Gardens.
Johnston, George Harvey, 22 Garscube Terrace.
Johnstone, David, 75 Hanover Street.
Joss, John, 121 Constitution Street, Leith.

KELLY, JOHN G., 3 Whitehouse Loan.
Kemp, Alexander, 227 Dalkeith Road.
Kerr, Henry F., 12 East Claremont Street.
Kerr, Rev. John, M.A., 54 Stonefall Avenue, Starbeck, Harrogate.
Kerr, W. Hume, M.A., B.Sc., University, High School Yards.
King, John A., 35 Morningside Park.
King, Miss Margaret P., Osborne Nursery House, Murrayfield.
Kippen, John, M.A., Royal High School, Regent Road.

LANGWILL, H. G., M.D., F.R.C.P.E., 4 Hermitage Place, Leith.
Latimer, George Brown, 143-7 Lothian Road.
Laurie, Principal A. P., D.Sc., Heriot-Watt College.
Learmont, James, 47 Polwarth Gardens.
Leckie, John, Brookfield, 19 South Oswald Road.
Leishman, Thomas A., Dunsville, Liberton.
Lessels, Henry, C.A., 10 Stafford Street.
Lindsay, William, 18 South St. Andrew Street.
Logan, John Douglas, 1 George Square.
Lorimer, George, Durisdeer, Gillsland Road.
Low, Miss, 27 Mayfield Gardens.
Lowe, D. F., LL.D., 19 George Square.

- MACAULAY, Mrs., Oban.
 Macdonald, Wm. Rae, F.F.A., Neidpath, Wester Coates Avenue.
 M'Donald, Roderick, Craigforth, Primrose Bank Road.
 Macfarlane, W. W., J.P., 10 Tipperlinn Road.
 Macfarlane-Grieve, R. W., Impington Park, Cambridgeshire.
 M'Guffie, John, 10 Ardoch Street, Possilpark, Glasgow.
 MacIntosh, Mrs. Mary Hay, 23a Dick Place.
 Mackay, James F., W.S., Whitehouse, Cramond Bridge.
 Mackay, John, S.S.C., 37 York Place.
 Mackay, L. M., 5 Regent Terrace.
 Mackay, William, Solicitor, Inverness.
 M'Kelvie, Alex., C.A., 26 Mortonhall Road.
 M'Kenzie, James, 201 Morningside Road.
 Mackie, George, 6 Carlton Terrace.
 Mackie, P. Jeffrey, Corraith, Symington, by Kilmarnock.
 MacLaren, Duncan, S.S.C., 62 Frederick Street.
 M'Lean, Miss, 19 Coates Crescent.
 M'Lean, Miss Frances A., 19 Coates Crescent.
 M'Leod, Alex. N., c/o Jeffrey, 4 Bruntsfield Terrace.
 MacLeod, Right Hon. Sir John Lorne, S.S.C., Lord Provost,
 25 Albany Street.
 M'Leod, Neil, 81 Harrison Road.
 Macphail, J. R. N., 17 Royal Circus.
 Macpherson, Norman M., S.S.C., 2 Hill Street.
 MacRitchie, Lewis A., 40 Princes Street. (*Hon. Secretary.*)
 M'Taggart, John, 12 Meadow Place.
 Macvey, William, 75 Argyle Crescent, Portobello.
 Maltman, A. J., 61 Brunswick Street.
 Manclark, James M'Kinnon, 42 Grange Road.
 Manson, James A., 4 Cornwall Avenue, Church End, Finchley,
 London.
 Manson, William, 18 Esslemont Road.
 Marshall, William, Taymouth Castle, Aberfeldy.
 Mears, Frank C., 54 Canaan Lane.
 Melles, J. W., of Gruline, Aros, Isle of Mull.
 Melven, William, M.A., Whim Lodge, Gullane.
 Menzies, John R., 3 Grosvenor Crescent.
 Middleton, Miss Harriet A., Manorhead, Stow.
 Middleton, James Aitken, M.D., Manorhead, Stow.
 Millar, Sheriff James G., 5 Park Circus, Glasgow, W.

LIST OF MEMBERS

27

Milne, Archibald, M.A., D.Sc., F.R.S.E., 108 Comiston Drive.
 Minto, John, M.A., 83 Comiston Drive.
 Mitchell, Charles, C.E., 23 Hill Street.
 Mitchell, William, LL.B., 17 Great King Street.
 Mitchell-Thomson, Sir M., Bart., 6 Charlotte Square.
 Moncrieff, William George Scott, Whitchurch Rectory, Edgware.
 Morris, George, 339 High Street.
 Moscrip, James, Parsonsgreen House, Meadowbank.
 Murdoch, James C., M.A., 16 Craighall Terrace, Musselburgh.
 Murdoch, Mrs., St. Kilda, York Road, Trinity.
 Murray, Alfred A., W.S., 20 Warriston Crescent.
 Murray, Capt. The Hon. Lord James Steuart, Blair Castle, Blair Atholl.
 Murray, Miss Eunice G., Moorepark, Cardross.

NAISMITH, Mrs. MARY A., 2 Ramsay Garden.
 Napier, Theodore, F.S.A.Scot., 10 Melville Crescent.
 Nicolson, Andrew, S.S.C., 6 Duke Street.
 Nightingale, Charles T., Solicitor, 42 Frederick Street.

O'GILVIE, Right Rev. J. N., D.D., Moderator of General Assembly of Church of Scotland, 18 Craigmillar Park.
 Oldrieve, W. T., F.R.I.B.A., F.S.A.Scot., 13 Braid Avenue.
 Oliver, James, 54 East Claremont Street.
 Orrock, Alexander, 16 Dalrymple Crescent.

PARK, JOSEPH, 64 Thirlestane Road.
 Paterson, J. Wilson, 3 Hope Park Terrace.
 Paton, Rev. Henry, M.A., Elmswood, Bonnington Road, Peebles.
 Paton, Henry Macleod, 13 Argyle Place.
 Paton, Robert, City Chamberlain, City Chambers.
 Paul, Sir James Balfour, C.V.O., LL.D., 30 Heriot Row. (*Hon. Vice-President.*)
 Peddie, Miss Barbara, Ard-Coille, Blair Atholl.
 Petrie, James A., 31 Rosslyn Crescent.
 Plummer, W. R., 8 Huntly Street.
 Price, Charles E., M.P., 10 Atholl Crescent.
 Proudfoot, George, 68 Spottiswoode Street.
 Pursell, James, Elmhurst, Cramond Bridge.
 Purves, J. Jarvie, 11 Durham Road, Portobello.

THE OLD EDINBURGH CLUB

- RAMSAY, JAMES S., 40 India Street.
 Rankine, Thomas, 4 Gordon Terrace.
 Reid, John, 82 Strathearn Road.
 Reid, Mrs., Lauriston Castle, Midlothian.
 Richardson, Ralph, W.S., 2 Parliament Square.
 Robbie, J. Cameron, 22 York Place.
 Robertson, David, LL.B., S.S.C., City Chambers.
 Robertson, John D., 15 Greenhill Place.
 Robertson, Mrs., 26 Royal Circus.
 Robertson, Robert A., 2 Woodburn Place.
 Robertson, Stewart, A., Education Office, Katherine Street,
 Croydon.
 Robertson, William, 1 Atholl Place.
 Romanes, Charles S., C.A., 3 Abbotsford Crescent.
 Romanes, J. Manners, B.Sc., Levenhall.
 Rosebery, The Right Hon. The Earl of, K.G., K.T., Dalmeny House.
 (*Honorary President.*)
 Ross, James Wilson, 27 Frederick Street.
 Ross, Thomas, LL.D., 14 Saxe-Coburg Place. (*Vice-President.*)
 Ross, William Charles A., 9 Rosebank Road.
 Rusk, J. M., S.S.C., 14 Whitehouse Loan.
 Russell, John, 323 Leith Walk.
 Rutherford, R. S., 36 Garscube Terrace.
 Rutherford, John, 146 Ingram Street, Glasgow.
- ST. VIGEANS, Hon. Lord, 12 India Street.
 Salvesen, Miss Dorothy, Dean Park House.
 Sanderson, Miss Cecilia, 14 Rothesay Place.
 Sanderson, Kenneth, W.S., 5 Abercromby Place.
 Sands, William, 37 George Street.
 Scott, John, W.S., 13 Hill Street.
 Scott, William, 28 Mardale Crescent.
 Seton, Col. A. D., B.Sc., of Mounie, New Club, Princes Street.
 Shennan, James W., Hermitage, Wardie Crescent.
 Sime, David, 27 Dundas Street.
 Simpson, Sir R. R., W.S., 10 Albyn Place.
 Sinclair, S. P., C.A., 3 Albyn Place.
 Sinton, James, Hassendean, Eastfield, Joppa.
 Skinner, Robert T., M.A., F.R.S.E., Donaldson's Hospital. (*Vice-President.*)

LIST OF MEMBERS

29

- Smart, John, W.S., 34 Drummond Place.
 Smith, George, M.A., Dulwich College, London, S.E.
 Smith, J. Shanklie, Heriot Hill House, Canonmills.
 Smith, John, 1 Eastgate, Peebles.
 Smith, John, 2 Melville Street.
 Smith, John Lamb, S.S.C., 58 Polwarth Terrace.
 Smith, Malcolm, J.P., Clifton Lodge, Trinity.
 Smith, R. Addison, S.S.C., 19 Heriot Row.
 Steedman, James, 72 Morningside Drive.
 Stephen, William A., M.A., M.D., Loftus-in-Cleveland, Yorkshire.
 Steuart, James, W.S., 25 Rutland Street.
 Stevens, J. C., 10A George Street.
 Stevenson, Percy R., 5 North Charlotte Street.
 Stewart, Ian C. L., W.S., 28 India Street.
 Stewart, John, 88 George Street.
 Strathclyde, Right Hon. Lord, LL.D., Lord Justice-General,
 31 Heriot Row.
 Sturrock, George L., S.S.C., 76 George Street.
 Sturrock, Rev. John, 10 Glengyle Terrace.
 Sutherland, Mrs., Belvedere, Duddingston Park.
 Sym, Dr. W. G., 12 Alva Street.
 Sym, W. Melvill, C.A., 49 Castle Street. (*Hon. Auditor.*)
- THIN, GEORGE T., 7 Mayfield Terrace.
 Thin, James Hay, 2 Chalmers Crescent.
 Thin, Robert, M.D., 25 Abercromby Place.
 Thomson, J. Gordon, 54 Castle Street.
 Thomson, J. W., Beech Park, Broomieknowe.
 Thomson, James W., Clydesdale Bank, George Street.
 Thomson, Spencer C., 10 Eglinton Crescent.
 Thomson, T. S., 18 Rothesay Place.
 Thomson, William, W.S., 19 Merchiston Avenue.
 Tocher, J. F., D.Sc., 8 Forrest Road, Aberdeen.
 Tod, Henry, W.S., 45 Castle Street.
 Turnbull, George, Duncloth, Wardie Road.
 Turnbull, G. Barbour, 43 George Street.
 Turnbull, William James, 16 Grange Terrace.
- USHER, Sir ROBERT, Bart., Wells, Hawick.
- VOGE, Mrs., 4 Cluny Avenue.

THE OLD EDINBURGH CLUB

- WALKER, ALEXANDER, J.P., 1 Tipperlinn Road.
 Walker, Joseph J., 4 Polwarth Grove.
 Walker, W. Glassford, C.A., 128 George Street.
 Walkinshaw, Miss Jean Inglis, 11 Scotland Street.
 Wallace, A. D., 13 Leamington Terrace.
 Wallace, Miss Katherine, 14 Murrayfield Avenue.
 Watherston, John, 8 Wester Coates Gardens.
 Watson, Charles B. Boog, 1 Napier Road.
 Watson, John, F.R.I.B.A., 5 Morningside Park.
 Watson, Walter T., Advocate, 60 Great King Street.
 Watson, Hon. William, K.C., M.P., 8 Heriot Row.
 Watt, Rev. Lachlan MacLean, B.D., 7 Royal Circus.
 Waugh, Percival, 21 Cluny Gardens.
 White, William K., 123 High Street.
 Whitson, Thomas B., C.A., 21 Rutland Street. (*Hon. Treasurer.*)
 Wilkie, James, S.S.C., 108 George Street.
 Williamson, Very Rev. A. Wallace, D.D., 44 Palmerston Place.
 Williamson, George, J.P., 178 High Street.
 Wilson, Alexander, 22 Netherby Road.
 Wilson, William M., J.P., St. Helen's, West Coates.
 Wilson, Robert, 86 Hanover Street.
 Wood, G. M., W.S., 19 Alva Street.
 Wright, G. Victor, 18 Cadzow Place.
 Wright, Johnstone Christie, Conservative Club, Princes Street.

 YOUNG, Dr. JAMES, Ward 36, Royal Infirmary.
 Young, Thomas, M.A., 106 Comiston Drive.
 Young, William, Donaldson's Hospital.

ASSOCIATES

- Carmichael, Mrs. J. T., Viewfield, Duddingston Park.
 Durham, Mrs., Pitkerro, Milton Road, Joppa.
 Geddes, Professor Patrick, Outlook Tower, Castlehill.
 Gibson, Miss, 14 Regent Terrace.
 King, David, Osborne Nursery House, Murrayfield.
 King, Miss Lottie A., Osborne Nursery House, Murrayfield.

LIBRARIES

Aberdeen Public Library.
Aberdeen University Library.
Antiquaries, Society of, Edinburgh.
Bodleian Library, Oxford.
Church of Scotland Library, Castlehill, Edinburgh.
Edinburgh Architectural Association.
Edinburgh Public Library.
Edinburgh University Library.
Episcopal Church Theological College, Edinburgh.
Glasgow Archæological Society, Glasgow.
Harvard University Library, Cambridge, Mass.
John Rylands Library, Manchester.
Library of Congress, Washington, D.C., U.S.A.
Mitchell Library, Glasgow.
New Club, Edinburgh.
New College Library, Mound Place, Edinburgh.
New York Public Library, New York, U.S.A.
Philosophical Institution, Edinburgh.
Reform Club, Pall Mall, London, S.W.
Signet Library, Edinburgh.
Solicitors before the Supreme Court, Society of, Edinburgh.
Speculative Society, Edinburgh.
Toronto Public Library, Canada.
University Club, Edinburgh.

Old Edinburgh Club

1919

Honorary Patrons

THE LORD PROVOST, MAGISTRATES, AND COUNCIL
OF THE CITY OF EDINBURGH.

Honorary President

THE RIGHT HON. THE EARL OF ROSEBERRY, K.G., K.T.

Honorary Vice-Presidents

The Right Hon. THE LORD PROVOST OF EDINBURGH.
Sir JAMES BALFOUR PAUL, C.V.O., LL.D., Lyon King of Arms.
Professor JOHN CHIENE, C.B.
W. B. BLAIKIE, LL.D.

President

WILLIAM MOIR BRYCE, LL.D., Dunedin, Blackford Road.

Vice-Presidents

WILLIAM COWAN, 47 Braid Avenue.
THOMAS ROSS, LL.D., 14 Saxe-Coburg Place.
ROBERT T. SKINNER, Donaldson's Hospital.

Honorary Secretary

LEWIS A. MACRITCHIE, 40 Princes Street.

Honorary Treasurer

THOMAS B. WHITSON, C.A., 21 Rutland Street.

Council

WILLIAM BAIRD, Clydesdale Bank House, Portobello.
A. H. CAMPBELL, Burgh Engineer, Parliament Square.
W. FORBES GRAY, 8 Mansionhouse Road.
CHARLES E. GREEN, 4 St. Giles Street.
WILLIAM ANGUS, Record Office, H.M. Register House.
HENRY F. KERR, 12 East Claremont Street.
W. W. MACFARLANE, J.P., 10 Tipperlinn Road.
DAVID ROBERTSON, LL.B., S.S.C., City Chambers.
JOHN HARRISON, O.B.E., 3 Napier Road.
JAMES L. EWING, LL.D., Dereen, Murrayfield Drive.
JOHN A. FAIRLEY, 3 Barnton Gardens, Barnton Gate.
J. CAMERON ROBBIE, 22 York Place.

Honorary Auditor

W. MELVILL SYM, C.A., 49 Castle Street.

CONSTITUTION

I. The name of the Club shall be the 'Old Edinburgh Club.'

II. The objects of the Club shall be the collection and authentication of oral and written statements or documentary evidence relating to Edinburgh; the gathering of existing traditions, legends, and historical data; and the selecting and printing of material desirable for future reference.

III. The membership of the Club shall be limited to three hundred and fifty. Applications for membership must be sent to the Secretary in writing, countersigned by a proposer and a seconder who are Members of the Club. The admission of Members shall be in the hands of the Council, who shall have full discretionary power in filling up vacancies in the membership as these occur.

Note.—By its original Constitution the Club consisted of Members and Associates. The Associates on the Roll for 1913 shall be continued as such if they so desire, paying a subscription of 2s. 6d. on 1st January yearly, but in future no addition shall be made to their number. These Associates have no vote or voice in the management of the affairs of the Club, but shall be entitled to free admission to the meetings and to take part in the discussion of any subject under investigation.

IV. The annual subscription shall be 10s. 6d., payable in advance on 1st January. Any Member whose subscription is not paid within four months from that date may be struck off the Roll by the Council.

V. The affairs of the Club shall be managed by a Council, consisting of the President, three Vice-Presidents, Secretary, Treasurer, and twelve Members. The Office-bearers shall be elected annually. Four of the Members of Council shall retire annually in rotation, and shall not be eligible for re-election for one year. The Council shall have power to fill up any vacancy in their number arising during the year, to make bye-laws, and to appoint Sub-Committees for special purposes. Representatives to such Committees may be appointed from the general body of Members. At meetings of the Club nine shall be a quorum, and at meetings of the Council seven.

VI. The Secretary shall keep proper minutes of the business and transactions, conduct official correspondence, have custody of, and be responsible for, all books, manuscripts, and other property placed in his charge, and shall submit an Annual Report of the proceedings of the Club.

VII. The Treasurer shall keep the Accounts of the Club, receive all moneys, collect subscriptions, pay accounts after these have been passed by the Council, and shall present annually a duly audited statement relative thereto.

VIII. The Annual Meeting of the Club shall be held in January, at which the reports by the Secretary and the Treasurer shall be read and considered, the Council and the Auditor for the ensuing year elected, and any other competent business transacted.

IX. The Council shall hold stated meetings in April and October, and shall arrange for such meetings throughout the year as they think expedient, and shall regulate all matters relative to the transactions and publications of the Club. Papers accepted by the Council for publication shall become the property of the Club.

X. Members shall receive one copy of each of the works published by or on behalf of the Club as issued, but these shall not be supplied to any Member whose subscription is in arrear. Contributors shall receive twenty copies of their communications. The Council shall have discretionary powers to provide additional copies for review, presentation, and supply to approved public bodies or societies.

XI. In the event of the membership falling to twelve or under, the Council shall consider the advisability of winding up the Club, and shall take a vote thereon of each Member whose subscription is not in arrear. Should the vote, which shall be in writing, determine that the Club be dissolved, the Council shall discharge debts due by the Club, and shall then deposit in trust, with some recognised public institution or corporate body, any residue of funds or other properties, including literary, artistic, and other material collected by the Club, for preservation, in order that the same may be available to students of local history in all time coming.

XII. No alteration of this Constitution shall be made except at the Annual Meeting of the Club. Notice of any proposed alteration must be given in writing to the Secretary, who shall intimate the same by circular to each Member not less than seven days prior to the meeting. No alteration shall be made unless supported by two-thirds of the Members present at the meeting.

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